

**Public Compendium for the 4th Review of
the Accessibility for Ontarians with
Disabilities Act (AODA)**

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Context and Overall Approach

Deloitte was contracted to provide support to the Independent Reviewer in conducting the 4th Legislative Review of the Accessibility for Ontarians with Disabilities Act. The scope of work included developing high-level strategies, conducting research and analysis, creating an assessment tool, and synthesizing findings. The objective of this compendium was to present a summary of the main findings derived from this analysis, which served as input for the Independent Reviewer in formulating the recommendations.

At the onset, our team worked with the Independent Reviewer, Rich Donovan and his team to co-create an assessment framework (aspirations and scope, areas of impact, enablement success mechanisms) and key strategic choices, drawing inspiration from early stakeholder feedback and conducting preliminary secondary research on the current state of accessibility and disability. Our work was iterative, collaborating closely with the Independent Reviewer, incorporating insights from stakeholder engagement, supplementing with targeted research, and jointly refining potential recommendations.

In alignment with the six guiding principles outlined in the review, the analysis conducted by Deloitte, guided by the Independent Reviewer, focused on researching two areas:

1. **Adjacent Policy Spaces:** For the strategic themes identified, research was conducted to explore industry practices, successes and lessons learned from policy spaces, countries, and organizations, outside of accessibility.
2. **Alternative Governance Models:** Tested and evaluated how greater federal involvement in accessibility regulation could create meaningful improvements for persons with disabilities (PWD) by researching 1) the level of federal regulation involvement in Canada across other policy spaces 2) how disability is regulated across other countries 3) the most appropriate type of governance model to initiate action.

Adjacent Policy Spaces

Overview

Using the co-developed assessment framework, our analysis honed in on 9 thematic strategic choices to consider regarding the future of the AODA. These were: accessibility data, lived experiences, built environment, defining success, accountability, incentives and compliance, action planning, funding model, and resource allocation.

For the scope of research, we focused on governmental, non-profit, and private organizations both within and outside of accessibility. Geographically, we focused on Canada, Australia, New Zealand, the United Kingdom, and the United States. We explored a total of 32 case studies across 8 countries following the 9 thematic choices. Greater emphasis was placed on key areas of **lived experience, building accountability, and incentives and compliance** with lighter analysis conducted on the other areas.

Below we have summarized the key successes and lessons learned.

Key Findings

Lived Experience: How could we facilitate an environment to reliably obtain, test, scale and voice lived experiences from PWD?

Collecting experiences from providers and recipients, shapes policy design. For example, in domains like product features, medical testing, and technology solutions, data bias is prevalent in default user designs. Therefore, incorporating lived experiences becomes crucial to identify and rectify biases.¹ Successful outcomes arise when individuals facing limitations actively engage as experts, challenging assumptions and co-producing initiatives as seen in the UK Fulfilling Lives Programme.² Furthermore, focused collections of lived experiences provide compelling evidence of impact, benefiting the wider population and generating economic opportunities.³

Building Accountability: How could we engage stakeholders as a customer to increase accountability and make it easy to comply (e.g., education, training, government support, address unique needs)?

By leveraging the 5-step potential framework called SHIFT, which encompasses social influence, habit, individual self, feelings/cognition, and tangibility, stakeholders can effectively engage in behavior change.^{4,5} Moreover, using a crowdsourcing review software could provide a cost-effective and scalable way to hold businesses accountable. Partnering with review companies in the private sector to rate and promote accessibility within businesses could initiate action within the private sector and improve the experience for PWD.⁶ Lastly, achieving broad-scale accountability in social issues necessitates a dedicated and sustained campaign, marked by transparent public and social media engagement, with the potential for a single organization to spearhead this transformative endeavor.^{7,8}

Incentives and Compliance: What incentive mechanisms could we create to drive compliance and behavioral evolution for stakeholders (outside of PWD)?

To drive behavioral evolution, regulatory clarity provides the necessary incentive to encourage consumer adoption, addressing barriers in product affordability and access.⁹ Additionally, leveraging tools such as social engineering, psychology, and marketing enables effective decision-making influence and policy compliance support. By defining outcomes, understanding context, building interventions, and conducting randomized control trials, the process of forming a nudge becomes achievable.^{10,11} Lastly, exploring cost-effective digital-based solutions, like crowd-sourced technology, incentivizes greater compliance with public measures for citizen well-being.¹²

Accessibility Data: How could we consistently gather and share data (qualitative and quantitative) on the overall gaps and progress for accessibility?

