Canadian Legal Accessibility Landscape

eSSENTIAL Accessibility Client Webinar Series

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Housekeeping Notes

- This webinar will be recorded and will be shared out with registrants afterwards

- Real Time Captioning will be provided

- All participants will be muted upon entry, but will be given permission to unmute themselves when we start the Q&A

- Utilize the Chat function to alert eA team of any technical issues

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Agenda

Overview of Obligations — 01

Consequences — 02

What Does Accessibility Best Practices Look Like — 03

Common Accessibility Queries — 04

Scope of Audit and Frequency — 05

COVID-19 has amplified the importance of inclusion

Brands were quick to launch statements around COVID-19, but have been without accessibility statements for years. Both are critical.

1. Impact on customers

2. Changes to customer service

3. Location of changes to service

4. Timeframe for improvements

5. Impact on employees

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Laws and Acts might be national but Guidelines are Global

WCAG 2.0/2.1

Section 508

Section 504

Americans with Disabilities Act (ADA)

Accessibility for Ontarians with Disabilities Act (AODA)

EN 301 549

Individual States (Civil Rights)

What is Web Content Accessibility Guidelines (WCAG)?

Perceivable = can you still perceive all the information regardless of disability?

- Images = Alt Text
- Videos = Captions

Operable = can you operate the website the way in which it was intended independently, regardless of disability?

- Descriptive Links
- Headings and Structure

Understandable = can you understand the content and enjoy a predictable experience?

- Use plain language
- Consistent Experience

Robust = can the content work well with technologies?

- Assistive Technology (Screen Readers)
- Metadata

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GOALS

- Legal Requirements

- What It Really Means

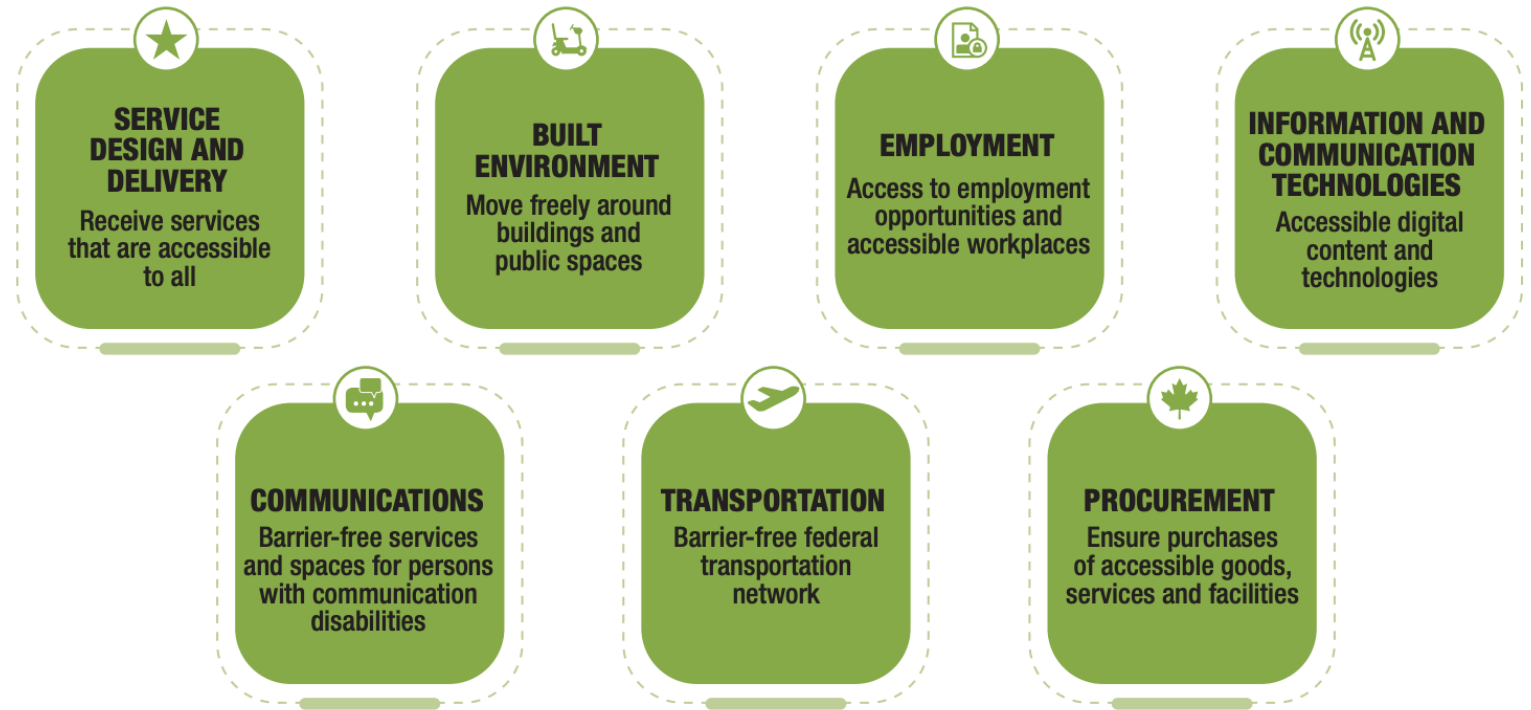- More than a paperwork exercise

- Best practices

Accessibility Canada Act (ACA)

