



## Citizens With Disabilities – Ontario

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**“Together We Are Stronger”**

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# **Review of the Information and Communications Standards (part of the Integrated Accessibility Standards (IAS) Regulation) – 2019 Initial Recommendations Report**

## **CWDO Feedback**

Notes on the format of this document:

There are different colours for various pieces of the document, black for excerpts from the Standards review; red for clauses taken from the Information and Communications Standards and sometimes from other parts of the Integrated Accessibility Standards; and bold blue for the proposed CWDO responses. A few quotes from other documents are in italics. The lines between various parts of the document make it easier to read with screen readers.

Since the clauses of the regulation to which specific recommendations refer were often not included, it was critical to have the actual regulation to refer to so that the proposed changes could be understood. It is also extremely challenging for people with a variety of disabilities (e.g. people with vision loss or learning disabilities) to be moving back and forth from one document to another.

Since the Committee's recommendations did not follow logically from the first clause to the last of the Information and Communications Standards, the order of the Committee's recommendations has been changed to reflect the order in the Standards.



Citizens With Disabilities - Ontario (CWDO) is committed to the rights of all persons to participate fully in the civil, cultural, economic, political and social life of their communities.

We actively promote the rights, freedoms and responsibilities of persons with disabilities through community development, social action, and member support and referral. Our primary activity is public education and awareness about the social and physical barriers that prevent the full inclusion of persons with disabilities in Ontario.

CWDO acts on behalf of the 1.85 million Ontarians who live with one or more disabilities. Our registered members reside in almost every electoral district in the province.

The recommendations we are making, therefore, represent the viewpoints of individuals with a variety of disabilities. We trust that you will find our response offers logical, reasonable, and practical suggestions.

### **CWDO's General Comments:**

#### **The review was disappointing from several perspectives:**

- a) there were no direct quotes from the actual regulation to make it easier to understand the changes**
- b) recommendations were not in chronological order according to the clauses in the Standards**
- c) recommendations were not together when they related to the same Section or clauses**
- d) some recommendations were clearly not within the Committee's mandate**
- e) some recommendations were extremely complicated and not likely to be able to be implemented, particularly Phase 2.**

**The Committee's report frequently referred to "confusion" on the part of obligated organizations. If the regulation and the obligations contained therein are not clear, it should be that organization's responsibility to respond to areas of confusion, particularly when brought to their attention by a person with a**

**disability, by doing their due diligence and research, given the resources provided by the province for that purpose.**

**We feel that much of the "confusion" can be resolved by better training. As noted in all reviews of the AODA, many barriers still exist due to a lack of proper training that is required by the IAS regulation.**

**It seems to us there does need to be a greater obligation on the part of the Ontario government with regards to the following:**

- **spot inspections of organizations to see how effective their training has been; if not acceptable, more detailed recommendations for better training should be provided by the government**
- **more significant enforcement of the requirements of the IAS regulation**

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### **Phase 1**

**CWDO comment: The term "accessible information" should have been used throughout the document, as per the definition used in the I and C Standards.**

**CWDO Note: The report was not available in a text format on the government's website and also was not easy to find within the text on the website.**

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General information copied from the report:

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

- the Government of Ontario
- the Legislative Assembly
- designated public sector organizations

- **(CWDO Note: large designated public sector organizations should be separated out from small designated public sector organizations, as they have different requirements)**
- 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."

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### **Recommended long-term objective**

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

### **CWDO believes this is too broad and open to interpretation. What does, "being able to participate fully and equally" mean?**

"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 **(CWDO note: this should read Human Rights Code of Ontario)** human rights law, the French Language Services Act (1990) (where applicable) and inclusive design principles."

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**CWDO believes the current long-term objective is better, as it gives a deadline and uses the words "all information and methods of communication...will be designed to be accessible..." We agree it is important to have all information and methods of communication designed to be accessible according to inclusive design principles. It would be helpful to**

include the definition of "inclusive design principles" found in the Ontario Human Rights Commission's 2016 document.

[http://www.ohrc.on.ca/sites/default/files/Policy%20on%20a%20bleism%20and%20discrimination%20based%20on%20disability\\_accessible\\_2016.pdf](http://www.ohrc.on.ca/sites/default/files/Policy%20on%20a%20bleism%20and%20discrimination%20based%20on%20disability_accessible_2016.pdf)

*Taken from the document noted above:  
" 8.2 Inclusive design*

*Ensuring integration and full participation means designing society and structures for inclusiveness. Inclusive or "universal" design emphasizes barrier-free environments and equal participation of persons with disabilities with varying levels of ability. It is a preferred approach to removing barriers or making "one-off" accommodations, which assume that existing structures may only need slight modifications to make them acceptable." and "Organizations, including government, should use the principles of inclusive design when they are developing and building policies, programs, procedures, standards, requirements and facilities."*

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## Part 1 – Regulation in general or Sections 9–11

We propose additions to definitions below in bold blue text.

