# City of Markham

Accessibility for Ontarians for Disabilities (AODA)

Accessibility Compliance Review

October 7, 2021

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**MARKHAM**

October 7, 2021

Mayor and Members of Council,

Pursuant to MNP LLP's ("MNP") appointment to provide Auditor General Services, I am pleased to present the AODA Accessibility Compliance Review report ("report") of the Auditor General for the City of Markham ("City"). To ensure the results of our review are balanced, we have provided in this report a summary of identified strengths, as well as observations and recommendations for improvement.

The compliance review work was substantially completed on September 14, 2021. The report was discussed with the City's Management, who have reviewed the report and provided their responses within. This report is provided to you for information and approval of the City's proposed action plans.

Based on the results of our compliance review, the City has good processes, practices, and documentation in place for AODA accessibility compliance. There are areas of good practices which include having a robust training program in place, detailed accessibility design guidelines, and an engaged Accessibility Advisory Committee.

MNP identified gaps in compliance, with supporting observations and recommendations, which include: a lack of accountability for ensuring Design of Public Spaces standard requirements are met and specific non-compliance related to requirements for accessible parking and outdoor play spaces; duties to monitor to ensure that taxi drivers are complying with specific IASR requirements are not being completed; web content was found to not be in compliance with WCAG requirements (with issues such as improper tags, images/objects missing alt text, issues with lists, and improper nesting of headings having been found); and, requirements to document and report on requirements outlined in the General Accessibility and Customer Service standards are not being met.

We have also identified opportunities for improvement for areas that we found to be complying, but which could be implemented to enhance the City's overall accessibility practices.

The report will be posted on the City's website and made available to the public after tabling to Council.

Sincerely,

Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP
Auditor General, City of Markham

# Contents

# Executive Summary

As a large Ontario municipality, the City of Markham ("City") must comply with the Accessibility for Ontarians with Disabilities Act, 2005 ("AODA") and its standards as defined in the Integrated Accessibility Standards Regulation ("IASR"). These standards have come into force in a phased manner over the past decade with several deadlines that have already passed along with ongoing and upcoming deadlines.

As Auditor General for the City, MNP conducted a review to identify the gaps related to their implementation of the AODA to obtain recommendations for remediation prior to submitting the City's annual Accessibility Compliance Report at the end of the year. The scope of the audit focused on assessing compliance to the following areas of the IASR:

- General Accessibility Requirements
- Customer Service
- Information and Communication
- Employment
- Transportation
- Design of Public Spaces

MNP completed this review through a review of documentation and interviews with City staff. Detailed site assessments were out of scope for this review.

There were some noted areas of strength, which include:

- Commitment from all levels of the organization, including leadership, to meeting compliance obligations and support for accessibility and inclusivity.

- Comprehensive training which goes above and beyond the mandatory requirements in the IASR.

- Comprehensive Accessibility Design Guidelines which have recently been updated to include all requirements in the Design of Public Spaces Standard and are now in the process of being finalized

- A dedicated Accessibility Advisory Committee that works closely with the City to provide input to City practices, programs and structures based on their lived experienced as people with disabilities and/or caretakers to people with disabilities.

The audit also identified areas of non-compliance in the following areas:

- A lack of accountability for ensuring Design of Public Spaces standard requirements are met, and specific non-compliance related to requirements for accessible parking and outdoor play spaces.

- Duties to monitor to ensure that taxi drivers are complying with specific IASR requirements are not completed.

- Web content found to not be in compliance with WCAG requirements. Issues found include improper tags, images/objects missing alt text, issues with lists, and improper nesting of headings.

- Requirements outlined in the General Accessibility and Customer Service standards, including temporary disruptions, accessibility policies and annual reporting are not being met. MNP has provided the City with recommendations for remediation of these areas of non-compliance.

# Background

The City of Markham ("City") is committed to being an accessible and diverse city. As a large Ontario municipality, the City must comply with the Accessibility for Ontarians with Disabilities Act, 2005 ("AODA") and its standards as defined in the Integrated Accessibility Standards Regulation ("IASR"). This includes standards in the following areas:

- General Accessibility Requirements
- Customer Service
- Information and Communication
- Employment
- Transportation
- Design of Public Spaces

These standards have come into force in a phased manner over the past decade with several deadlines that have already passed along with ongoing and upcoming deadlines. For example, the City's Accessibility Compliance Report is due on December 31, 2021 to the province, the City's progress in implementing the Multi-Year Accessibility Plan must be posted on the City's website annually, and all public websites must have been accessible as of January 1, 2021.

The City undertook this review to identify the gaps related to their implementation of the AODA to obtain recommendations for remediation prior to submitting the City's annual Accessibility Compliance Report at the end of the year.

# Objective

To assess the City's compliance with the AODA and the standards defined in the IASR in order to identify gaps in compliance, the associated risks with non-compliance, and recommendations for improvement.