Vision Statement: To proactively eliminate and prevent barriers to ensure greater opportunities for persons with disabilities

GOALS OF THE ACCESSIBLE CANADA ACT

- Realization of a barrier-free Canada
- Culture change
- Standards development
- Proactive compliance and enforcement measures
- Monitoring and oversight

SERVICE DESIGN AND DELIVERY
Receive services that are accessible to all

BUILT ENVIRONMENT
Move freely around buildings and public spaces

EMPLOYMENT
Access to employment opportunities and accessible workplaces

INFORMATION AND COMMUNICATION TECHNOLOGIES
Accessible digital content and technologies

COMMUNICATIONS
Barrier-free services and spaces for persons with communication disabilities

TRANSPORTATION
Barrier-free federal transportation network

PROCUREMENT
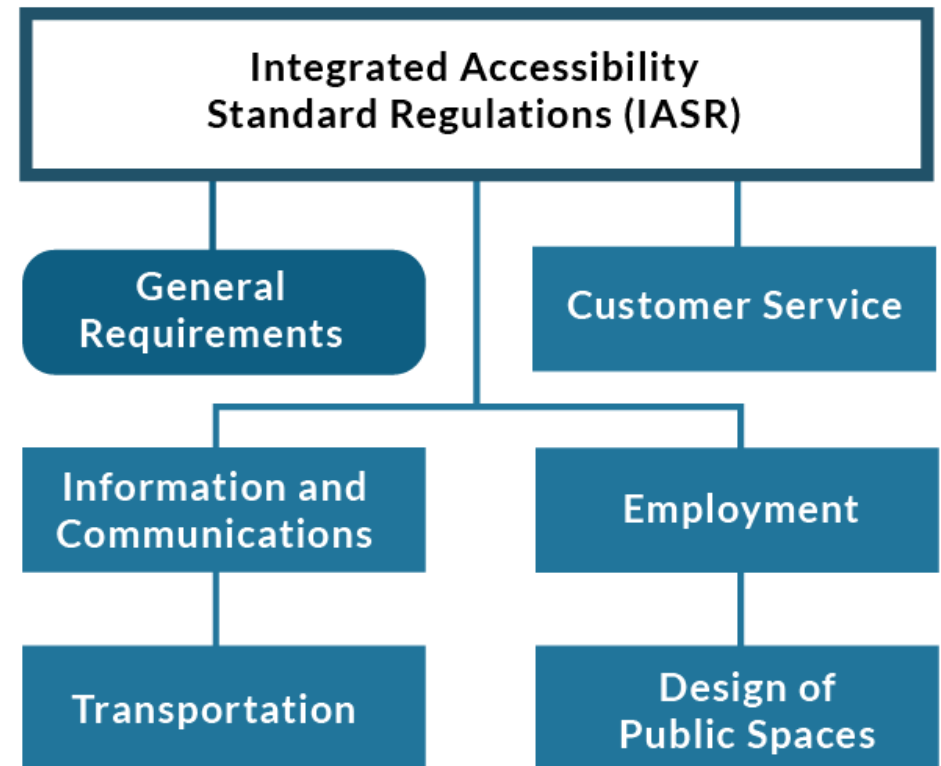Ensure purchases of accessible goods, services and facilities

Canada holds the most detailed accessibility regulations in the World. Through our combined partnership and guidance, Samsung Canada could position itself as THE digital accessibility compliance center of excellence for Samsung at global-scale.

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AODA

5 Parts (Really 7)
I. General
II. Information and Communication
III. Employment
IV. Transportation
Accessible Design of Built Environment
Customer Service
V. Compliance

Accessibility for Ontarians with Disabilities Act
AODA

Integrated Accessibility Standard Regulations (IASR)

General Requirements

Customer Service

Information and Communications

Employment

Transportation

Design of Public Spaces

I. GENERAL

Policies

Procurement

Training

Plan

Policies

REQUIREMENT

- Policies governing how business achieves or will achieve accessibility
  o Statement of organizational commitment to meet accessibility needs in a timely manner
  o Policies must be publicly available

MEANING

- High-level policies
- Internal policies re. responsibility and authority
- Internal policies re. implementation
  o How-to
  o Who can help
  o Budget
  o Feedback
  o Tracking & Improvement

