Information and Communications Standard Development Committee Draft Standard & Recommendations

From: The Information and Communications Standard Development Committee
To: Accessibility Advisory Council
Date: September 6, 2018

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Part I

Introduction

The Information and Communications Standard Development Committee is pleased to present this draft standard and recommendations document to the Accessibility Advisory Council.

Abbreviations

Abbreviations were used in this document. The first time they are used they will be fully described, and then subsequent uses will use the abbreviated terms below:

- **The Committee:** The Manitoba Information and Communications Standards Development Committee
- **Council:** Manitoba Accessibility Advisory Council
- **Terms:** Terms of Reference for the Information and Communications Standard Development Committee
- **AMA:** Accessibility for Manitobans Act
- **ICS:** Manitoba Information and Communications Standard
- **IC / ICs:** Information and Communications
- **CSS:** Manitoba Customer Service Standard
- **ES:** Manitoba Employment Standard
- **Revised AODA ICS:** 2018 Revised Accessibility for Ontarians with Disabilities Act Information and Communications Standard (Review completed April 2018)
- **2007 Ontario ICS:** 2007 Original Accessibility for Ontarians with Disabilities Act Information and Communications Standard
- **FAR:** Functional Accessibility Requirements
- **WCAG:** Web Content Accessibility Guidelines
- **OCAD:** Ontario College of Art and Design

Committee Information

The Committee had 20 meetings total, from June 13th, 2017 to January 31st, 2018, and then from July 20th to August 29th, 2018, with added email conversations from August 29th to September 5th, 2018.

A Sub-Committee was formed with four members of the Committee, and it had 5 meetings total, from January 31st to April 4th, 2018. The Sub-Committee produced a draft standard with notes on April 4th, and presented it to the Committee for consideration on July 20th, 2018. The Committee then met, and produced the final Draft Standard and Recommendations, which are presented in this document.

The Committee was composed of the following people:
- Lisa Snider (Chairperson)
- Jeff Buhse
- Carol Bartmanovich
- Tony Sailor (Replaced Chris Bohemier)
- Doris Koop
- Jim Hounslow
- Tanis Woodland
- Allen Mankewich
- Paul Knapp (Left March 19th, 2018)

The Committee started by going through, and changing, the 2007 Ontario ICS. This was a terrific starting point, because Ontario was the first in the world to develop this kind of standard, which didn't focus on only government or procurement.

As the process went along, the Committee started to develop a standard that was made in Manitoba, for Manitobans today, as per our Terms. However, the Committee still kept in mind the Original 2007 Ontario ICS, the Revised 2018 Ontario ICS, and the proposed Federal Accessibility Act. Then, the Committee delved into how the Information and Communications Standard (ICS) worked with the Customer Service Standard (CSS), the Draft Employment Standard (ES) and other two standards under the AMA.

Information and communications are connected to every standard that will be developed under the AMA, in one way or another. The ICS standard was not developed to override anything in the CSS, or any other standard. It will instead compliment the CSS, which only deals with goods and services.

Part II

Issues Brought to The Committee

Many issues were brought to the Information and Communications Standard (ICS) Development Sub-Committee by John Wyndels from the DIO in the March 7th, 2018 meeting. The Chair of the Committee also had two meetings with John to discuss these issues and new issues, March 23rd and March 28th, 2018. Then these issues, as well as other issues, were again brought to the Sub-Committee April 4th, 2018.

The Chair then had email discussions with both John Wyndels and Yutta Fricke about these issues, as well as exchanges about the sub-committee meeting notes and the Customer Service Standard (CSS) Guide. The Committee then discussed those issues, along with others that John Wyndels sent to the Committee by email on July 23rd, 2018 (and it appears that these were the same issues clarified).

It is unclear whether these issues brought by John Wyndels to the Sub-Committee, and then Committee, are still present. Thus, they must be addressed in this document, because the Committee had complete agreement on them.

Relationships & In Person, Print and Digital

The Sub-Committee and Committee were presented with many issues by John Wyndels throughout the process, and many of them were agreed upon by the Committee. However, the Committee completely disagreed with John on a few major issues, and relationships and in person, print and digital were the two most contentious ones between the Committee and John.

John brought the issue of the CSS being only print and in person, and the ICS only being digital to the Sub-Committee and then the Committee (July 20th, 2018). He then tried to clarify his views in his email of July 23rd, 2018. However, after reading the email and discussing it, the Committee still felt that all of his arguments stemmed from the CSS being only print and in person, and the ICS being only digital. John's full email is in Appendix E.

