

Accessibility Working Group
Report on the Accessibility Framework
August 6, 2020

MESSAGE FROM THE ACCESSIBILITY WORKING GROUP CHAIR

The Accessibility Working Group (AWG) was struck in August 2015 with the following mandate:

“To provide policy recommendations, expertise and experiential knowledge to Victoria City Council on accessibility issues with the aim of making City of Victoria infrastructure and facilities more accessible for all by:

- Identifying barriers for persons with disabilities created by current City of Victoria infrastructure;
- Making recommendations as to how to remove these barriers;
- Establishing criteria by which barrier removal can be prioritized and the allocating of funding can be determined; and
- Working with the City of Victoria to draft policies and procedures to prevent the creation of barriers in the future.”

The AWG believes that given this mandate it was and still is Council’s intention for the AWG to function in a partnership role with City staff. This belief was reinforced in 2019 with Council’s Strategic Plan assigning responsibility for the Accessibility Framework to both staff and the AWG.

Unfortunately, the past 4 – 5 years have demonstrated that this does not appear to be staff’s understanding of our role and consequently, this has led to frustration on the part of the AWG members. The Framework development process has been fraught with delays and for the most part, the AWG was kept in the dark as to how things were progressing and most recently, in the change of direction to an “equity” focus. The AWG has had little to no influence as to timelines, next steps or ultimately the Framework itself. Much that will be outlined in this report, the AWG has been recommending since the first draft of the Framework.

The AWG members sincerely hope that Council will give our feedback serious consideration given that we all live with the affects of accessibility (or its absence) all day, everyday. The Framework document repeatedly mentions the importance of “lived experience” but progress will only come if that experience influences decisions.

Over the past five years, The AWG has indeed witnessed a cultural shift at Victoria City Hall with regards to accessibility. People are beginning to “talk the talk”. It has been the AWG’s goal to show you how to “walk the walk”.

Case in point, I as the AWG Chair, asked to be given this draft of the Accessibility Framework sooner than the public release on Friday July 31. I was concerned that the documents would not be screen reader accessible as was the case with the November 2019 Framework release. I was denied this request. I was assured that the documents would be accessible because the Graphic Designer said they were accessible, but it has been my “lived experience” that sighted computer users, whether Graphic Designers or Computer Programmers, do not fully understand screen reader accessibility unless they are a screen reader user themselves. I was also led to believe that the final draft would be tested for accessibility by a third-party screen reader user, but I do not believe this happened. Needless to say, not all the Framework appendices were accessible to me and I spent the first day of the limited five-day response time, sorting this out.

Note: The following statement appears in the Framework document. “Sometimes people with disabilities require personal accommodations in situations where accessible systems or programs are not yet in place. “Accommodation” refers to the changes or modifications made to a system (e.g. a policy or practice) to meet the needs of a specific individual or group.”

It is apparent that staff do not have the awareness, skills and/or tools to put this into practice yet. The recommendations in this report aim to help equip staff to put into practice what the Framework clearly wishes to achieve.

THE CITY’S COMMITMENT TO ACCESSIBILITY from the Framework Executive Summary:

“The City of Victoria is committed to identifying, removing, and preventing barriers across its services, programs, and infrastructure, in order to benefit the community in a way that respects the dignity and independence of people with disabilities.

The City of Victoria values the contributions from all people and believes diversity strengthens the community. The City recognizes the essential knowledge and perspectives of people with lived experience of disability and commits to making sure those voices are part of community planning.”

This report will not address Appendices D and E, the two engagement documents. It will comment briefly on the staff report, Appendices C, Accessibility Policy and E, List of AWG recommendations but the main focus will be on Appendices A, the Framework document and B, the Action Plan.

STAFF REPORT

The staff report, which accompanies the Framework documents, mentions the feedback received from the AWG on the last draft of the Framework presented to Council in November 2019. It does not however, indicate staff's reasons for rejecting this feedback. The AWG can detect very little change in this draft and it should be noted that much, if not all, of the feedback in this report was offered to staff previously.

APPENDIX C – Council Accessibility Policy

AWG does not see this document as a policy. It is too high level; it would not be possible to determine whether someone is following it or not. Policies usually provide specific guidelines which determine a course of action. Staff report that the policy was taken from the AWG's recommended Statement of Commitment and that is what this document appears to be, aspirational statements. The document does not indicate how (i.e., guidelines) the aspirational statements will be realized.