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**Taken from the IAS Regulation, Information and Communications Standards:**

### **Clause 9**

#### **"Definitions and exceptions**

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

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

**end of quote from IAS regulation, definition of communications**

**CWDO Comment: There is a definition in these Standards for "communications" in the IAS regulation which the Committee did not seem to recognize.**

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

"information" includes data, facts and knowledge that exists in any format, including text, audio, digital or images, and that conveys meaning. ("information") O. Reg. 191/11, s. 9 (1)."

**end of quote from IAS regulation, definition of "conversion ready" and "information"**

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**CWDO recommends that the following be added under the definition of "information", add after "including text...": Braille, pdfs, power point presentations, webinars, and that conveys meaning."**

**Also, add the following: "When accessible information or methods of communications are not available, every effort must be made to provide an alternative.**

**For example, if a document, such as the report itself, is posted to a website of an obligated organization, it must also be provided in an accessible text format. As noted in this report, many times pdf documents are not accessible. It is common practice by many organizations that understand the challenges of inaccessible pdf documents to also provide a text version of the document. See the The Americans with Disabilities Act website: [https://www.ada.gov/emerg\\_prep.html](https://www.ada.gov/emerg_prep.html)**

**Note that documents are always provided in html and pdf formats.**

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## **Recommendation #4**

### **Recommendation 4: Products and product labels**

#### **Taken from the IAS Regulation, Information and Communications Standards:**

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

1. Products and product labels, except as specifically provided by this Part."

**end of quote from Information and Communications Standards**

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#### Committee's Recommendation:

The Government of Ontario should meet with the Government of Canada to look for solutions to the problem of accessible products and product labels.

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**CWDO does not agree that this is a solution to inaccessible products and labels. We recognize this is a barrier for many individuals. However, the government of Canada just enacted the Accessible Canada Act and chose not to address this issue which occurs across this country. This is something that definitely should be addressed, but perhaps can be dealt with in collaboration with the broader business community. The inaccessibility of prescription labels is one of paramount importance and should be covered under Health Standards which have yet to be developed.**

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**We propose changes not dealt with by the Committee with regards to Clause 11.**

**Taken from the IAS Regulation, Information and Communications Standards:**

**"CLAUSE 11**

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

O. Reg. 191/11, s. 11 (1)"

**end of quote from Information and Communications Standards**

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**CWDO recommendation: We recommend adding: "Obligated organizations shall be required to respond to feedback, in consultation with the person with a disability, in such a way that barriers to full participation in society will be removed." This would be similar to recommended changes to Clause 12. (2)**

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**Taken from the IAS Regulation, Information and Communications Standards:**

**"CLAUSE 12**

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

(a) in a timely manner that takes into account the person's accessibility needs due to disability.

O. Reg. 191/11, s. 12 (2)."

**end of quote from Information and Communications Standards**

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## **Recommendation #6**

### **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.

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### **CWDO agrees and we propose the following changes to 12. (1) and with the timeline:**

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

**(a) in a mutually agreed upon timely manner that takes into account the person's accessibility needs due to disability and that 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.

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## **Recommendation #9**

### **Recommendation 9: On-demand conversion ready formats**

The committee proposes the following:

The Government of Ontario and Legislative Assembly must 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

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**CWDO Note: "Conversion ready" is already defined in Clause 9.**

**CWDO recommends adding the following to Clause 12 (1):**

**Every obligated organization shall, at the time documents are created, produce a conversion-ready digital format and provide such documents upon request in a mutually agreed upon timely manner that takes into account the person's accessibility needs due to disability.**

**It is not only the Government of Ontario and the Legislative Assembly which should be providing accessible information by creating conversion-ready documents. For example, critical health related information produced by hospitals should also be made accessible by being created in a conversion-ready format.**

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## **Recommendation #10**

### **Recommendation 10: On-demand ASL and LSQ translations**

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.