John also brought up two secondary issues that related to his assertion that the CSS is only in person and print. John felt that the Functional Accessibility Requirements (FAR) section in the Information and Communications Standard (ICS) should be digital only, because otherwise it was going to override the CSS in person and print. John also raised concerns that Section 4 in the ICS duplicates the CSS, and to solve this, the ICS Section 4 should only apply to the digital.

All Committee members present at the July 20th meeting (1 was missing but were in agreement) considered these issues in great detail, looked at the relationship of the CSS and ICS and whether they were both in person, print and digital and each member was polled individual on their decision. All Committee members disagreed with John on the relationship of the CSS and ICS, and felt that both related to in person, print and digital.

The Committee then went through every single part of the ICS Draft Standard, from the beginning, to assess how each section and sub-section would interact (if any) with the CSS, and what the relationship would be between the two standards. It should be noted that while doing this, the Committee also considered the Draft Employment Standard (ES), and the upcoming Transportation and Built Environment Standards. Our goal was not to override any other standards.

All Committee members strongly agreed on July 20th that:

- Both the ICS and CSS related to in person, print and digital.
- The CSS was for individual needs, or accommodations, and focused on goods and services, while the ICS was universal for broad based needs (with individual areas), and focused on information and communications.
- The CSS and ICS were definitely related, but not in a parent child way (CSS being the parent) or a hierarchical sense, but more in a sibling way (equal, hand in hand, work together, etc.).
- The two standards don't override each other, except in areas of perceived 'sameness', and these are noted in the ICS. For example, there is a Feedback section in the CSS and ICS. The CSS is focused on goods and services, and the ICS on information and communications. Thus, the ICS Feedback section makes note that it is in addition to the CSS, and doesn't override the goods and services part of the CSS Feedback section.

- The FAR was not digital only, and no override would occur with the CSS, because both standards relate to in person, print and digital.
- While the FAR may have been used in legislation that was information and communications technology based, the Committee felt that there was no reason why it couldn't apply to the physical as well.
- The FAR is in addition to the CSS, and it is not in conflict, because the CSS mentions removing barriers, but not **how** to remove them. Even in CSS Section 5 Communications, and other sections, it only mentions removing barriers, with no mention of how. The FAR **is the how** (along with standards, guidelines and/or best practices).
- The FAR is not the same as 'accessible formats and communications supports' section in the 2007 Ontario ICS. The formats and supports section was put into the Ontario ICS, because almost all of the standard was on request, not proactive. The FAR is universal and proactive, not based on individual requests.
- The ICS Section 4 doesn't duplicate the CSS Section 4. While some wording and concepts are the same, the only potential override that the Committee noted, was with Section 5 in the CSS. This Section 5 has been noted in the ICS Section 4, because it dealt with communication in terms of goods and services, and no override should occur with that specific area.
- The ICS provided the 'how' for the CSS.
- The CSS itself does not state that it is in person, print and digital, nor does it state that it is just in person and print.

Here are the reasons the Committee used to back up their decisions:

1. The Manitoba CSS Development Committee

- The 'Customer Service Standards Development Committee's The Accessibility for Manitobans Act (AMA) Discussion Paper on an Initial Proposed Customer Service Standard' from April 17, 2014 clearly states that the CSS is in person, print and digital:

a) The 'Initial Proposed Customer Service Standard General Requirements Section' states:
   "This proposed standard applies to all service delivery modes including, but not limited to, services provided:

a) In person, by telephone and electronically."

b) Section 7.2 Feedback includes electronic means (and this was also present in the October 3, 2014 report to the Minister): "The feedback process must allow feedback to be given in person, by telephone, in writing, or any other electronic means."

c) Section 9.2 has an example that includes digital: "It should be provided in an agreed upon format by the person with a disability and the provider of goods or services. Example: A person with a disability knows what form of communication works best for them. It some cases it may mean making the information available in an alternate format, such as Braille or a CD."

- The CSS Guides also include references to the digital, and they are too numerous to list. Two examples are provided below, where the digital is clearly indicated for the CSS.

  a) Section 3 in the Tips for Employees Guide states: (http://www.accessibilitymb.ca/pdf/tips_for_employees.pdf) "Offer alternative formats, in larger print or electronically. Many people who are blind use screen reader software on their computers to read."

  b) Three areas in the Consumer Guide for the CSS Guide relate to the digital: (http://www.accessibilitymb.ca/pdf/consumer_guide_for_customer_service_standard.pdf)
  1) What about presentations, including PowerPoint presentations and videos that I cannot see (or hear)?
  2) What about access to information and services provided on websites?
  3) How do I give feedback to service providers?

