Terms of Reference
Grand River Accessibility Advisory Committee

PREAMBLE

It should be noted that the contents of this Terms of Reference may be modified due to the release of Provincial Regulations of the Ontarians with Disabilities Act - 2001 (ODA 2001).

(1) Name of Committee

The committee created pursuant to the ODA 2001 shall be known as the Grand River Accessibility Advisory Committee (the "GRAAC").

(2) Definitions

Within this Terms of Reference the term:

"barrier" means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or practice; ("obstacle")

"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; ("handicap")

"municipality" means, the participating municipalities listed in Schedule "A".

"Councils" means the elected Councils of the municipalities. Participating Councils’ in the GRAAC are listed in Schedule "B".
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"Scheduled organization, " means the participating scheduled organizations listed in Schedule "C".

(3) Purpose of the ODA 2001

The purpose of the ODA 2001 is to improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to their full participation in the life of the province.

(ODA 2001)

(4) Mission Statement of the Grand River Accessibility Advisory Committee

The Grand River Accessibility Advisory Committee shall:

Fulfill the purpose of the Ontarians with Disabilities Act, 2001 for participating municipal Councils in our community by providing vision and direction towards the removal of barriers.

Work in collaboration with participating scheduled organizations, as a part of the promotion and facilitation of a seamless approach to effective barrier removal across our community.

(5) Mandate

5.1 The Authority to establish the GRAAC originates from the requirements of the ODA 2001.

5.2 The operation of the GRAAC shall be in accordance with the procedures set out in this document.

5.3 The GRAAC is the advisory committee to municipalities with respect to issues relating to the fulfillment of the purpose of the ODA 2001.

5.4 The GRAAC will act as a resource to and exchange information with Scheduled organizations regarding issues and barriers affecting persons with disabilities.

5.5 The GRAAC shall have regard to the “Principles for an Effective Ontarians with Disabilities Act” (Schedule D) and the Ontario Human Rights Code.

(6) Required Duties

In fulfilling the purpose of the ODA 2001 the Grand River Accessibility Advisory Committee shall have the following required duties:

6.1 Advise Councils annually, as required by the Act, regarding the preparation, implementation and effectiveness of the municipalities' annual accessibility plan.
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6.2 Involvement at the committees' discretion, in the development and refinement of the municipalities’ annual accessibility plan.

6.3 Advise Councils on the accessibility for persons with disabilities to a building, structure or premises, or part of a building, structure or premises, that Councils purchase, construct or significantly renovate; for which the Councils enters into a new lease; or that a person makes available as municipal capital facilities under Section 110 Municipal Act, 2001.

6.4 Review in a timely manner and advise Councils on the accessibility of site plans and drawings described in Section 41 of the Planning Act that the committee selects having regard to the City of Kitchener Barrier Free Accessibility Design Standards DS - A - 5.1.

6.5 Advise on existing and proposed procurement processes of the municipalities with respect to the accessibility for persons with disabilities to the goods or services being purchased.

6.6 Perform all other functions that are specified in the regulations.

6.7 Review matters referred to it by Councils and make recommendations as appropriate.

(7) Budgetary Responsibilities

The Grand River Accessibility Advisory Committee will also have the following budgetary responsibilities:

7.1 Develop an annual budget for committee operating expenses, including the percentage or share of contribution to be made by each municipality and scheduled organization. The budget would be approved by each municipality and scheduled organization and a record of expenses will be provided to aforementioned on an annual basis.

7.2 Unless authorized by Councils, neither the GRAAC or any member thereof shall have the power to pledge the credit of the Councils in any manner whatsoever, nor shall the GRAAC or any member thereof have the power to authorize any expenditure or appropriate or expend public monies in any manner whatsoever.

(8) Other Duties

The Grand River Accessibility Advisory Committee may also undertake the following duties, provided that the Required Duties and Budgetary Responsibilities in (6) and (7) are being actively addressed to meet statutory requirements:
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8.1 Advise Councils to address issues for the inclusion of persons with disabilities relating to the provision of transportation, housing, employment, recreation and education in order to achieve an accessible community for persons with disabilities.

8.2 Consult with persons with disabilities, community groups and organizations representing persons with disabilities in order to capture and communicate emerging issues to Councils.

8.3 Refer issues, make recommendations or suggestions for action to appropriate groups, agencies, committees and organizations in the community to address barriers that affect persons with disabilities.

8.4 Monitor, advise, consult and report findings and recommendations with respect to government directives and regulations related to the status of persons with disabilities.

8.5 Liaise with local municipal Accessibility Advisory Committees including but not limited to the City of Cambridge, the Township of Wilmot and the City of Guelph.