# Scope

The scope of this review focused on assessing compliance to the following applicable areas of the IASR:

| Standard | Subject Matter Areas within the Standard |
|---|---|
| General | Accessibility Policies |
| | Multi Year Accessibility Plan |
| | Procurement |
| | Training |
| Information and Communications | Accessible Formats and Communication Supports |
| | Emergency Procedures and Plans |

| Standard | Subject Matter Areas within the Standard |
|---|---|
| | Accessible Websites and Web Content[1] |
| | Public Libraries |
| **Employment** | Recruitment |
| | Notice to Applicants |
| | Accessible Supports for Employees |
| | Workplace Emergency Response |
| | Accommodation Plans |
| | Performance Management and Career Development |
| | Return to Work and Redeployment |
| **Design of Public Spaces[2]** | Recreation Trails |
| | Outdoor Public Use Eating Areas |
| | Outdoor Play Spaces |
| | Exterior Paths of Travel |
| | Accessible Parking |
| | Obtaining Services |
| | Maintenance |
| **Transportation** | Duties of Municipalities and Taxicabs |
| **Customer Service** | Customer Service Policy |
| | Use of Service Animals and Support Persons |
| | Notice of Temporary Disruptions |
| | Feedback Process |
| | Training |

[1] *Since the City had recently contracted a third-party vendor to review and remediate accessible websites and web content, the scope of this review was limited to the review of the third-party vendor's report.*

[2] *The Design of Public Spaces Standard applies to all public, private and not-for-profit organizations that have one or more employees in Ontario, as outlined in the Integrated Accessibility Standard Regulation ("IASR") (see section 2 for more details). Small private/not-for-profit organizations with 1-49 employees are exempt from certain requirements (which are identified throughout the IASR).*
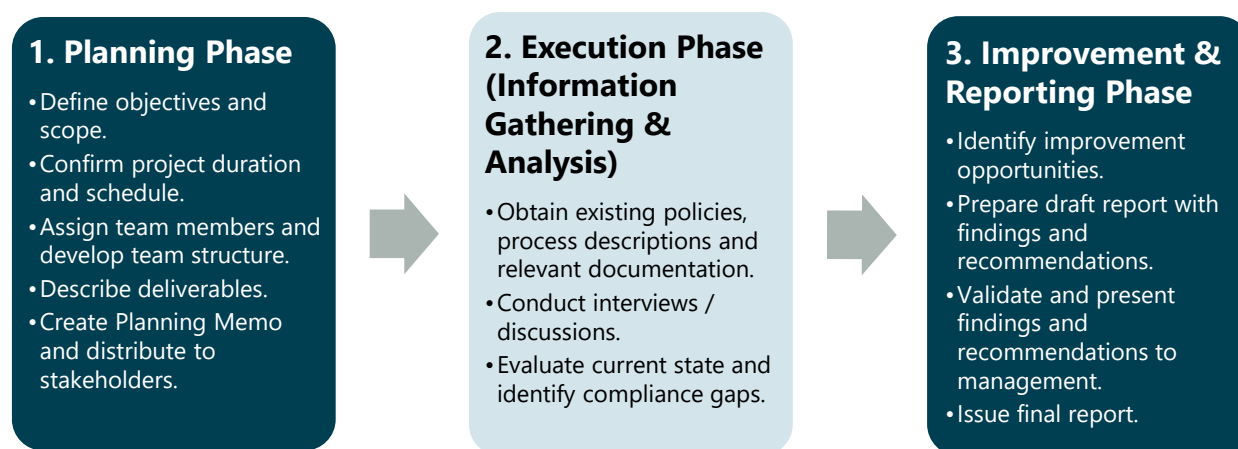
# Risks

Given the stated objective and scope, the following inherent[3] risks were considered and assessed during this review:

- Lack of leadership, ownership and accountability for AODA requirements;

- AODA requirements, standards and legislation are not understood, including specific responsibilities to implement the AODA and the IASR;

- Responsibilities under the AODA and IASR related to third-party vendors, suppliers and contractors performing services, and the expectation to comply with these requirements, are not properly communicated to third-party vendors, supplies and contractors; and,

- Legislated AODA requirements are not met.

# Approach

In accordance with MNP methodology, the high-level work plan for this review included the following three phases:

**1. Planning Phase**
- Define objectives and scope.
- Confirm project duration and schedule.
- Assign team members and develop team structure.
- Describe deliverables.
- Create Planning Memo and distribute to stakeholders.

**2. Execution Phase (Information Gathering & Analysis)**
- Obtain existing policies, process descriptions and relevant documentation.
- Conduct interviews / discussions.
- Evaluate current state and identify compliance gaps.

**3. Improvement & Reporting Phase**
- Identify improvement opportunities.
- Prepare draft report with findings and recommendations.
- Validate and present findings and recommendations to management.
- Issue final report.

MNP completed this review through a review of documentation and interviews with City staff. Detailed site assessments were out of scope for this review.

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[3] *The risk derived from the environment without the mitigating effects of internal controls - Institute of Internal Auditors.*

# Audit Team

The review was carried out by the following MNP team:

| | |
|---|---|
| **Geoff Rodrigues, Auditor General** | Provided expertise in assessment methodology, directed the MNP team in all stages of the review, and ensured that firm and professional quality assurance standards were maintained. |
| **Veronica Bila, Engagement Delivery Partner** | Oversaw all aspects of the engagement and reviewed results. |
| **Jason Ducharme, Subject Matter Expert** | Provided expert knowledge on the AODA and the IASR. |
| **Sarah Dionne, Engagement Manager** | Planned, managed and carried out review procedures, involving the above resources as needed. |
| **Lisa Prentiss, AODA Specialist** | Conducted review procedures and assessment of compliance with a focus on accessible websites and web content. |
| **Reena Patel, AODA Specialist** | Conducted review procedures and assessment of compliance. |