In situations where issues span across international borders, such as the case of COVID-19, the sharing of data, both anonymous and otherwise, presents an opportunity to drive open discourse and informed decision-making. Utilizing a public-facing dashboard, like the CDC COVID Tracker, to aggregate and visualize national-level data proves effective in communicating progress on social issues and enhancing public understanding.¹³ Lastly, taking inspiration from New Zealand, allocating resources to create an interactive Tableau dashboard for publicly sharing and visualizing accessibility data showcases a commitment to transparency and facilitates meaningful discussions.¹⁴

Built Environment: How could we address concerns on existing built environments and plan for new developments?

Setting up technology infrastructure is an effective approach to address barriers faced by populations with limitations, particularly those in rural areas.¹⁵ This approach minimizes the need for costly and time-consuming adaptations to existing built environments. Additionally, to promote accessibility in new developments and existing buildings, government support in terms of design and technical assistance for designers and contractors prior to construction is crucial.¹⁶ This support enables the optimization of capital usage and enhances the overall experience for PWD.

Define Success: How can we better define what “good” for accessibility means for stakeholders and the urgency for change?

Defining and refreshing measurable outcomes is critical in recognizing and collaborating on social challenges. For example, the healthcare Quintuple Aim exemplifies how defining metrics as the North Star clarifies misconceptions, facilitates industry buy-in, and fosters mutual understanding for advancing healthcare improvement.^{17,18} However, when determining eligibility for social assistance, it is easy to anchor on a single statistic

like the poverty line income. Yet, individuals and families have diverse needs spanning health, education, living standards, and social factors, necessitating a comprehensive approach.¹⁹ Given the influence of physical, economic, and cultural factors on complex social issues, aligning all impacted parties on a single definition is often infeasible. Thus, flexibility should be embedded to account for other relevant indicators and address the complexity effectively.¹⁷

Action Plan: How can the Ontario government better build, centralize, and communicate a sustainable action plan for accessibility?

To achieve sustained systems change, collaboration among public and private organizations is crucial. This requires a multi-year progressive build, incorporating essential tools such as taxation, compliance, and marketing. A four-pronged approach can guide the development of a systems change plan, encompassing defining the system, mapping its intricacies, conducting insightful analysis, and implementing tangible actions.^{20,21} In addition, transparent and visual communication of progress by the government is effective for policy implementation, allowing for tracking progress and upholding accountability is encouraged.^{22,23} This ensures that stakeholders are informed and engaged, fostering a sense of shared responsibility throughout the process.^{24,25}

Funding Model: How could we develop a funding model to support stakeholders that realistically accounts for economic costs and risk (e.g., for the built environment)?

Social impact bonds, a financing mechanism for delivering social programs, foster multi-sector partnerships among governments, corporations, private investors, service providers, and social enterprises. Social programs such as the Social Finance Fund could be further explored to address systemic biases and inequities historically present in financial systems and investment decisions regarding PWD.²⁶ This collaborative approach incentivizes performance management and emphasizes outcomes.²⁷ In some models, consumers bear fees to offset costs incurred by service providers, as exemplified by the new Ontario credit card surcharge.²⁸ Similarly, the airline industry has successfully implemented consumer fees to fund airport infrastructure upkeep and maintenance. These examples demonstrate how incorporating fees within consumer transactions can be an effective strategy for sustaining social programs and infrastructure maintenance without significant adverse effects on demand.²⁹

Resource Allocation: How could we more effectively guide government leaders to invest resources in solving the problems with the biggest impact?

New Zealand's COVID-19 response provides valuable learnings with strong public health and economic outcomes as core principles in leadership and partnerships, collective action, political consensus, and infrastructure reform were emphasized.³⁰ Similarly, Canada's national Critical Infrastructure strategy promotes coherent and complementary actions across government levels and industry through cooperation.³¹ Lastly, gathering ample data points from individuals experiencing social issues, as seen in Australia's approach to gender equality, aids governments in prioritizing resource allocation.³² These experiences underscore the importance of leadership, partnerships, data-driven decision-making, and effective governance in achieving positive social outcomes.

