

ACCESSIBILITY POLICIES, PRACTICES AND PROCEDURES OF THE AGRICULTURE, FOOD AND RURAL AFFAIRS APPEAL TRIBUNAL

Background

These policies, practices and procedures are designed to ensure that the Agriculture, Food and Rural Affairs Appeal Tribunal continues to be accessible to all Ontarians, including Ontarians with disabilities, and to comply with its legal requirements under the *Accessibility for Ontarians with Disabilities Act, 2005*.

Disability is defined in Section 2 of the *Accessibility for Ontarians with Disabilities Act* as follows:

“disability” means,

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*;

Tribunal policies, practices and procedures may be amended by the Tribunal at any time. Whenever new or revised standards are developed under the *Accessibility for Ontarians with Disabilities Act*, this document will be reviewed and updated as necessary. In the event these policies, practices and procedures are changed, an amended document will be posted on the Tribunal's website.

This document will be posted on the Tribunal's website at <http://www.omafra.gov.on.ca/english/tribunal/index.html>.

Upon request, the Tribunal will provide the document or the information contained within it in an alternative format appropriate to the particular needs of a person with a disability.

The Tribunal's policies, practices and procedures are designed to meet provincial standards for customer service, information and communication.

SECTION 1 - Customer Service

Policy on the Provision of Services to Persons with Disabilities

General Information

1. The Tribunal provides services to its clients; it does not provide goods.
2. The Tribunal is committed to being inclusive and accessible to all Ontarians and providing barrier-free access to its hearings and to providing quality service to every individual seeking its services.
3. The Tribunal respects the principles of dignity, independence, integration and equal opportunity for persons with disabilities.
4. All persons receiving services from the Tribunal will be treated with respect.
5. All persons with disabilities receiving services from the Tribunal who require accommodation will be accommodated to the extent possible. Accommodation will be customized to each person according to individual needs.
6. Where the Tribunal specifically invites or requires a person to attend a hearing (e.g. party, or witness who has been summoned) the Tribunal will ask the person to identify accommodation needs as soon as possible but no later than ten business days before the hearing. The Tribunal will then work with the person with a disability to develop an accommodation plan to enable the person to participate fully. If notice is received less than ten business days in advance, the Tribunal will accommodate the person to the extent possible.
7. The Tribunal will provide a sign language interpreter, real-time captioner or other appropriate services if a party or witness with a disability identifies that this type of accommodation is required.
8. Persons with a disability who wish to attend a public hearing of the Tribunal and require accommodation should notify the Tribunal of their accommodation needs as soon as possible but no later than ten business days before the hearing. The Tribunal will then work with the person with a disability to develop an accommodation plan to enable the person to attend. If notice is received less than ten business days in advance, the Tribunal will accommodate the person to the extent possible.
9. The Chair of the Tribunal, or a Vice Chair acting in the capacity of the Chair, may require that a person with a disability be accompanied by a support person while on premises used by the Tribunal if a support person is necessary to protect the health or safety of the person with the disability or the health and safety of others on the premises.

Facilities

10. The Tribunal offices are easily accessible to persons with disabilities. The Tribunal's hearing room is located on the main floor of 1 Stone Road West in Guelph, which is a wheelchair accessible building with ample parking for persons with disabilities. The building has mechanized doors, accessible washrooms, wide walkways and clear signage. The elevator controls are within easy reach of a person who uses a wheelchair/scooter, and an automated voice announces the stop on each floor (English and French).
11. Hearings held in Guelph, Ontario will normally be held in the Tribunal's hearing room or in hotel meeting facilities in the vicinity. Hearings held for matters under the *Drainage Act* are held in municipal offices near the location of the municipal drain.
12. In selecting meeting rooms for hearings held off-site, preference will be given to accessible meeting rooms where possible.
13. Hearings held in rural areas will normally not be accessible by public transit. If a person with a disability wishes to participate in such hearings, the individual will be required to arrange their own transportation.
14. In the event that it is not possible to accommodate a person with a disability at a specific hearing, the Tribunal will make alternative arrangements such that the person with a disability may participate by teleconference or video conference. These situations will be addressed on a case by case basis according to the individual's needs.
15. The Tribunal does not provide refreshments, other than water, at hearings. The cafeteria at 1 Stone Road West in Guelph is wheelchair accessible. For hearings held at locations other than 1 Stone Road West in Guelph, the Tribunal office can be contacted to obtain information about the nearest accessible location for beverage or food needs.