There appears to be little change in this draft from the one presented on November 7, 2019 despite extensive feedback provided by AWG. Only the purpose section appears to be slightly modified. The other sections in AWG's opinion require further modification. For example, policy documents should be stand alone documents and not rely on another document for definitions.

APPENDIX E - List of AWG Recommendations

The AWG draws Council's attention to Appendix A - AWG and Council Motions July 2020, which accompanies this report. This is the AWG's version of Appendix E of the Framework being discussed. The AWG's document groups the motions under categories/issues, identifies their priority, and gives the status of the issue.

Of particular note are the first seven Issues-Related Motions starting on page 3. These issues are deemed priority 1 issues (health and safety) and have not been resolved to AWG's satisfaction to date. They are not addressed adequately by the Framework Action Plan.

Issue 1: Crossing over bike lane to bus stop on Pandora (and uncontrolled crossings over bike lanes where there is not a light)

Status: Unresolved. Action Plan does not address. Human Rights complaint hearing is pending. Bike lanes continue to be built with crossings that are not controlled with a stop light or barrier despite AWG's motion for this practice to be suspended until the Pandora bike lane solution is found.

Mitigation efforts – Staff reported painting of X ineffective. APS with flashing warning light on Wharf not tested. Status and effectiveness of Public awareness poster unknown.

Issue 2: Angle of bus ramps at City Hall and Bay Centre

Status: Unresolved. Staff recommended and Council approved, taking no action. City Hall location May be addressed by Action Plan item pertaining to Centennial Square.

Issue 3: Children with allergies and recreation programs

Status: Unresolved. Some action taken, some gaps. Two unsubstantiated public claims re: scent and nut- free policies

Issue 4: Accessibility of City Facilities

Status: Unresolved. No pet restriction policy for City facilities has been developed or discussed with AWG and this is not addressed by the Action Plan. City Hall is still not accessible. Action Plan does include an action regarding scent reduction.

Issue 5: Balancing accessibility concerns with pollinator habitat and other interests in City planting decisions

Status: Unresolved. Human health is receiving less consideration when competing rights and interests are identified even though health is a right and the other interests are not necessarily rights. Action Plan does not address this specific issue or the need for a tool to balance competing rights and interests.

Issue 6: Truncated domes and no lip curbs

Status: Unresolved. No lip curbs (with no truncated domes) continue to be installed; the most recent case being reported at the July 28, 2020 AWG meeting. Action Plan does not address this.

Issue 7: Accessible Pedestrian Signals (APS)

Status: Unresolved. Pilot APS were installed but future plans for installations are unknown. The public (and blind pedestrians in particular) are not aware of the requirement to hold in the button for several seconds in order to activate the audible signal.

It should be noted that one of the reasons why some of these issues have not been resolved satisfactorily is that they involve **competing rights and interests** (e.g. cyclists vs blind pedestrians, persons with allergies/lung conditions vs First Nations). Balancing competing rights and interests will be explored further in the following section.

APPENDIX A – Accessibility Framework and APPENDIX B - Action Plan

The Framework acknowledges the challenges of, and need to, balance competing rights/needs/interests several times in the document but does not mention how this challenge will be addressed, either in the document itself or in the Action Plan. This is despite the AWG's continuing recommendation for such a tool to be developed or adopted from elsewhere.

The Framework does not distinguish the difference between balancing needs/interests across the community and rights protected by Human Rights legislation, when mitigating existing or potential barriers to persons with disabilities. Training on this issue is also clearly required and should be mentioned as part of the staff training plan.

The Framework refers to addressing this concern through the Equity Framework, but this initiative will more than likely take several years to realize, based on the 3 ½ years it has taken to develop the Accessibility Framework. Several outstanding accessibility issues exist because the City does not have a tool to guide balancing competing rights and interests. AWG has recommended the adoption of one of several existing tools, which would facilitate the broader equity concerns, yet the Action Plan does not address this critical issue.