8.6 Review, as needed the terms of reference of the GRAAC and recommend changes. Changes must comply with ODA 2001 and require the ratification of Councils.

(9) Committee Size and Composition

9.1 Membership

The GRAAC will be comprised of 11-15 volunteer citizen/layperson members, appointed by the Councils of the municipalities, with one vote each represented as follows:

- A majority of the members shall include persons with disabilities representing the interests of citizens with varying disabilities. These committee members shall reflect the cross disability nature of ODA 2001 definition of “disability”.
- 1 to 2 parent/caregivers of a person with a disability, who may also be a person with a disability
- 1 to 5 citizens at large interested in disability issues, but who may also be a person with a disability.

Although no residency requirement is required under the ODA 2001 municipalities will strive to ensure geographic representation of members from the participating municipalities.

9.2 Representatives

Scheduled organizations; Council representatives and staff advisors are represented in a non-voting capacity as follows:
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Scheduled Organizations
Hospitals – 1 representative for hospitals
District School Boards – 1 representative for each District School Board
University of Waterloo – 1 representative
Wilfrid Laurier University – 1 representative
Conestoga College Institute of Technology and Advanced Learning – 1 representative

Council Representatives
Members of Councils of municipalities are invited to all meetings. Mayors of municipalities and the Regional Chair will act in an Ex Officio capacity. One member of Council (Councillor) from each of the municipalities will sit as nonvoting members. Municipalities will appoint these Councillors.

Staff Advisors
At least one and a maximum of 2 staff advisors to be present from each municipality. Other staff may be invited for specific issues. Staff will act in an advisory/resource capacity to the GRAAC.

The GRAAC may call upon the resources of the municipalities’ Corporate ODA Steering and Technical Committees as needed.

(10) Qualifications & Selection of Members

Members shall be chosen for their life experience with a disability and their knowledge of such, and/or expertise in barrier free initiatives or disability issues. Each member of the committee is an independent representative to the committee and does not represent the concerns of only one disability or group.

In order to avoid potential conflict of interest, municipal employees with disabilities are not eligible to be voting citizen/layperson members of the GRAAC.

A selection committee comprised of maximum 2 representatives of each municipality (elected or otherwise) will forward names for appointment to Councils.

(11) Length of Term of Appointments

The length of term of appointments for voting members of the GRAAC, after the initial term, shall be 3 years to a maximum of 6 continuous years. The terms of the initial committee will be staggered, ie. 1, 2 and 3 years, to avoid expiry of terms for all members at the same time, and the maximum for initial appointees shall not exceed 8 continuous years.
(12) Committee Procedures and Operations

12.1 Meeting Chair

A committee chair will be elected annually from committee members on an annual basis at the first meeting of the new year to preside over meetings and committee business.

12.2 Minutes and Agendas

Minutes will be taken and distributed by the Committee's Administrative Support Person. Agendas will be assembled and distributed by the Committee's Administrative Support person in consultation with the Chair. Agendas and minutes will be distributed no less than one (1) week prior to the meeting. All agendas and minutes of meetings of the GRAAC are to be forwarded to Clerks of municipalities for distribution.

Reports of proceedings will be managed in accordance with municipalities' records management practices.

12.3 Meetings

The GRAAC members will determine a schedule of dates, times and location of meetings, but the Committee will meet no less than (4) times/year.

Meetings will be open to the public except if the subject matter being considered is within a category defined in Section 239 (2) or (3) of the Municipal Act, in which case the meeting may be closed. When a matter is considered in a closed meeting, members shall maintain confidentiality of the subject matter.

12.4 Quorum

A Quorum shall consist of a majority of the voting members appointed to the committee.

12.5 Voting

Members will work toward a consensus model for decision making, if this is not possible a simple majority vote will be held.
12.6 Delegations

Public delegations are welcome to attend GRAAC meetings. Delegations may address the committee for 5 minutes and the Committee may grant an additional 5 minutes.

12.7 Reporting and Communication

The GRAAC will provide advice and report to municipal Councils.

The GRAAC Chair or designated municipal staff will be the official spokesperson to the media and the public.

12.8 Conflict of Interest

GRAAC voting members will be subject to a Conflict of Interest Policy, to be developed and determined by the municipalities.

12.9 Absences

If a committee member is absent for three consecutive meetings without notice or justifiable reason, their membership will be reviewed by the Committee.

13.0 Remuneration

Committee members shall serve without remuneration. Expenses related to the accommodation of persons with disabilities in order to participate in GRAAC meetings shall be compensated.