# Strengths

In conducting the review, MNP noted the following strengths with respect to the City's accessibility practices and activities:

| | |
|---|---|
| **Leadership and Commitment** | Members of the executive and senior leadership team show consistent commitment to accessibility and to meeting their compliance obligations to the IASR. City team members receive the support they need to ensure they are able to support accessibility at the City. The City's culture, commitment and dedication strengthens accessibility. Because of this culture, many of the City's accessibility practices and protocols go above and beyond the AODA compliance requirements. |
| **Training** | The City has put in place mandatory training as per the IASR, and has also worked to create supplemental, role specific training to further enhance accessibility throughout the organization. This role specific training promotes and embeds accessibility considerations into team members' day-to-day work. Due to this additional training, accessibility is consistently integrated into many initiatives. |
| **Accessibility Design Guidelines** | The City has developed Accessibility Design Guidelines, which have been in place since 2011. In 2021, the City has updated these Guidelines to ensure all requirements in the Design of Public Spaces standard of the IASR are included. Once the Guidelines are approved (they are still in draft), they can be used in all construction and design projects, including checklists for relevant components of the Design of Public Spaces component of the IASR. |
| **Accessibility Advisory Committee** | The City has had an Accessibility Advisory Committee ("AAC"), which has been in place since 1996, who advise on accessibility activities. The AAC advises Council on improving opportunities for persons with disabilities and on reducing and/or eliminating accessibility barriers for all residents. The City works closely with the AAC and uses the committee as a forum for discussing and gathering input on accessibility initiatives occurring within the City's departments. Both the City and the AAC noted the value of having committee members provide input based on their lived experience as people with disabilities and/or as caretakers to people with disabilities. Further, many City staff underscored that the AAC has played an integral role in helping the City identify and solution accessibility needs. |

# Summary of Observations

To enable the City to set priorities in their action plans, we have reported our observations in one of three categories, "Low", "Medium" or "High" based on our assessment of the severity of each non-compliance finding.

| Rating | Non-Compliance Severity Rating Description |
|---|---|
| Low (L) | The observation presents an opportunity to further enhance and mature overall accessibility to become compliant with the AODA and IASR. |
| Medium (M) | The observation should be addressed with focus on fully developing or updating the element to address gap(s) to become compliant with the AODA and IASR. |
| High (H) | The observation should be given immediate attention to reduce associated or imminent risks and to become compliant with the AODA and IASR. |

The table below provides a summary of our observations and recommendations, based on the non-compliance severity rating scale outlined above. Detailed observations and recommendations can be found in **Appendix A**. A summary of the City's compliance to the AODA and each standard within the IASR has been provided in **Appendix C**.

| REF. | SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS | RATING |
|---|---|---|
| 1 | **Outdoor Play Spaces**<br><br>The Accessibility Design Guidelines (from 2011 and the updated 2021 version) indicate that a stable ground surface is required for the City's inclusive play spaces, in alignment with Section 80.20(b) the IASR. However, in practice, City staff noted that there have been redevelopments to play structures since 2016 where the ground surface is still comprised of sand. This does not constitute a stable ground surface and is not in compliance with the IASR.<br><br>The City should review the list of parks where the ground surface is not compliant with Section 80.20(b) of the IASR and allocate the appropriate budget to ensure City staff can adhere to this requirement as they move forward with future developments. | H |
| 2 | **Design of Public Spaces**<br><br>Part IV of the IASR outlines the Design of Public Spaces standards (formally Accessibility Standards for the Built Environment) which came into effect in 2016. It applies to new construction projects and redevelopments. The City developed detailed Accessibility Design Guidelines in 2011, which are currently being updated to ensure they are fully compliant with the most recent Design of Public Spaces standards outlined in the IASR. However, there is a possibility that new construction or redevelopment projects completed between 2016 and 2021 are not fully compliant with the IASR. | M |

| REF. | SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS | RATING |
|---|---|---|
| | The City should assess any new construction and development of elements in public spaces since 2016 to determine which areas require remediation.<br><br>Training of the updated 2021 Accessibility Design Guidelines should be provided to all staff that oversee new construction or redevelopment of elements in public spaces to ensure compliance.  Any training should highlight which portions of the guidelines have been taken from the IASR and therefore must be adhered to in future projects. The City should ensure accountability is assigned for oversight and compliance with this portion of the IASR. | |
| 3 | **Accessible Parking**<br><br>The City's Zoning Bylaw includes requires for Type B spaces, but not Type A spaces and is therefore not in compliance with the IASR. In addition, MNP reviewed two site plans to verify off-street parking requirements for accessible parking. Both site plans had the City's minimum 5% of accessible parking spaces identified (above the 4% mandatory in the IASR), but neither site plan included labels indicating whether these spots were Type A or Type B.<br><br>A review of all off-street parking facilities that were built or redeveloped since 2016 should be completed to determine whether the minimum number of Type A parking spaces have been provided. The requirements for Type A parking spaces should also be included in any future updates to the Zoning Bylaw. | M |
| 4 | **Duties of Municipalities and Taxicabs**<br><br>Even though the City is not currently licensing accessible taxicab services, the City is still required to actively monitor to ensure that taxi drivers are complying with Section 80 of the IASR, which it has not been completing.<br><br>The Taxi Bylaw currently in development should include that taxicab and Private Transportation Company (PTC) drivers must comply with the requirements of the IASR under Section 80, which mandates that drivers are prohibited from charging higher fares or additional fees to persons with disabilities and that vehicle regulation and identification information be provided in an accessible format to persons with disabilities who are passengers. | M |
| 5 | **Accessible Web Content**<br><br>During the review, MNP noted that the third-party that the City contracted to assist with website and web content accessibility only performed testing on a sample of pages, and not the entirely of the City website and web content. Due to the limited scope of the third-party report, MNP reviewed the public website for compliance, as well as completed accessibility testing on five PDF documents contained on the public website. MNP found accessibility issues with each of the five documents, which included some parts being improperly tagged, some images/objects missing alt text, issues with lists, and improper nesting of headings, resulting in non-compliance to WCAG requirements for web content. | M |