Procurement

Government & Public Sector

Incorporate accessible design, criteria, and features when procuring or acquiring

- Goods, services or facilities
- Self-service kiosks

Small & Large Organizations

"Have regard to" accessibility when designing, procuring or acquiring

BEST PRACTICE

- Incorporate accessible design into vendor and service provider contracts

Training

Train on AODA and Human Rights Code

- Employees
- Participants in developing organization policies
- Everyone who provides goods, services or facilities on behalf of

As soon as practicable and ongoing

Keep records of training

REQUIREMENT
- Outline organization's strategy to
  - Prevent barriers
  - Remove barriers
  - Meet AODA obligations
- Post on website
- Review and update every 5 years
- **BEST PRACTICE** (required for Public Sector Organizations)
  - Consult with disability organizations
- **BEST PRACTICE** (required for Public Sector Organizations)
  - Annual status report

MEANING

- Similar approach used in US under ADA Title II – Self-evaluation & Transition Plan
    - A self-evaluation is a public entity's assessment of everything, including its programs, services, and activities; facilities; and current policies, practice and procedures. The self-evaluation identifies and corrects barriers to access that are inconsistent with its title II requirements.
    - Evaluate accessibility of
        - o Physical facilities
        - o Services, policies, and practices
        - o Communication methods
        - o Employment policies and practices
        - o Request/feedback/complaint procedures
        - o Training

MEANING
- Identify
  - Barriers to access for common disabilities (mobility, manual, vision, hearing, speech,…)
    - o People with disabilities, disability organizations, and experts help
  - Systemic Barriers
  - Communication Barriers
  - Technology Barriers
  - Attitudinal Barriers
  - Gaps in Current Policies/Procedures
  - Possible Buckets
    - o Process by process (e.g. financial advice; investment; account information)
    - o Facility by facility
    - o Barrier type by barrier type (e.g., web accessibility across the organization)

MEANING

- Prioritize
  - Frequency of customer encounters
  - Severity of the barrier
  - Ease of remediation
- Describe
  - Plan to eliminate the barrier long-term, e.g.
    - Physical modification
    - Policy change
    - Purchase of equipment/technology
    - Technology remediation
    - Staff training
  - Interim plan to work around the barrier, e.g.
    - Exception (reasonable modification) request process

MEANING

- Specify
  - Schedule for barrier elimination
- Assign
  - Person(s) responsible for implementation, oversight, progress tracking, reporting
  - Resources ($, staff, time)
- Track and report progress
- Update (every 5 years at least)

- **Resources**
  - [How to create an accessibility plan and policy](#)
  - [ADA Best Practices Tool Kit for State and Local Governments](#)
- **Samples**
  - [Appendix D - Accessibility plan — sample template](#)
  - Introduction (high-level official commitment)
    - Past Achievements (in Communications & Information, Employment, Procurement, Physical Access, Training)
    - Current Initiatives and Timing

POLICY

Sample Worksheet 1:
Addressing a Requirement of the AODA Accessibility Standards
Ontario law: Provide accessible formats and communication supports on request.

Actions	Resources	Responsibility	Completion Date
Develop and implement a policy that documents be created in a structured electronic format to allow for easier conversion to accessible formats	Up to 5 days	Office Manager	March 1, 2015
Assess how and what information we make available to public	1 day	Customer Service Dept.	September 1, 2015
Develop a process for responding to requests for supports and services	Up to 5 days	Customer Service Dept.	September 1, 2015
Appoint a staff person to focus on planning accessible meetings	Ongoing	Event Coordinator	September 30, 2015
Outsource select products for conversion to accessible formats	2 weeks	Customer Service Dept.	November 1, 2015
Develop accessible alternatives to telephone systems for people who have hearing loss	2 weeks	Telecommunications Coordinator	November 1, 2015
Establish or obtain a list of sign language interpreters, intervenor and captioner vendors	Up to 4 days	Customer Service Dept.	November 1, 2015
Post a notice on website, Facebook page or other social media sites and on premises that information is available in a variety of accessible formats	Up to 2 hours of work	Webmaster	December 1, 2015