Availability of Information

16. The Tribunal website is contained within the website of the Ontario Ministry of Agriculture, Food and Rural Affairs. OMAFRA uses the Ontario Public Service's Enterprise Content Management System (Stellent) to ensure that the internet site is barrier-free.
17. Notices about upcoming hearings and decisions arising from hearings are posted on the Tribunal's website.
18. The Tribunal's general enquiry telephone line is not equipped with TTY. However information can be obtained from the Tribunal by contacting the Ministry's TTY telephone line at (519) 826-7402. Alternatively, information can be obtained by e-mailing the Tribunal office at appeals.tribunal.omafra@ontario.ca

19. When a person with a disability identifies the need to receive information in an alternative format, the Tribunal will provide the information in a format that can be understood by the person requesting the information.

Use of Assistive Devices

20. Persons with disabilities may use their own personal assistive devices (e.g. note taking devices, walkers, oxygen tanks) when attending Tribunal hearings. The Tribunal will not operate or otherwise handle a person's personal assistive device unless invited to do so by the user or their support person.

Use of Service Animals and Support Persons

Service Animals

21. Where it is known in advance that a person with a disability will be attending a hearing and will be bringing a service animal, the Tribunal will:

- Determine a suitable area for the service animal to relieve itself and communicate this to the person with a disability on the day of the hearing.
- Have a water bowl available for the use of the service animal.
- Provide seating that allows space for the service animal to comfortably rest by the person with a disability.
- Allow sufficient time at breaks for the person with a disability to attend to the animal's needs as well as their own needs.
- Ensure that the service animal is allowed to enter the premises and remain with the person with a disability. Building security will be notified that a service animal will be accompanying the client.
- Not interact with or touch a service animal without the permission of the owner/handler.

22. Any additional needs related to the use of a service animal which are identified by a person with a disability will be considered on a case by case basis.

23. Where it is not known in advance that a service animal will be present, efforts will be made to accommodate the person with the service animal to the extent possible.

24. Where it is not readily apparent that an animal accompanying a person with a disability is a service animal, the Tribunal will accept that the animal is a service animal if the person provides a letter from a doctor or nurse confirming that the person requires the animal for reasons relating to the disability, or that the person provides documentation that he or she is certified as a handler of a service animal.

25. There are no areas in the offices of the Tribunal where service animals are excluded by law.

Support Persons

26. Where it is known in advance that a person with a disability will be accompanied by a support person¹, the Tribunal will:

- Ensure there is adequate seating and ensure that the support person can sit next to the person with a disability.
- Ensure that the person with the disability is not prevented from having access to the support person while on the Tribunal's premises or facilities rented for a hearing.
- Provide copies of any written hearing material to both the person with a disability and the support person.
- Ensure adequate lighting, location and space for a sign language interpreter, real-time captioner or other appropriate service, if one is to be present.
- Ensure that there is adequate space for any equipment that the support person will be using (e.g. real time caption steno, laptop and screen).
- Notify the person with a disability that he or she and any support person are responsible for parking fees for attending Tribunal hearings at 1 Stone Road West in Guelph, and are responsible for paying any parking fees that may be required for attending hearings at off-site locations.
- Notify the person with a disability that when parking in a parking spot reserved for persons with disabilities at 1 Stone Road West in Guelph, an accessible parking permit must be visible in the vehicle.

27. Where it is not known in advance that a support person will be accompanying the person with a disability, an effort will be made to accommodate the person with the support person to the extent possible.

28. If matters of a confidential nature are to be discussed with a person with a disability who is accompanied by a support person, the Tribunal will require:

- The person with a disability to consent to sharing confidential information with the support person.
- The support person to sign a confidentiality agreement.