| REF. | SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS | RATING |
|---|---|---|
| | The City should work to reassess and update all pages on the website to ensure the page and all content is accessible. The City should also continue its training program to ensure staff are able to create and remediate accessible documents. | |
| 6 | **Notice of Temporary Disruptions** The City has a process in place to identify when a temporary disruption occurs and a notice needs to be posted. MNP noted that appropriate notices are routinely posted and City staff are fully aware of this process; , however, the process itself is not documented. The process and procedures related to preparing notices of temporary disruption should be formally documented. Once complete, the document should be made available to any person upon request as per section 80.48(3). | L |
| 7 | **Accessibility Policies** The City has not updated and maintained both the IASR Policy and the Customer Service Policy, as per each policy's review cycle. A review and update of both the IASR Policy and the Customer Service Policy should be completed. When performing the review and update, the City should consider consulting with the AAC for feedback and input. The City should also set a cycle or cadence for the next review period, and work to keep the policies updated, relevant and effective going forward. | L |
| 8 | **Annual Reporting** Annual reports on the City's progress towards its goals identified within the Accessibility Plan have not been prepared. Section 4 of the IASR requires an organization to comply with this requirement and to post the status report on their website. A process to prepare annual reporting on the progress made towards goals identified in the Accessibility Plan should be developed and implemented. Once annual reports have been prepared, they should be posted on the public website, and should be provided in accessible format upon request. | L |

## Opportunities for Improvement: Beyond Compliance Requirements

During the review, the following opportunities for improvement were identified that are above and beyond the minimum compliance requirements outlined in the AODA.

The City should consider implementing the opportunities below to further enhance accessibility, moving from beyond compliance requirements to leading practice.

| REF. | Opportunities for Improvement |
|---|---|
| 1 | **Procurement:** In practice, City staff works with vendors to identify and meet any AODA related needs during procurement and while the vendor is delivering goods, services, or facilities. However, within procurement contracts, the only AODA related provision is for the vendor/contractor to have completed mandatory AODA related training. There is opportunity to update standard contract verbiage by including written provisions for the vendor/contractor to confirm that they are in compliance with the areas of the AODA relevant to the goods, services and facilities they are providing to the City. |
| 2 | **Accommodation Plan Process:** The Accommodation Plan process is documented through a visual process flowchart and is overseen by the City's Human Resources department. All requirements laid out in the IASR are performed during this process, however the steps are not detailed in the process flowchart. The City should consider updating the process flowchart to clearly identify all required elements outlined in the IASR. |
| 3 | **Manager Training:** Requirements set out in the Employment standard of the IASR are documented and implemented in practice. There is an opportunity to improve Manager training and the Performance Management Checklist (Job Aid), to specifically document accessibility related actions. This includes actions to consider accessibility during performance management; career development and advancement; and the redeployment processes. |

## Recommendations

The Auditor General recommends that:

1. The AODA Accessibility Compliance Review Report be received; and,
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

## Acknowledgements

We would like to express our appreciation for the cooperation and efforts made by City staff whose contributions assisted in ensuring a successful engagement. City staff provided the Auditor General with unrestricted access to all activities, records, systems, and staff necessary to conduct this review freely and objectively.

# Appendix A: Detailed Observations and Recommendations

This table includes MNP's detailed observations related to areas of non-compliance with the AODA and recommendations that the City can undertake to come into compliance.

| # | Observation | Rating | Recommendation | Management Response |
|---|---|---|---|---|
| 1 | **Outdoor Play Spaces**<br><br>Section 80.20(b) of the IASR includes a requirement to 'Ensure that outdoor play spaces have a ground surface that is firm, stable and has impact attenuating properties for injury prevention and sufficient clearance to provide children and caregivers with various disabilities that ability to move through, in and around the outdoor play space.'<br><br>The Accessibility Design Guidelines (from 2011 and the updated 2021 version) indicate that a stable ground surface is required for inclusive play spaces, in alignment with the IASR.<br><br>However, through interviews with City staff it was noted that there have been over sixty redevelopments to play structures since 2016 where the ground surface has not been redeveloped to the IASR requirement (i.e. is still comprised of sand, which is not a firm and stable ground surface).<br><br>The outdoor play spaces where this has occurred are not in compliance with the IASR. | H | A review of the outdoor play spaces where the ground surface is not compliant with Section 80.20(b) of the IASR should be completed with an assessment to determine the extent of non-compliance and plan for required remediation. | Management supports the Auditor General's recommendation.<br><br>The City has identified 80 playgrounds that were either newly constructed or refurbished since 2016, where the ground surface is not compliant with the IASR standard.<br><br>A corporate standard for relevant design specifications is being developed in compliance with the standards. The standard will be included in the updated Accessibility Design Guidelines document.<br><br>**Completion Date: Q1/2022**<br><br>The City Life Cycle Reserve Study is being updated to include engineered wood fiber safety surfacing materials.<br><br>**Completion Date: Q4/2022.** |

| # | Observation | Rating | Recommendation | Management Response |
|---|---|---|---|---|
| | | | | A plan for refurbishment of the non-compliant playgrounds will be developed and implemented over a four year period starting 2023 to the end of 2026.  Provisions are being made to engage the services of an external consultant to prepare site drawings and specifications for tender, project oversight and contract administration as well as inspections for the project.<br><br>**Completion Date: Q4/2026** |
| 2 | **Design of Public Spaces**<br><br>Part IV of the IASR outlines the Design of Public Spaces standards (formally Accessibility Standards for the Built Environment) which came into effect in 2016. It applies to new construction projects and redevelopments[4]. The City developed detailed Accessibility Design Guidelines in 2011, which included most but not all requirements outlined in the Design of Public Spaces standard. The most notable omission is related to parking standards (as outlined in Section 80.34 of the IASR and detailed further in Observation #3), as well as other minor | M | Any new construction and development within public spaces since 2016 should be reviewed and assessed to determine the extent of non-compliance with the identified sections of the IASR and which ones require remediation. A remediation plan should be prepared once the extent of non-compliance is known.<br><br>Once the updated Accessibility Design Guideline has been implemented, training should be provided to all staff that oversee | Management supports the Auditor General's recommendation.<br><br>The Planning and Urban Design Department will update the Accessibility Design Guidelines to ensure compliance with AODA/IASR and will roll out the new guidelines across the City with training to ensure Staff understand legislated requirements.<br><br> **Completion Dates:** |