Web/Technology Accessibility Planning Components

- **Adopt policy and publicize policy**
  - o Setting standard (WCAG 2.0 Levels A & AA)
- **Hire/assign responsible staff**
  - o With sufficient authority and budgetary authority
  - o With sufficient expertise
- **Training for developers and content creators**
- **Provide experts/resources for developers and content creators**
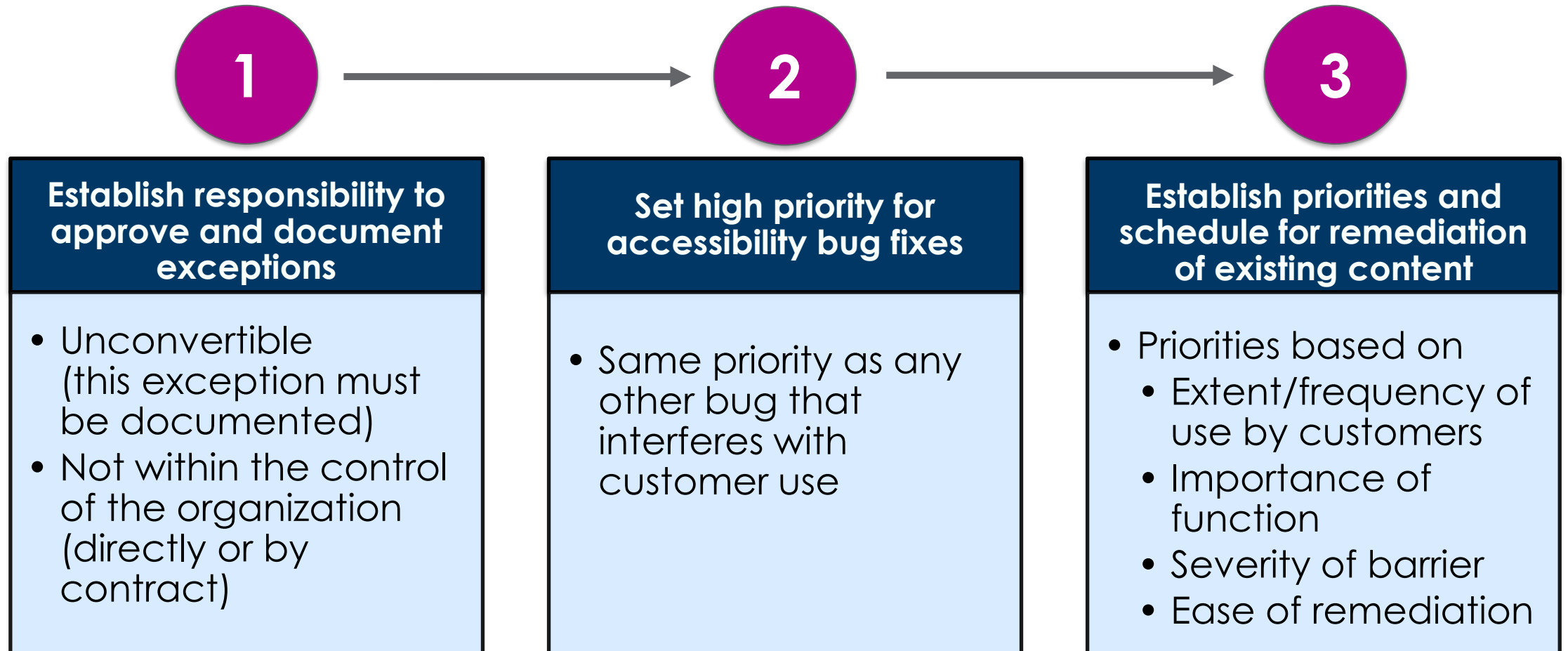- **Set procedures for pre-posting reviews of accessibility of new content**

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Web/Tech Accessibility Planning Components

Set schedules and responsibility for periodic audits (internal & by qualified vendor)
Automated and manual/user audits

Frequency Guidelines for Monitoring of Accessibility Compliance

Previous Accessibility Compliance					
Accessibility Controls in Place	**High**	**Moderate-High**	**Moderate**	**Moderate-Low**	**Low**
Deficient or Not Present	Semi-Annual Review	Quarterly Review	Monthly Review	Monthly Review	Monthly Review
Adequate	Annual Review	Semi-Annual Review	Quarterly Review	Monthly Review	Monthly Review
Effective	Annual Review	Annual Review	Semi-Annual Review	Quarterly Review	Quarterly Review

Web/Tech Accessibility Planning Components (1 of 2)

1

Establish responsibility to approve and document exceptions

- Unconvertible (this exception must be documented)
- Not within the control of the organization (directly or by contract)

2

Set high priority for accessibility bug fixes

- Same priority as any other bug that interferes with customer use

3

Establish priorities and schedule for remediation of existing content

- Priorities based on
  - Extent/frequency of use by customers
  - Importance of function
  - Severity of barrier
  - Ease of remediation

Web/Tech Accessibility Planning Components (2 of 2)

- Establish procurement accessibility policies, contract language, and remediation responsibilities of vendors

- Establish accountability mechanisms for developers and content creators who post inaccessible material

- Complaint/feedback process

- Process to request accessible formats while remediation is proceeding

Deadlines

- Full compliance by 2021
- As of January 1, 2012,

all businesses providing goods and services to public must be compliant with the AODA Customer Service Standard

What is the Risk?