- It should be noted that in the AMA itself, it combines goods, services and information in Section 6.3(d), which implies a deep connection between the two Standards. However, it doesn't mention communications at all in that section.

2. Terms of Reference

The Manitoba Information and Communications Accessibility Standard Development Committee Terms of Reference (May 17th, 2017), clearly states that the Committee is to consider in person, print and digital in the following passages:

a) 3. Scope of the Proposed Information and Communications Accessibility Standard states:
"Information provision and communications is achieved through one or more media or mechanisms, including but not limited to convention print, in person, information and communications technologies."

b) 4. Guiding Principles states:
"The committee must have regard for the following principles in carrying out its mandate:
Access: Persons should have barrier-free access to places, events and other functions that are generally available in the community;"

3. Public Input Session on Barriers to Information and Communications

The Committee asked the DIO to create a public input session related to the ICS, in order to ensure that the Committee was considering all the relevant issues.

The Public Input Session on Barriers to Information and Communications was created, and held, by the DIO on January 24th, 2018. It was very clearly focused on in person, print and digital ICs. John Wyndels from the DIO wrote the following in that invitation to the public, which was sent out January 4th, 2018:

a) "Goal
To identify the most significant barriers encountered in Manitoba in information and communications, whether in person, in print or electronic; and to address these in the work of the Information and Communications Standard Development Committee."

b) "The Question

Considering the provincial scope of the Information and Communications Standard, identify the most significant barriers encountered in Manitoba in information and communications in person, in print and electronically."

c) "Examples

The range of information and communications that may be affected by the standard include:

- in-person counter service, recreation, or Church services.
- printed forms, brochures, letters or menus.
- websites, emails, documents, or apps accessed electronically."

d) "Examples of barriers are:

- the attitude of the communicator.
- font size and level of language skills required to understand documents.
- inaccessible electronic formats.
- alternate formats not being available."

4. Ontario AODA Information and Communications Standard

- The Committee agreed that the wording of the AODA ICS, and its associated guide (https://dr6j45jk9xcmk.cloudfront.net/documents/4845/guidelines-to-iasr-english.pdf), can be confusing. In a couple of places, it seems to be digital focused, but then in other places it is clearly in person, print and digital. In the ICS section of the Guide on Page 32, there are paragraphs that relate to goods and services (CSS) and in person, print and digital:

a) The Application of Exception section states:

The Information and Communications Standard requires people and organizations to provide accessible information and communications about the goods, services or facilities offered to customers, clients and others. It is not about making products, e.g., cold medicine, DVDs, etc. and/or labels on the packaging of these products, accessible. In the examples of cold medicine or DVDs, a drugstore would have to find accessible ways to inform customers about the cold medicine available on the shelves and

how to safely use it. A video store would have to find accessible ways to inform customers about their DVD selection.

- The Chair of the Committee confirmed in private conversations with the head of the Accessibility Directorate, and Jutta Treviranus, committee member in the 2007 Ontario ICS Committee and the 2018 Revised Ontario ICS Committee, that the CSS and ICS were both deemed to govern in person, print and digital. Jutta then followed up in an email:

  "ICS was more the how, or how to meet the terms of the relationship described in the CSS. The CSS is intentionally vague when it comes to the how. That is the role of the ICS. CSS is about the business relationship. ICS is the operational bits."

Undue Hardship

John Wyndels from the DIO brought other issues to the Sub-Committee and Committee, such as wanting to include 'undue hardship' in the ICS, because it was present in the 2007 Ontario AODA Guide. The term is not found in the 2007 Ontario ICS, but is mentioned a couple of times in the Ontario AODA Guide. It relates to the Ontario Human Rights Code.

The Committee agreed that the term 'undue hardship' would not be used. However, the concept would be used, but in a more positive, and collaborative, sense, because this suited Manitoban needs that are present today.

The concept of undue hardship is basically that organizations must accommodate individual requests (the Ontario ICS was almost all request based), but it can't go beyond their resources or limits. Basically, the request can't create a hardship for the organizations, so they can limit their compliance.

The Committee all agreed that many organizations will find it hard to come up with the resources and funding to provide some individual accommodations, or to proactively make ICs accessible. This is a reality that will always be present, and should just be a given. However, the

Committee felt that a more positive way of approaching this, would be to not use the term 'undue hardship', which has a negative connotation.