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[4] *Redevelopment is a planned significant alteration to public space, but does not include maintenance activities, environmental mitigation or environmental restoration.*

| # | Observation | Rating | Recommendation | Management Response |
|---|---|---|---|---|
| | omissions including entrance widths to exterior paths of travel and minimum requirements for accessible seating in waiting areas. | | new construction or redevelopment of elements in public spaces to reinforce the need for contractors to review the Guidelines and sign-off to evidence that the project complies to AODA and IASR standards, as part of project completion.  The Accessibility Design Guidelines meet the mandatory standards of the IASR, and also go above and beyond these mandatory standards in certain areas. Therefore, it will be important that any training highlight the portions of the guideline that have been taken from the IASR and which the City has a legal requirement to adhere to. | • **Updated Guidelines: Q1/2022**<br>• **Training: Q4/2022.**<br><br>Building Standards has added permit condition language to the building permit card, alerting Owners of their responsibility to comply with the latest AODA/IASR regulations This is similar to the practice that is followed for other regulations that are in addition to the OBC.<br><br>**Completed: January 2022.** |
| | As noted, the guidelines are currently in draft - MNP has reviewed the draft and the updated version is fully compliant with the most recent Design of Public Spaces standards outlined in the IASR. However, there is a possibility that new construction or redevelopment projects completed between 2016 and when the updated Guidelines are issued are not fully compliant with the IASR and the AODA. | | | |
| | MNP understands that the Chief Building Officer is responsible for reviewing plans for construction and conducting inspections during construction for compliance with the Ontario Building Code, however, we noted that there is no process in place for inspections to oversee compliance with the AODA. | | | An advisory committee will be established with relevant departments to provide technical oversight and ensure sustained compliance.<br><br>**Completion Date: Q2/2022** |
| | | | The City should ensure accountability for assessing and overseeing compliance with this portion of IASR is assigned. | |
| 3 | **Accessible Parking**<br><br>Section 80.34 of the IASR includes requirements for Types of Accessible Parking Spaces. Effective | M | A review of all off-street parking facilities that were built or redeveloped since 2016 should be completed to determine whether the minimum number of Type A | Management supports the Auditor General's recommendation.<br><br>An amendment to the relevant zoning By-law will be made to ensure |

| # | Observation | Rating | Recommendation | Management Response |
|---|---|---|---|---|
| | 2016, organizations are required to have two types of spaces for off-street parking facilities:<br><br>• Type A – wider accessible parking spaces for vans which has a minimum width of 3,400 mm<br>• Type B – standard accessible parking spaces which has a minimum width of 2,400 mm<br><br>MNP confirmed with staff from Zoning, Facilities and Traffic Engineering that all parking requirements are determined by the Zoning Bylaw (Bylaw 28-97 – City of Markham Parking Standards), including parking and types of uses.<br><br>City staff reference this Bylaw when developing and approving projects. The Bylaw includes requirements for Type B spaces, but not Type A and is therefore not in compliance with the IASR.<br><br>MNP also reviewed two site plans to verify off-street parking requirements for accessible parking. Both site plans had the City's minimum 5% of accessible parking spaces identified (above the 4% mandatory in the IASR), but neither site plan included labels indicating whether these spots were Type A or Type B. | | parking spaces have been provided, as well as an assessment and plan to determine the required remediation.<br><br>The requirements for Type A parking spaces should also be included in the Zoning Bylaw. | compliance with section 80.34 of the IASR (requirements for types of accessible parking spaces). IASR Type A and B parking space requirements will be included in the amendment.<br><br>**Completion Date: Q2/2022**<br><br>In the meantime, Planning and Urban Design will provide written and documented direction to site plan review staff to ensure that parking components of applications are in compliance with IASR accessible parking provisions.<br><br>**Completion Date: Q1/2022**<br><br>The City will review new and rehabilitated City parking space assets constructed since 2016 and develop and execute plans to remediate identified accessibility parking space compliance issues against IASR requirements.<br><br>**Completion Date: 2023.** |