- It's the Law
- Losing customers
- Hurting brand and goodwill
- Expensive Workarounds
- Compliance with Bill 118 (AODA) is enforced by the Ministry of Community and Social Services
- Compliance is a key priority for companies providing customer service
- Fines up to $50,000/day for individuals
- Fines up to $100,000/day for companies

Accessibility across the enterprise

- Un-webbing accessibility throughout the business infrastructure.

- Accessibility plays a role in most every area of a company.

Project Management

Sales

Training & Education

Mobile

Marketing

Procurement

Development

HR

LMS

Accessibility

Finance

Design

Public Relations

Web

Customer Service
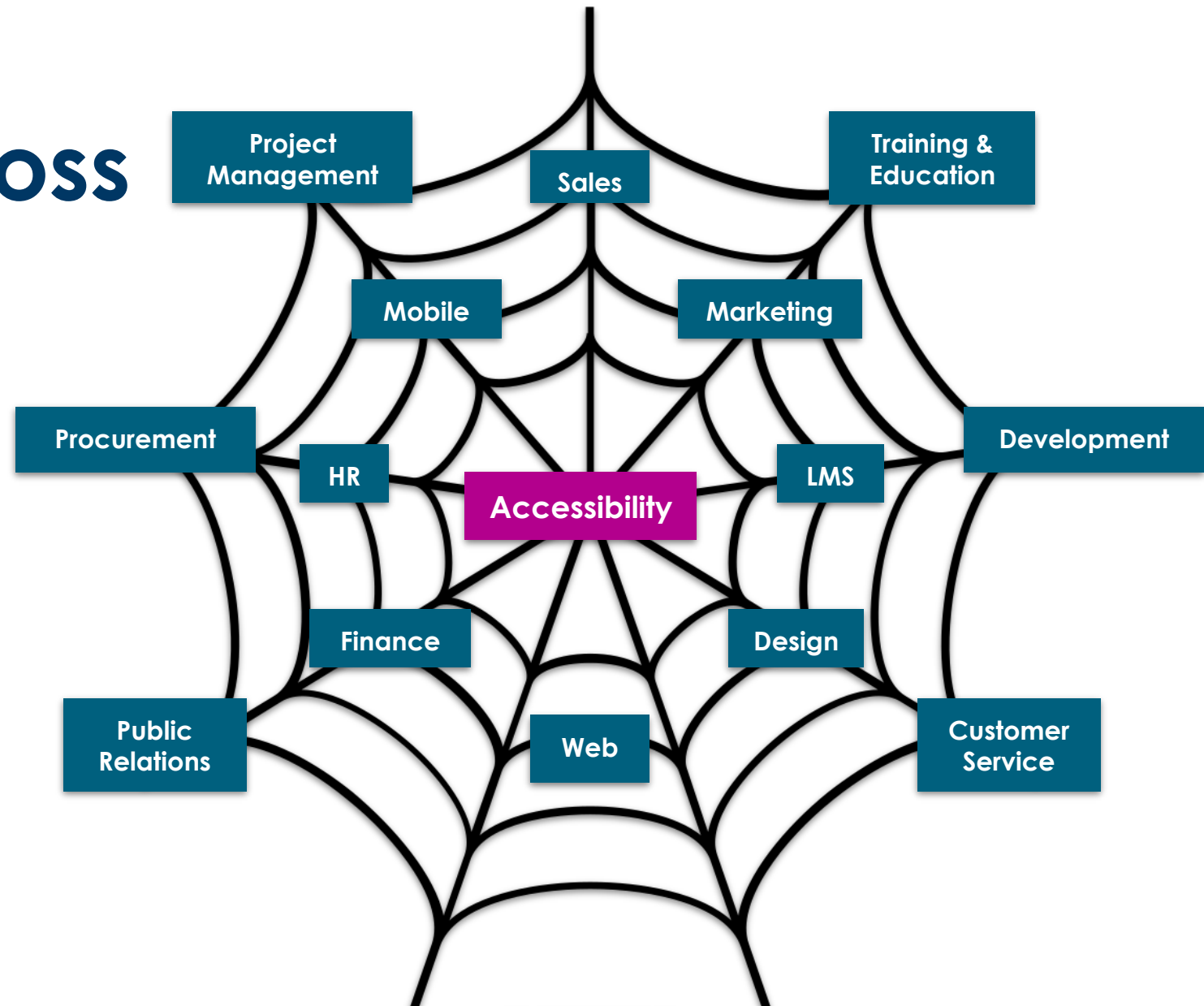
THE GOLD STANDARD OF ACCESSIBILITY
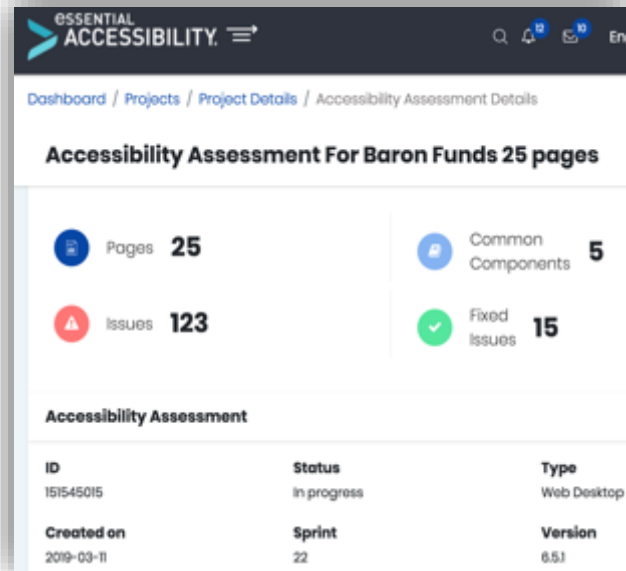
Automated Testing & Monitoring