Instead the Committee used terms such as 'reasonable effort' and 'consider' (present in the FAR) in the proactive areas. These are far more positive and forward, as they focus on what the organization can do, even if it can't do 100%. As well, the concept of 'reasonable efforts' ties in with the Human Rights Code, which overrides the ICS.

This positive spirit was also behind the creation of the Individual Accommodation section in the ICS. Organizations are encouraged to consult, or collaborate, with individuals, who are requesting access in a different manner. So even though an organization may not have the resources, or funds, to provide that accommodation, the consultation process may produce other options for the individual, or it may not be able to produce anything at all. However, with this more positive consultative method, it is not just the organization making all the decisions itself, but they are being made with the individual.

Accessible Formats and Communications Supports

John Wyndels brought the issue of including an 'accessible formats and communications supports' section in the ICS to the Sub-Committee, and Committee. This was a section, and the terms were defined, in the 2007 Ontario ICS. John also included them in the Committee's Terms of Reference, and they also appear in the Draft Employment Standard (ES). John asserted that these must be a section in the ICS, and reiterated that view in his email in Appendix E.

The Committee agreed they wouldn't include a section called 'accessible formats and communications supports'. However, the concept would be used in a more positive manner, and more importantly the Committee would use the Individual Accommodation section to focus on collaboration and the individual, not the formats themselves.

In the Committee's view, the 2007 Ontario ICS formats and supports section was added, because most of the standard focused on the reactive, or on request. Thus, that section had to exist to support requests. An individual had to request accessible formats and communications supports,

in order to access accessible ICs including in the Emergency Plans and Feedback sections.

While there are proactive parts in Ontario's standard (such as training for Educational institutions), the Committee developed the Manitoba ICS to be mostly proactive. The Committee did this, because it wanted organizations to educate themselves on how to make ICs more accessible proactively, and not just wait for a request to be made. This will produce systematic, and province wide, long lasting change going past just individuals requesting accessible ICs from individual organizations (2007 Ontario ICS).

However, the Committee also agreed that requests, or individual accommodation, will always be present. It has indicated that by including a section for Individual Accommodation, as well as inserting a link to this section into every section where it can apply. This section focuses on the individual and consultation.

The Committee strongly agreed to not use an 'accessible formats and communications supports' section for five reasons.

1. As mentioned above, it can be said that the spirit of the 2007 Ontario ICS accessible formats and communications supports section may be present in the Individual Accommodation section of the ICS. However, the words used are more positive in nature and the focus is on the individual. The title of the section itself focuses on the person, consultation with the person is highlighted, and the term and concept of 'reasonable efforts' is used as well. The person and not the format is highlighted. In the end, accessibility is about the individual and options.

2. The term 'accessible formats' (or 'alternate formats') indicates that only specific formats are accessible, and this is not the case. Formats can be accessible, or inaccessible, depending on what is done with them, and what the individual needs. The concept of accessible formats is a misnomer, because a Word document can be an accessible format, or not, depending on how it was constructed. As well, what is accessible for one person, may not be for another one, or may worsen accessibility for someone else. For example, a Word document made accessible for a screen reader, may not be accessible for a user with low vision, or a user with cognitive,

neurological and/or learning disabilities and vice versa.

3. By not specifying 'accessible formats' or 'communications supports' with definitions that include examples (as was done in the 2007 Ontario ICS), the Committee hopes that this provides for creativity and flexibility, when the organization consults with the individual. Only the individual can communicate their needs to the organization, who then works with them to find a solution that will work for both parties. This is a true collaboration or consultation, and goes beyond just formats.

4. The Committee felt that the term 'accessible formats' (and 'alternative formats'), was used long ago, when it was a mainly analog world and the digital was new. Even in the mid-2000's when the Ontario standard was being developed, it was harder to make accessible formats, because the tools to make born digital files were not as advanced as today. So, those terms fit the time in which they were used. As well, many on the Committee had not heard of the term 'communications supports' before this work.

5. The Committee also felt the phrase 'accessible formats' was used at a time when cognitive, neurological and/or learning disabilities were not as dominant (compared to visual disabilities) in the minds of lawmakers and policy makers, as they are today. This is evidenced particularly in WCAG 2.0 that was brought out in 2007, which was severely lacking for this group.

What was an accessible format or communications support in 2007, is not necessarily the same as today, because we are finally actively including cognitive, neurological and/or learning disabilities into standards, etc. This can be seen in the definition used in the 2007 Ontario ICS, again focusing on the visual (even with the proviso of 'other formats'):

"accessible formats" may include, but are not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities; ("format accessible")".