| # | Observation | Rating | Recommendation | Management Response |
|---|---|---|---|---|
| 4 | **Duties of Municipalities and Taxicabs**<br><br>Sections 79 and 80 of the IASR includes requirements for municipalities regarding accessible taxicabs. Staff confirmed that the City is not currently licensing accessible taxicab services and has not licensed an accessible taxicab since 2004. Currently, accessible transportation is provided through a combination of para-transport provided by the Regional Municipality of York and accessible vehicles provided by private transport companies ("PTC") drivers (e.g. Uber and/or Lyft drivers with vans and other accessible vehicles). PTC drivers from Toronto also serve the Markham area. Based on consultations with the ACC and the lack of demand from the public, we understand that the City has concluded that the need for accessible taxicabs and transportation is being met by these other sources.<br><br>Even though the City is not currently licensing accessible taxicab services, the City is still required to actively monitor to ensure that taxi drivers are complying with Section 80 of the IASR.  The City has not been actively monitoring the following specific sections of the IASR: | **M** | The Taxi Bylaw in development should include that taxicab and PTC drivers must comply with the requirements of the IASR under Section 80, which mandates that drivers are prohibited from charging higher fares or additional fees to persons with disabilities and that vehicle regulation and identification information be provided in an accessible format to persons with disabilities who are passengers. A process for plate holders and private sector companies to report back to the City to confirm they understand and adhere to these requirements should also be included within the Bylaw. | Management supports the Auditor General's recommendation.<br><br>While the City does not currently license accessible taxicabs, the current by-law contains regulations requiring brokers, owners and operators to comply with IASR Section 80.<br><br>As part of the current review of the Mobile Licensing By-law, several amendments are being recommended to bring the City into compliance with all IASR regulations related to operators and drivers of taxicabs and private transportation companies (PTCs).<br><br>**Completion Date:  Q1/2022**<br><br>· Mandatory driver training, by a company approved by the City will be undertaken contingent on a vendor providing this service **Completion Date: Q4 2022**<br>· Brokers/private transport companies to ensure all drivers complete the training as a condition of their employment **Completion Date: Q4, 2022** |

| # | Observation | Rating | Recommendation | Management Response |
|---|---|---|---|---|
| | (1) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs are prohibited,<br><br>    (a) from charging a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; and<br><br>    (b) from charging a fee for the storage of mobility aids or mobility assistive devices.<br><br>(2) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs place vehicle registration and identification information on the rear bumper of the taxicab.<br><br>(3) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs make available vehicle registration and identification information in an accessible format to persons with disabilities who are passengers.<br><br>We understand that the City is in the process of reviewing the Bylaw related to taxicabs. The broader aim of the Taxi Bylaw is to provide requirements that address the complexities of licensing and providing training to PTC drivers. The City has indicated that this Bylaw will include | | | ·   Brokers/private transport companies will be prohibited from charging persons with disabilities fees over and above those for able bodied users **Completed**<br>·   As part of annual licensing, the City will require operators/drivers to have information available to users with disabilities in accessible formats<br><br> **Completed**<br><br>Staff are developing a formal complaints process for ground transportation services in the City of Markham. Once approved, the process will be posted on the website, and communicated publicly.<br><br>**Completion Date: Q3/2022**<br><br>Staff will also perform random inspections of vehicles licensed under the Mobile Licensing By-law throughout the year to ensure |

| # | Observation | Rating | Recommendation | Management Response |
|---|---|---|---|---|
| | the IASR requirements above, as well as a supporting training program to ensure compliance by the taxi industry and PTC drivers. | | | compliance with the By-law and IASR Section 80.<br><br>**Completion Date: ongoing, starting 2022** |
| 5 | **Accessible Web Content**<br><br>Per Section 14 of the IASR, the City is required to ensure that its webpages and web content are accessible per Web Content Accessibility Guidelines ("WCAG")[5] guidelines.<br><br>The City recently undertook efforts to update its public facing website to ensure it is compliant with WCAG through a third-party. MNP reviewed the third-party's report and also performed a re-test on the webpages listed within the report as tested by the third party. All webpages were found to be compliant with WCAG, however, we noted that the third-party report was limited within their scope of review and only performed testing on a sample of pages, and not the entirety of the City website and web content.<br><br>Due to the limited scope of the third-party report, MNP reviewed the public website for compliance, as well as completed accessibility | M | Documents and content contained on the City's website (e.g., PDFs) should be reassessed to ensure that all accessibility requirements are met.<br><br>A process should be developed for the reassessment of all web content (e.g., PDF's), to ensure they are accessible, or that an accessible alternate (e.g., HTML format) is available. The City currently performs ongoing testing of the website, however, this process can be modified to ensure the entirely of the website and all web content is reassessed.  Reassessment of the entire website is a significant task and MNP recommends that this review is approached in phases. | Management supports the Auditor General's recommendation.<br><br>The City worked with a third party vendor to make the portal accessible per Web Content Accessibility Guidelines (WCAG), focusing on the portal content pages and ensuring that the pages and documents were readable by screen readers and other accessibility tools.  As part of this process, over 1,300 PDF documents on the portal were reviewed and enhanced.<br><br>A work plan is being developed to further address accessibility compliance issues related to PDF documents on the portal and will include content author training, ongoing spot checks by the external vendor, awareness communication with |

[5] *Web Content Accessibility Guidelines (WCAG) are technical standards for digital accessibility published by the Web Accessibility Initiative of the World Wide Web Consortium, which is the main international standards organization for web accessibility.*

| # | Observation | Rating | Recommendation | Management Response |
|---|-------------|--------|----------------|---------------------|
| | testing on five PDF documents contained on the public website. These five documents were:<br><br>- The Emergency Response Plan<br>- The IASR Accessibility Policy<br>- Culture and Heritage Policy<br>- By-Law 195-90 – Conveyance of Parkland<br>- By-Law 2015-36 – Signs on Regional Roads<br><br>MNP found accessibility issues with each of the five above listed documents, (which included some parts being improperly tagged, some images/objects missing alt text, issues with lists, and improper nesting of headings), resulting in non-compliance to WCAG requirements for web content.<br><br>MNP acknowledges that the City has undertaken significant effort to improve and update its public facing website and portal to be WCAG compliant. In addition, we noted that the City has a program, in partnership with a third-party vendor, to ensure employees complete training on how to prepare and remediate accessible documents. This training is currently being offered to select staff with the City planning to roll this out to a broader group of staff in the coming months. | | The City should continue its efforts to ensure that any new webpages or web content posted online is accessible, or that an accessible alternate is provided. The City should also continue the training program to ensure staff are able to create and remediate accessible documents | the public, and remediation of pdf documents.<br><br>**Completion Dates:**<br><br>- **Workplan: Q4/2022**<br>- **Implementation: 2023** |