Functional & Manual Testing

Assistive Technology

A Successful Accessibility Program

Compliance Dashboards & Audits

- Automated Testing
- Manual & Functional Usability Testing
- WCAG 2.1/ Section 508 Compliance Audits
- VPAT® Analysis & Production
- Accessibility Analytics
- Ongoing Monitoring

Accessibility Program & Management

- Managed Service
- System of Record
- API Integrations
- Accessibility Excellence Team
- Accessibility Advocates
- Remediation Support

Risk Mitigation & Conformance

- Conformance & Certification
- Accessibility Statements
- Legal Support
- Demand Letter Validation
- Safeguarding
- Regulatory Guidance

Training & Enablement
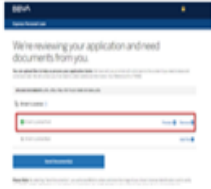
- On-site & Online Training
- Roles-based Enablement
- Business & Technical Playbooks
- Brand Style Guides
- Accessibility Change Management

Certification & Conformance

- 3rd Party Validation
- Communication Supports / Assistive Technology to Enhance CX
- People with Disabilities Careers Module
- Brand Purpose

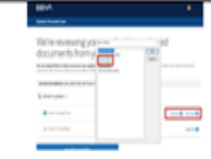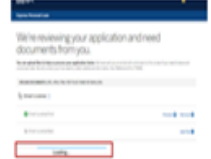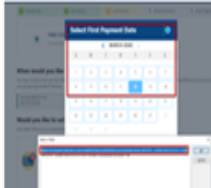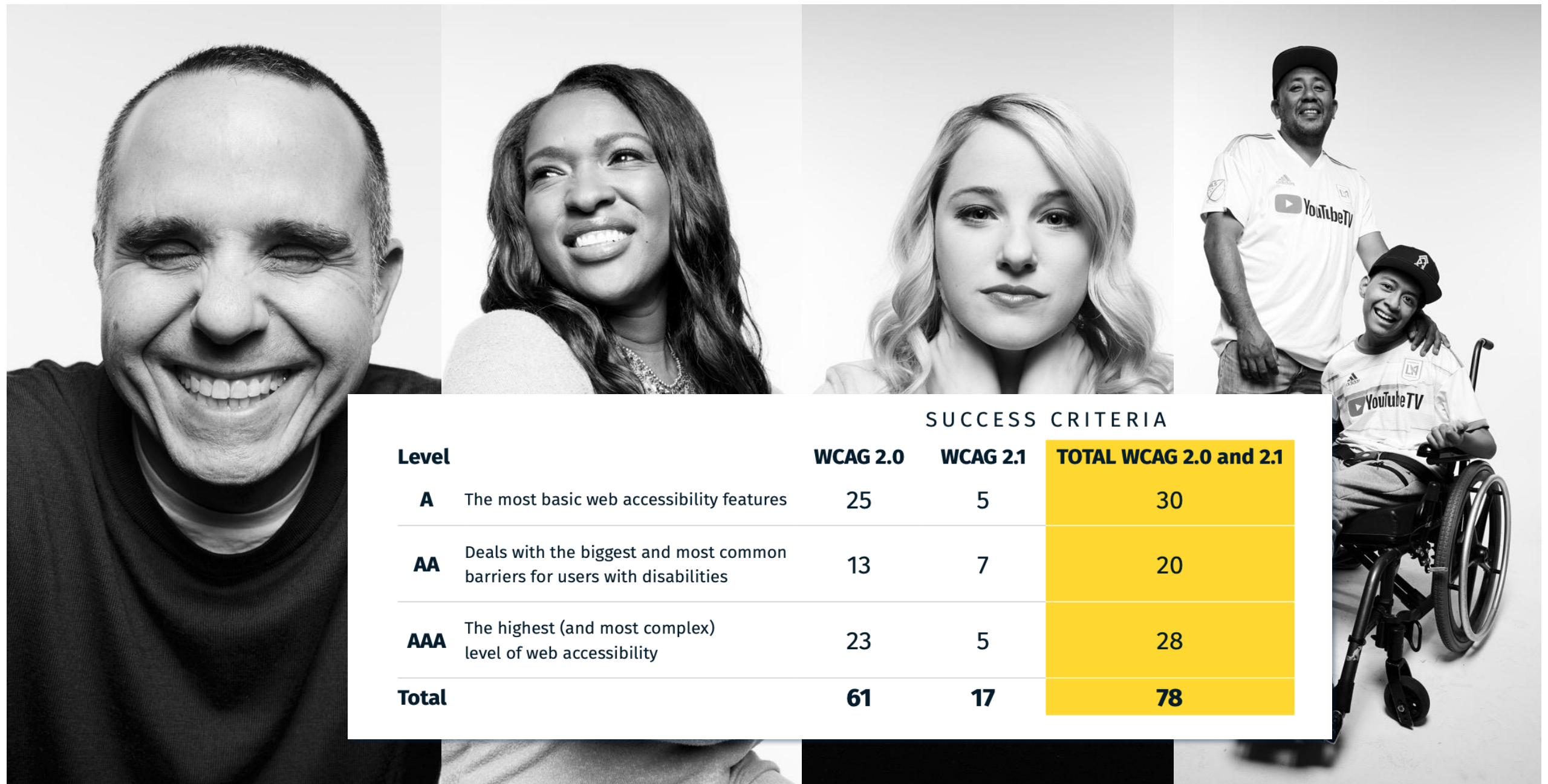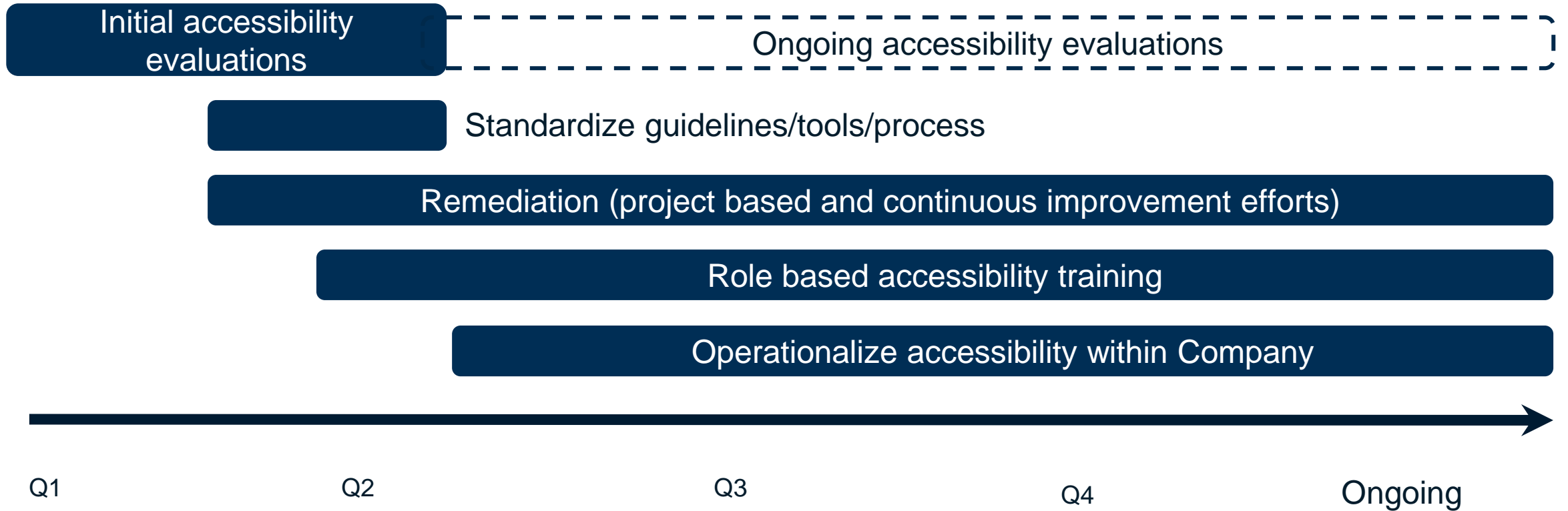# Software + People = Robust Reporting