Notification of Temporary Disruptions in the Provision of Services

29. Individuals seeking a hearing before the Tribunal or information about the hearing process may contact the Tribunal office by telephone, e-mail, fax or by mail. Information about the Tribunal, its procedures, upcoming hearings

¹ A support person is an individual hired or chosen by a person with a disability to provide services or assistance with communication, mobility, personal care, medical needs or with access to goods or services. Personal care needs may include, but are not limited to, physically transferring an individual from one location to another or assisting an individual with eating or using the washroom. Medical needs may include, but are not limited to, monitoring an individual's health or providing medical support by being available in the event of a seizure. (Reference: ADO, Guide to Customer Service Regulation at www.accesson.ca.)

and recent decisions can also be found on the Tribunal's website. Because the Tribunal resides within the Ministry of Agriculture, Food and Rural Affairs, and its telephone, fax, e-mail and website services are supplied by the Ministry, in the event that the Tribunal's telephone, fax, website or e-mail is temporarily unavailable to the public for more than 48 hours, the Ministry will provide advance notice of their unavailability and the reason that it is to be unavailable.

In the event that there is a planned temporary disruption in services that is expected to last for less than 48 hours, no advance notice will be given.

30. In the event there is an unanticipated disruption of service that is expected to last for more than 48 hours, the Ministry will provide information about the disruption and the anticipated date that the service will once again be available, if known, on websites or telephone general enquiry lines operated by the Ministry, whichever is still operational.
31. Where there is a disruption in services in the premises where the Tribunal is holding a hearing, the Tribunal will post a notice at the hearing location advising of the disruption, its anticipated duration if known, and alternative arrangements for the hearing if any.

Receiving Feedback and Responding to Complaints

32. Feedback on the provision of services to persons with a disability may be made by:
 - Electronic mail to appeals.tribunal.omafra@ontario.ca
 - Facsimile transmission to 519-826-4232
 - Telephone to 519-826-3433
 - Letter or e-text on compact disk readable with Microsoft Suite software mailed to
Agriculture, Food and Rural Affairs Appeal Tribunal
1 Stone Road West
Guelph, ON N1G 4Y2
33. Requests for using alternative mechanisms for giving feedback will be considered on a case by case basis.
34. The Tribunal will acknowledge receipt of a verbal complaint within two business days, and complaints by mail or e-mail within five business days. If a complaint is received, where possible, it will be addressed immediately. If a complaint cannot be addressed immediately, the acknowledgement will advise that the matter will be reviewed, and a response on the status of the matter will be provided within 30 days.

SECTION 2 - Information and Communication

The Tribunal will communicate with persons with disabilities in ways that take into account their disability. This means that Tribunal members and staff will communicate in a manner that enables persons with various disabilities to communicate effectively for the purpose of participating in hearings before the Tribunal.

SECTION 3 - Training

1. Within three months of their appointment to the Tribunal, all appointees are to receive training on:
 - The purposes of the *Accessibility for Ontarians with Disabilities Act, 2005*.
 - The requirements of the Accessibility Standard for Customer Service regulation.
 - The Tribunal's accessibility policies, practices and procedures.
 - How to interact and communicate with persons with various types of disability, including those who use an assistive device or require the assistance of a service animal or support person.
 - How to use equipment/devices on the Tribunal's premises that may help with the provision of goods and services to a person with a disability.
 - What to do if a person with a particular type of disability is having difficulty accessing the Tribunal's services.
2. This training will be provided to current appointees prior to December 31, 2009.
3. In the event the Tribunal makes any changes to its accessibility policies, practices or procedures, it will ensure that all members are familiar with the change and receive any additional training that may be required as a result of the change.
4. Training may be provided by employees in the Ontario Public Service, an outside service provider, a web-based training module or through the provision of written training materials. Accessibility training will be incorporated into orientation sessions for new members as deemed appropriate.
5. Records of training including the names of individuals who receive the training, the number trained and the dates on which they receive the training are to be kept by the Tribunal Coordinator.
6. All employees of the Ministry of Agriculture, Food and Rural Affairs who support the Tribunal are to receive a copy of the Tribunal's accessibility policies, procedures and practices and training materials. Tribunal staff are employees of OMAFRA who will train its employees on the *Accessibility for Ontarians with Disabilities Act* and how to interact with persons with disabilities.