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**CWDO agrees with the intent of this recommendation, with the following changes: The final statement would read, "The committee recommends that, following the meeting, the materials identified be made available in a mutually agreed upon timely manner," in order to be consistent with other clauses. We feel the timeline should be adjusted to read, "The meeting will occur early in 2020 and the requirement be made effective immediately."**

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**Recommendation #7 (see recommendation 5 below as well)**

**Recommendation 7: Agreement between people with disabilities and organizations**

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.

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**CWDO agrees with this recommendation as it relates to clauses under the Information and Communications Standards. The accessible format or communication support required must be one that the person agrees with. See recommended wording in the recommendation below:**

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## **Recommendation #5**

### **Recommendation 5: Determination of suitability**

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.

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**CWDO agrees with this recommendation, with the following addition:**

**However, we recommend adding this statement to 12. (2) "Every effort must be made to provide an accessible version of pdf documents and if that is not possible, a plain text version of the document must be provided."**

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## **Recommendation #8**

### **Recommendation 8: Harmonization of Section 12**

The committee proposes the following:

Requirements for **accessible** 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**

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**CWDO does not agree with this recommendation. Specific requirements should remain where they are under the Information and Communications Standards.**

### **Part 3: Section 13**

#### **Recommendation #11**

##### **Recommendation 11: Emergency requirements**

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

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**CWDO does not agree, as these requirements relate specifically to information and communications and should remain in this section.**

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#### **Recommendation #12**

##### **Recommendation 12: Unacceptable emergency outcomes and preparedness**

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.

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**CWDO agrees with this recommendation. It is absolutely critical that people with disabilities be involved in reviewing**

## **the Emergency Management and Civil Protection Act and the Fire Code and in making recommendations.**

**Timeline:** Immediate

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### **Taken from the IAS Regulation, Information and Communications Standards:**

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

**13. (1) In addition to its obligations under section 12, if an obligated organization prepares emergency procedures, plans or public safety information and makes the information available to the public, the obligated organization shall provide the information in an accessible format or with appropriate communication supports, as soon as practicable, upon request. O. Reg. 191/11, s. 13 (1)."**

#### **end of Information and Communications Standards quote**

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**CWDO feels that "as soon as practicable" should be removed and be replaced with "in a mutually agreed upon timely manner" to be consistent with other clauses.**

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## **SECTION 14**

### **Recommendation #13**

#### **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.

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**Taken from the IAS Regulation, Information and Communications Standards:****"Accessible websites and web content**

**14.** (1) The Government of Ontario and the Legislative Assembly shall make their internet and intranet websites, web content conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, at Level AA, and shall do so in accordance with the schedule set out in this section. O. Reg. 191/11, s. 14 (1).

(2) Designated public sector organizations and large organizations shall make their internet websites web content conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, initially at Level A and increasing to Level AA, and shall do so in accordance with the schedule set out in this section. O. Reg. 191/11, s. 14 (2).

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

1. By January 1, 2012, new internet and intranet websites and web content on those sites must conform with WCAG 2.0 Level AA, other than,

i. success criteria 1.2.4 Captions (Live), and

ii. success criteria 1.2.5 Audio Descriptions (Pre-recorded).

2. By January 1, 2016, all internet websites and web content must conform with WCAG 2.0 Level AA, other than,

i. success criteria 1.2.4 Captions (Live), and

ii. success criteria 1.2.5 Audio Descriptions (Pre-recorded).

3. By January 1, 2020, all internet and intranet websites, web content and must conform with WCAG 2.0 Level AA. O. Reg. 191/11, s. 14 (3).

(4) Designated public sector organizations and large organizations for their internet websites shall meet the requirements of this section in accordance with the following schedule:



1. By January 1, 2014, new internet websites and web content on those sites must conform with WCAG 2.0 Level A.

2. By January 1, 2021, all internet websites, web content must conform with WCAG 2.0 Level AA, other than,

i. success criteria 1.2.4 Captions (Live), and

ii. success criteria 1.2.5 Audio Descriptions (Pre-recorded). O. Reg. 191/11, s. 14 (4).

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

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

(b) to web content published on a website after January 1, 2012. O. Reg. 191/11, s. 14 (5).

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

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

(b) significant impact on an implementation timeline that is planned or initiated before January 1, 2012. O. Reg. 191/11, s. 14 (6).

(7) In this section,

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

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

“intranet website” means an organization’s internal website that is used to privately and securely share any part of the organization’s



information or operational systems within the organization and includes extranet websites; (“site Web intranet”)

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

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

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

“web page” means a non-embedded resource obtained from a single Uniform Resource Identifier (URI) using Hypertext Transfer Protocol (HTTP) and any other resources that are used in the rendering or intended to be rendered together with it by a user agent. (“page Web”) O. Reg. 191/11, s. 14 (7).”