eA ID	Issue Summary	Steps to Reproduce	Actual Result	Expected Result	Screenshot	Recommendation	Instances	Accessibility Impact	WCAG Conformance Level	WCAG Success Criteria	Tool	Disability Affected	Rationale
73	Status message not announced	1. Launch the URL and navigates to the Enter Personal Info screen. 2. Fill all the form fields and then select Continue button. 3. Select Add file button to upload the file.	No status message is being announced by the screen reader when the user uploads the documents using Add files button.	Status message 'Your file has been successfully uploaded' should be announced by the screen reader.		Provide a visually hidden <div> with aria-live="assertive" aria-atomic="true" and put the sufficient information text into visually hidden <div> to make an announcement. Refer to: https://a11yproject.com/posts/how-to-hide-content/ https://developer.mozilla.org/en-US/docs/Web/Accessibility/ARIA/ARIA_		High	AA	4.1.3	Screen Reader	Visually Impaired	The intent of this success criterion is to... important changes in content that are n... so in a way that doesn't unnecessarily i... The intended beneficiaries with screen rea... assistive technologies with screen read... additional benefit is that assistive techn... cognitive disabilities may achieve an alt... indicating (or even delaying or suppress... preferred by the user. This success criterion specifically addre...
74	Insufficient button label	1. Launch the URL and navigates to the Enter Personal Info screen. 2. Fill all the form fields and then select Continue button. 3. Select Add file button to upload the file. 4. Press Ins+Ctrl+B to view the lists of the buttons.	Insufficient label is provided for the buttons 'Preview' and 'Remove' button.	Unique and descriptive label should be provided for the buttons. It should be read as 'Preview document button' and 'Remove document button'.		Use aria-label or aria-labelledby attribute to provide sufficient label to the buttons, or use visually hidden text inside the buttons. Refer to: https://a11yproject.com/posts/how-to-hide-content/ https://www.w3.org/TR/WCAG20-		High	A	4.1.2	Screen Reader	Visually Impaired	Buttons must have sufficient label that... destination, purpose, function, or action... otherwise screen reader will not be able... element, also the purpose of the button... user.
75	Status message not announced	1. Launch the URL and navigates to the Enter Personal Info screen. 2. Fill all the form fields and then select Continue button. 3. Select Add file button to upload the files. 4. Select continue button	Screen reader is not announcing the 'loading status' message.	Screen reader should announce the status message.		Provide a visually hidden <div> with aria-live="assertive" aria-atomic="true" and put the sufficient information text into visually hidden <div> to make an announcement. Refer to: https://a11yproject.com/posts/how-to-hide-content/ https://developer.mozilla.org/en-US/docs/Web/Accessibility/ARIA/ARIA_		High	AA	4.1.3	Screen Reader	Visually Impaired	The intent of this success criterion is to... important changes in content that are n... so in a way that doesn't unnecessarily i... The intended beneficiaries are blind an... assistive technologies with screen read... additional benefit is that assistive techn... cognitive disabilities may achieve an alt... indicating (or even delaying or suppress... preferred by the user. This success criterion specifically addre...
76	Unnecessary table tag implemented	1. Launch the URL and navigates to the Enter Personal Info screen. 2. Login with customer info and click continue 3. Repeat the step 2 until 'OTP#' select screen is appearing. 4. Press Enter to select either of the phone number's radio buttons. 5. Select continue button after providing OTP to the edit field. 6. Select datepicker button to open the Select First Payment Date modal. 7. Press Ins+Ctrl+T to view the lists of the Table.	Unnecessary table tag is implemented for the table.	Unnecessary table tag should be removed.		<button class="pika-next is-disabled" type="button">Next Month</button>		High	A	1.3.1	Screen Reader	Visually Impaired	Screen readers have a specific way of... non-tabular data is presented in the form... opportunity for confusing or inaccurate... When user find tables for paragraph or s... up semantically. They try to interact with... standard navigation key and get disorie...
		1. Launch the URL and navigates to the Enter Personal Info screen. 2. Login with customer info and click continue 3. Repeat the step 2 until 'OTP#' select screen is appearing.	Screen reader is not notifying the selected or current state of the selected dates as here the screen reader is reading them as normal button.	Screen reader should read the selected state for the selected dates.		Provide visually hidden text "(Current)" inside the <button> under <td> having class="is-selected".							A particularly important state of a user in... or not it has focus. The focus state of a... programmatically determined, and notifi... focus are sent to user agents and assist... examples of user interface control state...

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WCAG Success Criteria

SUCCESS CRITERIA

Level		WCAG 2.0	WCAG 2.1	TOTAL WCAG 2.0 and 2.1
A	The most basic web accessibility features	25	5	30
AA	Deals with the biggest and most common barriers for users with disabilities	13	7	20
AAA	The highest (and most complex) level of web accessibility	23	5	28
Total		61	17	78

What we do about it

Initial accessibility evaluations

Ongoing accessibility evaluations

Standardize guidelines/tools/process

Remediation (project based and continuous improvement efforts)

Role based accessibility training

Operationalize accessibility within Company

Q1   Q2   Q3   Q4   Ongoing

* Sample timeline

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Thank You

To learn more, please reach out to
learn@essentialaccessibility.com

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