| # | Observation | Rating | Recommendation | Management Response |
|---|---|---|---|---|
| 6 | **Notice of Temporary Disruptions**<br><br>Section 80.48 of the IASR states that organizations are required to provide notices of temporary disruption to the public when they occur. The notice is required to include:<br><br>- Reason for the disruption;<br>- Anticipated duration of the disruption; and,<br>- a description of alternative facilities or services if any, that are available.<br><br>Organizations are required to prepare a document setting out the steps to be taken in connection with a temporary disruption, and on request, provide that document to any person.<br><br>While the City has an informal process in place to identify when a temporary disruption occurs and a notice needs to be posted that City staff are aware of and understand, the process is not documented. | L | The process and procedures related to preparing notices of temporary disruption should be formally documented. Once complete, the document should be made available to any person upon request as per section 80.48(3). | Management supports the Auditor General's recommendation.<br><br>The City will formally document the current processes and procedures related to preparing notices of temporary disruption and disseminate to relevant departments and facilities.<br><br>**Completion Date:  Q3/2022.** |
| 7 | **Accessibility Policies**<br><br>Section 3 of the IASR requires organization to develop, implement and maintain policies governing how the organization achieves or will achieve accessibility through meeting its requirements referred to in the IASR. | L | A review and update of both the IASR Policy and the Customer Service Policy should be completed. When performing the review and update, the City should consider consulting with the AAC for feedback and input. The City should | Management supports the Auditor General's recommendation.<br><br>The City will review & update the IASR and Accessible Customer Service policies to ensure alignment with IASR requirements and confirm review cycle moving forward |

| # | Observation | Rating | Recommendation | Management Response |
|---|---|---|---|---|
| | The City has two AODA related policies in place - the IASR Policy, and the Customer Service Policy. These policies include all of the required and relevant information as identified in the IASR, however, they have not been adequately maintained, thus are not in compliance with the IASR.<br><br>Markham's IASR and Customer Service Policy have not been reviewed or updated since they were initially created. Specifically:<br><br>• The IASR Policy was created in 2013 and indicated a review cycle of five years. The first update should have occurred in 2018, however it does not appear that the review took place or updates made to maintain the Policy.<br>• The Customer Service Policy was created in 2010 and does not have an identified cycle for review. It does not appear that this policy has been reviewed or updated since 2010. | | also set a cycle or cadence for the next review period, and work to keep the policies updated, relevant and effective going forward (e.g., perform a review at least every five years). | **Completion Dates:**<br><br>• **Updated IASR policy and review cycle: Q4/2022**<br>• **Accessible customer service policy and review cycle: Q1/2023** |
| 8 | **Annual Reporting**<br><br>Section 4 of the IASR requires organizations to have an Accessibility Plan in place, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under the IASR. The plan is to be posted on the public | L | A process to prepare annual reporting on the progress made towards goals identified in the Accessibility Plan should be developed and implemented. Once annual reports have been prepared, | Management supports the Auditor General's recommendation.<br><br>The City will develop a process to prepare annual reporting on progress made towards goals identified in the 2020 to 2023 Accessibility Plan. |

| # | Observation | Rating | Recommendation | Management Response |
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| | website and reviewed every five years. In addition, the City is required to prepare an annual status report on the progress of measures taken to implement its Accessibility Plan. This annual report is to be posted on the public website and provided in accessible format upon request.

The City's current Accessibility Plan is for the 2020 – 2023 period and identifies the City's strategic goals and objectives for accessibility. While this plan was recently updated (replacing an older plan for a prior period), annual reports on the City's progress towards goals identified within the Accessibility Plan have not been prepared. | | they should be posted on the public website, and should be provided in accessible format upon request. | **Completion Date: Q3/2022.** |

# Appendix B: Improvement Opportunities

This table includes opportunities for improvement that were identified that are above and beyond the minimum compliance requirements outlined in the AODA. The City should consider implementing the opportunities below to further enhance accessibility, moving from beyond compliance requirements to leading practice.

| # | Improvement Opportunity | Recommendation | Management Response |
|---|---|---|---|
| 1 | **Procurement**<br><br>Current wording in standard contracts includes a provision that requires the vendor/contractor to have completed mandatory AODA related training. While this is a good provision to include, there is no direct wording that addresses the requirement that the City incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities.<br><br>Through interviews, City staff confirmed that, in practice, they work with vendors to identify and meet any AODA related needs during procurement and while the vendor is delivering goods, services, or facilities. There is an opportunity to document this practice by including accessibility provisions in standard contract verbiage. | Consider updating standard contract verbiage by including provisions for the vendor/contractor to validate that they are compliant with the areas of the AODA relevant to the goods, services and facilities they are providing to the City (i.e., not just limited to the completion of training). | Currently as part of the City's software procurement process, Information Technology Services includes AODA compliance requirements to assess vendor compliancy with AODA regulations in their software. New software is tested for AODA compliance as part of the City's user acceptance testing process.<br><br>Staff will review the current standard procurement language and include provisions for the vendors/contractor to validate that they are compliant with those areas of the AODA relevant to the goods, services and facilities they are providing to the City. |
| 2 | **Accommodation Plan Process**<br><br>The Accommodation Plan process is documented through a visual process flowchart and is overseen by the City's Human Resources department. All requirements laid out | Consider updating the process flowchart to clearly identify all required elements outlined in section 28.2 of the IASR, including: | Staff will review and update the existing Accommodation Plan process flow chart and develop a |