**end of quote from Information and Communications Standards, Section 14**

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### **Recommendation 13: Mobile applications and new technologies**

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.

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**CWDO Comments: There does not seem to be a definition of “website” in the documents in Appendix C.**

**The current definition of "web page" should be revised to include the text in underlined bold blue print below to reflect what is in the U.S. Access Board's definition.**

**""web page" means a non-embedded resource obtained from a single Uniform Resource Identifier (URI) using Hypertext Transfer Protocol (HTTP) and any other resources that are used in the rendering or intended to be rendered, or in the retrieval and presentation of content, together with it by a user agent. ("page Web") O. Reg. 191/11, s. 14 (7)."**

***"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."***

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***CWDO recommends that definitions be added to these Standards for the levels in the WCAG Standards, that is A and AA, as they are referenced in the Standards.***

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## **Mobile Content and Applications**

**CWDO Note: Below in italics and in blue text is information found on the W3C website regarding mobile accessibility and how the current WCAG 2.0 Guidelines apply to mobile content and applications.**

**We believe the following definition of "mobile" should be added.**

**We also believe by adding the words in bold blue text in 14 (2), it is clear that the current WCAG Standards also apply to mobile content and applications.**

**CWDO Note: The following quote is for reference purposes:**

***Text from W3C website is below:***

## ***"Mobile Accessibility: How WCAG 2.0 and Other W3C/WAI Guidelines Apply to Mobile"***

***W3C First Public Working Draft 26 February 2015***

***<https://www.w3.org/TR/mobile-accessibility-mapping/#wcaq-2.0-and-mobile-content-applications>***

### ***1.1 WCAG 2.0 and Mobile Content/Applications***

***"Mobile" is a generic term for a broad range of wireless devices and applications that are easy to carry and use in a wide variety of settings, including outdoors. Mobile devices range from small handheld devices (e.g. feature phones, smartphones) to somewhat larger tablet devices. The term also applies to "wearables" such as "smart"-glasses, "smart"-watches and fitness bands, and is relevant to other small computing devices such as those embedded into car dashboards, airplane seatbacks, and household appliances.***

***CWDO Note: The following explanation is provided in the document from "1.1 WCAG 2.0 and Mobile Content/Applications". This provides the rationale for recommending that mobile content and applications be added to Clause 14. (2). We believe the wording needs to be added so that it is clear that mobile content and applications must also comply with the WCAG 2.0 Standards. When new requirements are adopted for mobile content and applications, Clause 14 can be changed to reflect any new wording.***

***"While mobile is viewed by some as separate from "desktop / laptop", and thus perhaps requiring new and different accessibility guidance, in reality there is no absolute divide between the categories. For example:***

- many desktop/laptop devices now include touchscreen gesture control,***
- many mobile devices can be connected to an external keyboard and mouse,***
- web pages utilizing responsive design can transition into a "mobile" screen size even on a desktop/laptop, and***

- ***mobile operating systems have been used for laptop devices.***

***Furthermore, the vast majority of user interface patterns from desktop/laptop systems (e.g. text, hyperlinks, tables, buttons, pop-up menus, etc.) are equally applicable to mobile. Therefore, it's not surprising that a large number of existing WCAG 2.0 techniques can be applied to mobile content and applications (see Appendix A). Overall, WCAG 2.0 is highly relevant to both web and non-web mobile content and applications.***

***That said, mobile devices do present a mix of accessibility issues that are different from the typical desktop/laptop. The "Discussion of Mobile-Related Issues" section, below, explains how these issues can be addressed in the context of WCAG 2.0 as it exists or with additional best practices. All the advice in this document can be applied to mobile web sites, mobile web applications, and hybrid web-native applications. Most of the advice also applies to native applications (also known as "mobile apps")."***

**end of text from W3C website**

**CWDO comments: The current document references existing WCAG 2.0 Techniques that apply to mobile platforms (see Appendix A) and provides new best practices, which may in the future become WCAG 2.0 Techniques that directly address emerging mobile accessibility challenges such as small screens, touch and gesture interface, and changing screen orientation.**

**Therefore, CWDO recommends that in all clauses in Section 14 where websites and web content are referred to, the words, "mobile content and applications" be added.**

**14. (3) 3. By January 1, 2020, all internet and intranet websites, web content, mobile content and applications must conform with WCAG 2.0 Level AA. O. Reg. 191/11, s. 14 (3).**

**(4) Designated public sector organizations and large organizations for their internet websites, mobile content and applications shall meet the requirements of this section in accordance with the following schedule:**

2. By January 1, 2021, all internet websites, web content, **mobile content and applications** must conform with WCAG 2.0 Level AA, other than,

- i. success criteria 1.2.4 Captions (Live), and
- ii. success criteria 1.2.5 Audio Descriptions (Pre-recorded). O. Reg. 191/11, s. 14 (4).