14.0 Working Groups

The GRAAC may establish as required working groups to research and make recommendations to the GRAAC with respect to specialized issues assigned to such working group by the GRAAC.

Working groups may draw upon members from the GRAAC and may include individuals who are not members, such as municipal staff, as well as outside resource members as necessary. This may include from time to time the advice or participation of individuals or organizations with a particular area of expertise.
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SCHEDULE A
Participating municipalities are the municipalities of: The Corporation of the City of Kitchener, The Corporation of the City of Waterloo, The Regional Municipality of Waterloo, The Corporation of the Township of North Dumfries, The Corporation of the Township of Wellesley, and the Corporation of the Township of Woolwich.

SCHEDULE B
Participating Councils are the Councils of the Corporation of the City of Kitchener, the Corporation of the City of Waterloo, The Regional Municipality of Waterloo, The Corporation of the Township of North Dumfries, The Corporation of the Township of Wellesley, The Corporation of the Township of Woolwich.

SCHEDULE C
Participating scheduled organizations are the Waterloo Region District School Board, The Waterloo Catholic District School Board, St. Mary’s Hospital, Grand River Hospital, Cambridge Memorial Hospital, University of Waterloo, Wilfrid Laurier University and Conestoga College Institute of Technology and Advanced Learning.

SCHEDULE D
Principles for an Effective ODA adopted by unanimous resolution by the Ontario Legislature, October 29, 1998.

1. The purpose of the Ontarians with Disabilities Act should be to effectively ensure to persons with disabilities in Ontario, the equal opportunity to fully and meaningfully participate in all aspects of life in Ontario based on their individual merit, by removing existing barriers confronting them and by preventing the creation of new barriers. It should seek to achieve a barrier-free Ontario for persons with disabilities within as short a time as is reasonably possible, with implementation to begin immediately upon proclamation.

2. The Ontarians with Disabilities Act’s requirements should supercede all other legislation, regulations or policies which either conflict with it, or which provide lesser protections and entitlements to persons with disabilities.
3. The Ontarians with Disabilities Act should require government entities, public premises, companies and organizations to be made fully accessible to all persons with disabilities through the removal of existing barriers and the prevention of the creation of new barriers, within strict timeframes to be prescribed in the legislation or regulations.

4. The Ontarians with Disabilities Act should require the providers of goods, services and facilities to the public to ensure that their goods, services and facilities are fully usable by persons with disabilities and that they are designed to reasonable accommodate the needs of persons with disabilities. Included among services, goods and facilities, among other things, are all aspects of education including primary, secondary and post-secondary education, as well as providers of transportation and communication facilities (to the extent that Ontario can regulate these) and public sector providers of information to the public e.g. governments. Providers of these goods, services and facilities should be required to devise and implement detailed plans to remove existing barriers within legislated timetables.

5. The Ontarians with Disabilities Act should require public and private sector employers to take proactive steps to achieve barrier-free workplaces within prescribed time limits. Among other things, employers should be required to identify existing barriers that impede persons with disabilities and then to devise and implement plans for the removal of these barriers, and for the prevention of new barriers in the workplace.

6. The Ontarians with Disabilities Act should provide for a prompt and effective process for enforcement. It should not simply incorporate the existing procedures for filing discrimination complaints with the Ontario Human Rights Commission as these are too slow and cumbersome and yield inadequate remedies.

7. As part of its enforcement process, the Ontarians with Disabilities Act should provide for a process of regulation-making to define with clarity the steps required for compliance with the Ontarians with Disabilities Act. It should be open for such regulations to be made on a industry-by-industry basis or sector-by-sector basis. This should include a requirement that input be obtained from affected groups such as persons with disabilities before such regulations are enacted. It should also provide persons with disabilities with the opportunity to apply to have regulations made in specific sectors of the economy.
8. The Ontario with Disabilities Act should also mandate the Government of Ontario to provide education and other information resources to companies, individuals and groups who seek to comply with the requirements of the Ontario with Disabilities Act.

9. The Ontario with Disabilities Act should also require the Government of Ontario to take affirmative steps to promote the development and distribution in Ontario of new adaptive technologies and services for persons with disabilities.

10. The Ontario with Disabilities Act should require the provincial and municipal governments to make it a strict condition of funding any program, or of purchasing any services, goods or facilities, that they be designed to be fully accessible to and usable by, persons with disabilities. Any grant or contract that does not so provide is void and unenforceable by the grant recipient or contractor with the government in question.

11. The Ontario with Disabilities Act must be more than mere window dressing. It should contribute meaningfully to the improvement of the position of persons with disabilities in Ontario. It must have real force and effect.