| # | Improvement Opportunity | Recommendation | Management Response |
|---|---|---|---|
| | in the IASR are performed during this process, however the steps are not detailed within the process flowchart. | 1. The manner in which an employee requesting accommodation can participate in the development of the individual accommodation plan.<br>2. The means by which the employee is assessed on an individual basis.<br>3. The manner in which the employer can request an evaluation by an outside medical or other expert, at the employer's expense, to assist the employer in determining if accommodation can be achieved and, if so, how accommodation can be achieved.<br>4. The manner in which the employee can request the participation of a representative from their bargaining agent, where the employee is represented by a bargaining agent, or other representative from the workplace, where the employee is not represented by a bargaining agent, in the development of the accommodation plan.<br>5. The steps taken to protect the privacy of the employee's personal information.<br>6. The frequency with which the individual accommodation plan will be reviewed and updated and the manner in which it will be done.<br>7. If an individual accommodation plan is denied, the manner in which the reasons for the denial will be provided to the employee.<br>8. The means of providing the individual accommodation plan in a format that takes into | written process outlining the accommodation process. |

| # | Improvement Opportunity | Recommendation | Management Response |
|---|---|---|---|
| | | account the employee's accessibility needs due to disability. | |
| 3 | **Manager Training**<br><br>Requirements set out in the Employment Standard, Part III of the IASR, are documented and implemented in practice. There is an opportunity to improve Manager training and the Performance Management Checklist (Job Aid), to specifically document accessibility related actions. | Consider updating the Manager training and Performance Management Checklist (Job Aid) to document and incorporate accessibility during:<br><br>• Performance management;<br>• Career development an advancement; and,<br>• Redeployment processes. | Staff will review and update relevant corporate training checklists and job aids relating to performance management, career development and progression and redeployment processes. |

# Appendix C: Compliance Ratings

The Integrated Accessibility Standards Regulation, O. Reg. 191/11 can be found [online](online).

| Section | Sub-Section | Section Number | Compliance Rating | Reference (Observation or Opportunity for Improvement) |
|---|---|---|---|---|
| **General** | Establishment of accessibility policies | 3 | Partially Compliant | Observation #7 |
| | Accessibility Plans | 4 | Partially Compliant | Observation #8 |
| | Procuring or acquiring goods, services or facilities | 5 | Compliant | Opportunity for Improvement #1 |
| | Training | 7 | Compliant | Opportunity for Improvement #3 |
| **Information and Communication** | Feedback | 11 | Compliant | N/A |
| | Accessible formats and communication supports | 12 | Compliant | N/A |
| | Emergency procedure, plans or public safety information | 13 | Compliant | N/A |
| | Accessible websites and web content | 14 | Partially Compliant | Observation #5 |
| | Public libraries | 19 | Compliant | N/A |
| **Employment** | Recruitment, general | 22 | Compliant | N/A |
| | Recruitment, assessment or selection process | 23 | Compliant | N/A |
| | Notice to successful applicants | 24 | Compliant | N/A |

| Section | Sub-Section | Section Number | Compliance Rating | Reference (Observation or Opportunity for Improvement) |
|---|---|---|---|---|
| | Informing employees of supports | 25 | Compliant | N/A |
| | Accessible formats and communication supports for employees | 26 | Compliant | N/A |
| | Workplace emergency response information | 27 | Compliant | N/A |
| | Documented individual accommodation plans | 28 | Compliant | Opportunity for Improvement #2 |
| | Return to work process | 29 | Compliant | N/A |
| | Performance management | 30 | Compliant | Opportunity for Improvement #3 |
| | Career development and advancement | 31 | Compliant | Opportunity for Improvement #3 |
| | Redeployment | 32 | Compliant | Opportunity for Improvement #3 |
| **Transportation** | Duties of Municipalities and Taxicabs | 78 to 80 | Partially Compliant | Observation #4 |
| **Design of Public Spaces Standards[6]** | Recreational Trails | 80.6, 80.8, 80.9, 80.11 to 80.15 | Partially Compliant | Observation #2 |
| | Outdoor Public Use Eating Areas | 80.16, 80.17 | Compliant | |

[6] *Compliance ratings are based on documentation review and interviews. As noted in the recommendations, the City should undertake detailed site assessments for areas deemed to be partially or non-compliant.*

| Section | Sub-Section | Section Number | Compliance Rating | Reference (Observation or Opportunity for Improvement) |
|---------|-------------|----------------|-------------------|--------------------------------------------------------|
| | Outdoor Play Spaces | 80.18 to 80.20 | Partially Compliant | Observation #1 Observation #2 |
| | Exterior Paths of Travel | 80.21 to 80.31 | Partially Compliant | Observation #2 |
| | Accessible Parking | 80.32 to 80.39 | Partially Compliant | Observation #2 Observation #3 |
| | Obtaining Services | 80.40 to 80.43 | Partially Compliant | Observation #2 |
| | Maintenance | 80.44 | Partially Compliant | Observation #2 |
| **Customer Service** | Establishment of policies | 80.46 | Compliant | N/A |
| | Use of service animals and support persons | 80.47 | Compliant | N/A |
| | Notice of temporary disruptions | 80.48 | Partially Compliant | Observation #6 |
| | Training for staff, etc. | 80.49 | Compliant | N/A |
| | Feedback process required | 80.50 | Compliant | N/A |
| | Format of documents | 80.51 | Compliant | N/A |