Alternate Governance Models

Overview

We have explored the considerations of greater federal involvement in accessibility regulation for PWD by researching:

1. **Canadian Federal Government Involvement Across Adjacent Policy Spaces:** Assessed case studies across various policy spaces (outside of disability) where regulation spans different levels of federal and provincial responsibility.
2. **The Regulation of Disability Across Other Countries:** Assessed case studies in different countries to identify what elements of disability falls under each jurisdiction. The jurisdiction selection process consisted of ensuring the country had a) similar demographics b) similar system of government.
3. **An Applicable Governance Model that can Initiate Action:** Assessed three different types of models the ministry can implement to enable authority and ownership of recommendations.

Key Findings

1. **Canadian Federal Government Involvement Across Adjacent Policy Spaces**

The current regulatory structure for disability in Ontario consists of federal oversight for organizations that are governed by ACA (Accessible Canada Act) and provincial oversight for all other organizations not governed by ACA, subject to AODA standards (provincially regulated private sector and the Ontario Public Service).

To envision a potential future state, we identified several case studies across various policy spaces that had different levels of federal and provincial regulation, including food safety, HST, food and drug regulations, cannabis legalization, and employment insurance.

Each case study had unique reasons for seeking greater federal involvement. The most common reasons included the streamlining of administrative processes, the implementation of more consistent regulations to alleviate the burden on small businesses, and the enhancement of enforcement and compliance measures. For instance, in the case of employment insurance, there was a shift from primarily provincial to federal regulation to establish a uniform system nationwide. The previous system, which relied on provincial programs, had varying eligibility criteria, benefit levels, and administrative practices. The national employment insurance program was viewed as more efficient and cost-effective than having multiple provincial programs. It also ensured that all workers across the country had access to similar levels of income support and benefits.³³

2. The Regulation of Disability Across Other Countries

No single country has emerged as a leader in designing a future where barriers to accessibility are prevented and eliminated, thus enabling individuals with disabilities to lead unrestricted lives in social, economic, and institutional domains. As a result, there is no conclusive evidence that adopting governance structures from other jurisdictions would yield better outcomes for people with disabilities. However, despite this limitation, valuable insights were attained from exploring how other countries allocate responsibilities within their respective levels of government.

The analysis focused on four countries: Australia, New Zealand, Denmark, and Finland. These countries exhibited varying degrees of collaboration between federal and provincial governments. Across these jurisdictions, three key components were found to be the responsibility of different levels of government: 1) Experience standards, 2) Funding, and 3) Enforcement and Compliance.

For instance, in Australia, disability regulation is led by the federal government, with support from the state/territory level. The Disability Discrimination Act 1992 (DDA) is the main piece of legislation at the federal level that regulates employment, education, accommodation, and access to goods and services. Many states/territories have their own standards focused on employment and support services. The federal government takes the lead in both funding and enforcement, with support from the state/territory level.³⁴

In contrast, the New Zealand government structure is unitary, meaning the national government is responsible for setting the legislation and standards, funding, and enforcement and compliance. Local municipalities are responsible for assisting with the implementation of these standards across their jurisdictional oversight, in alignment with the corresponding national policies and regulations.^{35,36}

Alongside various other governance structures, this research served as an inspirational resource for identifying ways in which different levels of government could collaborate to enhance the experiences of PWD.

3. **An Applicable Governance Model that can Initiate Action**

To initiate action, there are various governance models the ministry can implement to enable authority & ownership of recommendations including a) Decentralization, where there is a distributed execution of services across the enterprise, within business and functional groups that own their own strategy, budget and execution b) Federated, where there is a dedicated body owning strategy, advisory & governance of employee accessibility enterprise-wide. Note: This is not full centralization which can impede the coordination of actions c) Centralized, where there is a dedicated central body with the authority and responsibility to own the employee accessibility strategy, budget and execution across the entire enterprise.

Through discussions with the Independent Reviewer our research suggests that the best approach is to pursue a **federated model** based on the landscape within which the AODA operates. This will help create a) one central owner dividing responsibility, making delivery more consistent b) flexibility, autonomy and empowerment of functions to own employee accessibility c) productivity and efficiency by ensuring the appropriate amount of work is assigned to the respective function at the appropriate time.

Conclusion

In alignment with the Independent Reviewer, our objective was to identify potential strategies to fill in the current gaps that exist for PWD. By sharing our independent perspective, our hope is to create an impact that matters and help design a future in which barriers to accessibility are prevented and removed, enabling PWD to lead unconstrained lives – socially, economically, and institutionally.

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