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### **Recommendation #16**

#### **Recommendation 16: Significant refresh**

##### **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.

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**CWDO agrees with this recommendation.**

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## **Recommendation #17**

### **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 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

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**CWDO agrees with this recommendation and we feel it is important that the definition of the term, "not practicable" be aligned with the Ontario Human Rights Code's definition of "undue hardship".**

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### **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.

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**CWDO feels that the exemptions are there for cases where there are no accessible options available and that the reasons organizations cannot meet the requirements of this section should be made available to the public, upon request.**

**CWDO recommends adding the underlined text to Section (6)**

"In determining whether meeting the requirements of this section is not practicable, organizations referenced in subsections (1) and (2) **must provide, upon request, reasons why meeting the requirements of this section are not practicable and** may consider, among other things,

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

(b) significant impact on an implementation timeline that is planned or initiated before January 1, 2012. O. Reg. 191/11, s. 14 (6)."

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## **Recommendation # 19**

### **Recommendation 19: Extranet exemption**

- 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.

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**CWDO agrees with this recommendation.**

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**Recommendation #20**

**Recommendation 20: Intranet exemption**

- All organizations should be able to make their websites accessible under Section 14.

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.

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**CWDO agrees with this recommendation.**

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**Recommendation #21**

**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.

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**[CWDO agrees with this recommendation.](#)**

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## **Recommendation #22**

### **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.

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**CWDO agrees with this recommendation. With rapid changes in technology, it is possible for closed captioning and audio description to be incorporated into some platforms even now. For example, Google slides automatically adds closed captioning as the presenter is speaking.**

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### **Recommendation #23**

#### **Recommendation 23: Web hosting location**

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.

---

**CWDO agrees with this recommendation.**

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### **Recommendation #18**

#### **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.

**CWDO believes website accessibility requirements are already clear in Section 14 and therefore this recommendation is unnecessary.**

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### **Recommendation #3**

**Recommendation 3: Final review of regulatory language  
(CWDO comment: This should be with Section 14.)**

**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.

---

**It seems to us to be premature to significantly revise the requirements in Section 14 at this time.**

**When the government determines they will be significantly revising the requirements under Section 14, they can then consult with those individuals with digital inclusion expertise. Any changes should be in line with W3C Standards revisions, including those regarding mobile applications.**

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### **Recommendation #24**

**Recommendation 14: Procurement**

**CWDO comment: Procurement is dealt with in Clause 5 of the Integrated Accessibility Standards and states:**

**Quote from the Integrated Accessibility Standards**

**" 5. (1) The Government of Ontario, Legislative Assembly and designated public sector organizations shall incorporate accessibility**

design, criteria and features when procuring or acquiring goods, services or facilities, except where it is not practicable to do so. O. Reg. 191/11, s. 5 (1); O. Reg. 413/12, s. 4 (1)."

### **end of quote from the Integrated Accessibility Standards**

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#### **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.

---

**CWDO feels that making recommendations regarding procurement is really beyond this Committee's mandate. We agree with the intent of this recommendation.**

**The current clause does not directly refer to digital procurement, but we believe it is implicit in the term, "goods".**

**We also agree that inclusive design principles should apply to many aspects of the regulation and should be defined and emphasized in revised Standards when an overall review is undertaken.**

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### **Recommendation #15**

**Recommendation 15: Differentiating organizations/high impact organizations**

**(CWDO note: Currently the Number of Employees is used to differentiate the size of organizations)**

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.