SECTION 4 - Reporting

The Tribunal shall file annual accessibility reports in a form approved by the Minister of Community and Social Services as prescribed in Section 14 of the *Accessibility for Ontarians with Disabilities Act*. Additional reports will be filed as required. Accessibility reports shall be made available to the public on request.

SECTION 5 - Procedures for Ensuring Hearings are Accessible

1. All formal notices of hearings are to include a reference to the Tribunal's accessibility policies, practices and procedures and information on how to contact the Tribunal should accommodation be required.
2. When a person with a disability notifies the Tribunal office that an accommodation is required, the Tribunal Coordinator or Tribunal Assistant will be the contacts between the person with a disability and the Tribunal.
3. The Tribunal Coordinator or the Tribunal Assistant will discuss accommodation requirements and options with the person with a disability and will develop a plan to accommodate the individual.
4. The accommodation plan shall specify:
 - Any changes in room configuration, furniture requirements and lighting required.
 - Any requirements for specialty equipment.
 - Any adjustments that may be made to the hearing (e.g. breaks) that may be required.
 - Any modifications that may be required to the format of documents or alternative communication methods.
 - Whether or not a service animal or support person will be accompanying the individual, and any special needs of the animal or support person.
5. The Tribunal Chair or a Vice Chair acting in that capacity will review the accommodation plan. If the Chair/Vice Chair is of the view that it is not possible to implement the accommodation plan then the plan may be modified, in consultation with the person with a disability, or service may be provided to the individual in an alternative format. If there is any concern as to the health and safety of any individual attending the hearing, it will be addressed prior to the date of the hearing.
6. The Tribunal Coordinator or Tribunal Assistant will be responsible for ensuring that the approved accommodation plan is implemented and shall ensure that the person with a disability is provided with:
 - A contact number to call in the event there is any difficulty accessing the meeting room on the day of the hearing, and/or assistance in reaching an area of the room reserved to accommodate the person with a disability.
 - Information on the location of accessible restaurants in the area of the meeting, if needed.

- Information on fees that are payable to access the building (i.e. parking).
 - Any additional information required for the service animal or support person, if one is used (e.g. location for service animal to relieve itself).
7. The Tribunal Coordinator or Tribunal Assistant will inform building security if a service animal is to accompany the person with a disability.

Practice for Booking Off-site Meeting Rooms

8. For hearing functions that are held off-site, Tribunal staff will inquire as to the accessibility features of the available meeting rooms that meet the needs of the Tribunal with regard to location, size, cost, available date and any additional hearing-specific requirements.
9. In evaluating potential meeting rooms as to their suitability, Tribunal staff will consider accessibility features, and will favour an accessible room over one that is not, provided that it meets the needs of the Tribunal. Optional accessible features (i.e. close captioning on screen feature) will not be ordered unless the Tribunal knows that a person with a disability requiring the feature will be in attendance.
10. The Tribunal does not normally conduct pre-booking site inspections of potential meeting rooms. The Tribunal relies upon the meeting room provider to accurately represent the features of the meeting room.

Practice for Assessing the Need for a Support Person

11. The Chair or Vice Chair will only require the person with a disability to be accompanied by a support person when he/she finds that this is necessary to protect the health or safety of the person with the disability or the health and safety of others on the premises.

SECTION 6 – Questions About the Policy

If anyone has a question about this policy, or wish to receive a copy of the policy, please contact:

Agriculture, Food and Rural Affairs Appeal Tribunal
1 Stone Road West
Guelph, ON N1G 4Y2
Appeals.tribunal.omafra@ontario.ca
Fax: (519) 826-4232
Telephone: (519) 826-3433