The Framework also makes reference to an Intersectional Research and Policy Lens. AWG would argue that accessibility is one element of an Intersectional approach but that it needs its own unique tools. AWG has recommended since the beginning of this work, that the development of an Accessibility Lens be referenced in the Framework document and included in the Action Plan, but it is not present in either document. If the term Accessibility Lens is not acceptable, then AWG would be happy with calling the tool "Guidance for Conducting Accessibility Analysis"

The **components of an Accessibility Lens** would include:

- A methodology for anticipating and avoiding barriers in new work
- A new model for decision making that facilitates minority considerations
- A tool for weighing competing rights and interests
- A process for systematic review of accessibility of existing infrastructure & programs, etc.
- Criteria for prioritizing actions included in Action Plan and beyond
- Requirements for Writing an Accessibility Impact Statement

As far as the Action Plan is concerned, it appears to be scaled down from the Action Plan presented in November 2019. Perhaps staff thought Council only wanted the year one actions to be included.

The AWG believes that Actions need to be measurable yet there is no way to know if the actions have been completed as there isn't an outputs or work products column in this document. There are also several references to continuing an initiative but again no way of determining when it is completed. It is called a Short-term Action Plan, but it is also unclear when the actions will commence and when they are anticipated to be completed. There are no criteria to determine which actions are in or out, and the actions are not prioritized.

The Framework refers to an Accessibility Program. "This program can be defined as the combination of resources, policy, guidelines, standards, directions, actions, tools, and information to deliver year-on-year accessibility improvements." The measurable outcomes mentioned in this statement are, however, not evident in the Action Plan.

The Framework refers to the formation of a single equity advisory committee for all equity seeking groups including persons with disabilities but it is AWG's understanding that this has not been approved by Council. Council's direction, restated at COTW on November 7 2019, was to develop terms of reference for an accessibility advisory group. The AWG's recommendation is and always has been that Accessibility requires a dedicated advisory group. This group should definitely have representation on an equity seeking committee but as many accessibility issues are of a technical and detailed nature, a separate group is also required, at least in the short term. All Council members who have served as AWG Council liaisons have witnessed just how diverse and far reaching disability issues can be and how little most individuals really understand the breadth and extent of accessibility considerations.

During the AWG's mandate, the City has made much progress towards accessibility but there is still a long way to go. A well informed intersectional approach could have value in the long run but in the short term, it will only serve to slow or even reverse this progress unless an Accessibility Advisory committee is struck to continue the work of the AWG during the transitional period. We recommend that such a committee should comprise of one or two current AWG members who could help guide the new committee and the Coordinator, once hired, through this transition.

In the past, the AWG has promoted the development of terms of reference for an accessibility advisory body but a less formal, temporary group, it's mandate to be reviewed annually, would be acceptable and serve the goal of ensuring continuity.

AWG RECOMMENDATIONS

The AWG is recommending that Council not adopt the Framework as presented. Approval triggers:

- The demise of the AWG in one month
- The transfer of responsibility to new staff
- Leaving the City with no accessibility advisory function or continuity

MOTION

The AWG recommends that Council:

1. Postpone approval of the Framework in part or whole until September
2. Direct staff to immediately:
 - Proceed with the hiring of an individual to fill an accessibility coordination role
 - Draft terms of reference for an accessibility advisory body or form a less formal temporary accessibility advisory body to be reviewed annually
3. Direct staff to redraft the Accessibility Policy to better meet the purpose of a policy document (i.e., include guidelines which determine a course of action and definitions)
4. Direct staff to modify the Short-term Action Plan to include measurable outcomes with year to be addressed and accomplished
5. Direct staff to add the following Actions to the Short-term Action Plan to be addressed in 2020 :
 - Guidance for Conducting Accessibility Analysis (what AWG means by an Accessibility Lens. Council may wish to workshop this)
 - A tool to balance competing rights and interests (which AWG sees as a building block for the Equity Lens and part of an Accessibility Lens)
 - A specific staff training plan which includes training on “competing rights and interests”
6. Direct staff to add the following actions to the Action Plan to be addressed in 2020 – 2021:
 - Address angle of bus ramp at bus stop adjacent to City Hall with Centennial Square rebuild
 - Develop pet restriction policy for City Hall and City run facilities
 - Identify steps that are to be taken to address health concerns regarding allergens from City plantings (e.g. amend Urban Forest Master Plan, formally adopt OPALS methodology with regards to trees and ground covers (not addressed in actions to date) and include in educational materials, and conduct low-allergen planting pilot previously supported)
 - Develop procedures to ensure that “no lip” curb cuts are not installed unless truncated domes are also installed, to ensure compliance going forward
 - Promote public awareness (including pedestrians who are blind) of APS and how to activate the audible signal