---

**CWDO recommends the government change the definition of small organizations to "less than 25 employees", the way it was in the original Accessible Customer Service Standards and that these "small organizations" be required to comply with Section 14 so that the majority of Ontario businesses will be required to have accessible websites.**

**According to the Ontario Chamber of Commerce (see <https://occ.ca/wp-content/uploads/Obstacles-Opportunities-1.pdf>) 98% of businesses in Ontario are small (2016).**

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### **Recommendation #24**

**Recommendation 24: Purchase of accessible teaching/training materials**

**(CWDO note: It would have been helpful to have the same title as the appropriate section of the regulation.)**

**Taken from the Integrated Accessibility Standards regulation:**

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

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

**1. Provide educational or training resources or materials in an accessible format that takes into account the accessibility needs due to**

a disability of the person with a disability to whom the material is to be provided by,

- i. procuring through purchase or obtaining by other means an accessible or conversion ready electronic format of educational or training resources or materials, where available, or
- ii. arranging for the provision of a comparable resource in an accessible or conversion ready electronic format, if educational or training resources or materials cannot be procured, obtained by other means or converted into an accessible format."

**end of quote from Information and Communications Standards**

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**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'. **(CWDO note: It would have been helpful to know what the obligations are under this Policy)**

**Timeline:** Immediate

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**CWDO agrees with this recommendation, with the suggestion that the following be added to the current clause 15. 1. (1) iii arranging for the provision of the necessary accessible materials in an agreed upon timely manner.**

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**Recommendation #25**

**Taken from the Integrated Accessibility Standards regulation:**



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

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

1. It is governed by the *Education Act* or the *Private Career Colleges Act, 2005*.
2. It offers all or part of a post-secondary program leading to a degree pursuant to a consent granted under the *Post-secondary Education Choice and Excellence Act, 2000*.
3. It is a designated public sector organization described in paragraph 3 or 4 of Schedule 1.
4. It is a public or private organization that provides courses or programs or both that result in the acquisition by students of a diploma or certificate named by the Minister of Education under paragraph 1 of subsection 8 (1) of the *Education Act*.
5. It is a private school within the meaning of the *Education Act*. O. Reg. 191/11, s. 15 (2)."

**end of quote from the Information and Communications Standards**

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**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

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**CWDO comment: While this may be an admirable idea, it may not be feasible, as far as government regulations apply. Therefore, CWDO recommends that the government of Ontario determine if this clause can be applied to other organizations.**

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## **Recommendation # 26**

### **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

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### **CWDO agrees with this recommendation.**

**There are also too few ASL and LSQ interpreters, intervenors and teachers of the blind and Deaf. Therefore, CWDO recommends the government of Ontario explore ways of subsidizing courses at post-secondary institutions for the above mentioned critical occupations. These courses should be deemed essential and should be offered regardless of whether there may be fewer students enrolled in these courses than there may be for other types of courses.**

## **Recommendation #27**

### **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.

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**CWDO agrees with this recommendation and feels this should be dealt with by the Education Standards Development Committee which has been formed and which has very important work to do.**

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## **Recommendation #28**

### **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.

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**CWDO agrees with the concept which this recommendation reflects.**

**This is also an area which the Education Standards Development Committee should explore.**

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### **Recommendation #29**

#### **Recommendation 29: Accessibility in provincially regulated professions**

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

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**CWDO agrees with the concept which this recommendation reflects.**

**This is also an area which the Education Standards Development Committee should explore.**

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## **Recommendation #30**

### **Recommendation 30: Education standards**

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.

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**CWDO believes the Committee's Recommendations 27, 28 and 29 should be considered by the Education Standards Development Committee. For other recommendations, we have provided suggestions which either apply to the current regulation or which are beyond the regulation and we feel are not under the purview of the Education Standards Development Committee.**

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**CWDO's Recommendation regarding Sections 18 (Libraries of educational and training institutions) and 19 (Public Libraries)**

**CWDO recommends there be a clause added to these sections that requires all library staff to be specifically trained in how to provide all accessible information and communications services and programs offered by the library, including how to register consumers to the Centre for Equitable Library Access (CELA)**



**and/or the National Network for Equitable Library Service (NNELS).**

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**Phase Two**

**Proposed new model**

**CWDO feels this new model is far too complex and would not be able to be implemented.**

**We feel that keeping up with revisions to the W3C WCAG Standards and their proposed addition of new Standards for Mobile Content and Applications is more manageable than creating a new model. The Ontario government will need to make revisions to the Information and Communications Standards Section 14 when new international Standards are approved.**

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**For questions about our comments and recommendations, please contact Dorothy Macnaughton** who took the lead in developing this response. Dorothy is a CWDO board member with a great deal of expertise related to accessible information and communication. Dorothy can be reached by e-mail at [rmacnaug@bell.net](mailto:rmacnaug@bell.net) or landline phone at 705-759-0733.

Respectfully submitted,

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