Web Content

John Wyndels brought the issue of specifying web content in the ICS to the Sub-Committee and Committee. Websites were a section in the 2007 Ontario ICS, and John also included them in the Committee's Terms of Reference, Section 3. John also listed them in his email in Appendix E.

Section 3 in the Terms of Reference, Scope of the ICS, notes that the proposed standard should set out requirements for organizations with regard to 'Creating and offering accessible web content'. The Committee, from the beginning, has felt that no specific IC should be parsed out in the standard.

The 2007 Ontario ICS highlighted websites. However, this was a product of its time and reflected 2007, when websites were heavily used. As the Committee noted in the October 4th, 2017 meeting, there is a range of ICs.

A short list of some of the physical and digital ICs the Committee noted are: websites, email, apps both mobile and native, applications, artificial intelligence (AI), robots, digital and physical signage and wayfinding, ticket machines, digital and electronic displays, development tools, ticket kiosks, maps, audio, video, blogs, social media content, vending machines, books, virtual reality (VR) and augmented reality (AR), events, menus, learning and website content management systems, documents such as pdfs, paper receipts, point of sale or transactions/invoices, brochures, posters, letters, flyers, newspapers, forms, etc. The Committee agreed that one had to either parse each one into a section, or parse none of them out in a section.

The Committee decided to not parse any IC out, but instead base Section 4 on use, and not type of IC. This is forward thinking, and the standard would still be usable in 5 or 10 years, because use will never change as a concept, but ICs will change with great frequency in that time period.

Unconvertible Information and Communications

John Wyndels brought the issue of including unconvertible ICs in the ICS to the Committee, and in meetings with the Chair. These were noted in

sections 9.2(1) and 9(3) in the 2007 Ontario ICS, and were an exemption based on not being able to convert the original format.

The Committee agreed they wouldn't include the term 'unconvertible' in the ICS. However, the concept behind it was used in the proactive sections, and in the reactive section Individual Accommodation, with the phrase 'reasonable efforts', and similar phrases. In the end, organizations need to make reasonable efforts to make ICs accessible, whether proactively or reactively, on request.

The Ontario Guide states:

"Some forms of information may be difficult or impossible to convert into an accessible format. Organizations need to determine, in consultation with the person requesting the information or communications, if it is possible to provide it in an accessible format or with appropriate communication supports. If an organization determines they are unable to convert the information or communications into an accessible format, they will need to explain to the person why they are unable to do so and provide a summary of the content."

The Committee talked about including the term 'unconvertible' in terms of ICs in the ICS. The Committee felt that this term may lead to too many potential loopholes, as organizations may say that they couldn't make something accessible, when in fact there may have been many options available to them.

However, the Committee fully agreed and understood that not every IC can, or will, be made accessible in a proactive way for a variety of reasons. This is why the concept of 'reasonable effort' was used as much as possible in proactive sections of the ICS, to indicate that accessibility may not always be possible, but that organizations should at least try to do their best (as the Human Rights Code would also assert).

As well, if an individual requests access in a different manner (in a reactive sense), then the organization can consult with them, as per the Individual Accommodation Section. There, they can try and explore as many options as possible, to provide an individual accommodation, again using 'reasonable efforts'. For example, in a grocery store, a worker may read tin

labels to a person who can't see them, or guide them to their website that has all stock listed on it in digital form.

The Committee is fully aware that there may be cases where no accommodation can occur. Although, even if this happens this would be in consultation with the individual, and not just a decision that the organization made by itself. In the end, this follows the Manitoba Human Rights Code, and the CSS as well, so echoing that is a benefit for the organization and individual.

Part III

Plain Language Summary

There are three parts to the Committee's draft standard, and they are detailed below.

Part 1: Introductory Provisions

Part 1 focuses on three sections that are all present in the CSS. The first section is important definitions, such as information and communications. The definition of information chosen by the Committee emphasized the variety of information in person, in print and in digital. The definition of communications emphasized the collaborative, or consultative, nature of transferring information, instead of focusing on the process itself, or specifying who is involved in it.

The second section consists of the meaning of accessible information and communications. It basically says that organizations should try and author, create, provide and/or receive accessible information and communications, so everyone can access them. Here, and in the rest of the Standard, the Committee wanted to stress the spectrum, or continuum, of ICs, not just the content, or providing ICs. This spectrum went from authoring and creation, to providing ICs to others, and receiving ICs from them.

The third section ends Part 1 with the phase in obligations. These are the same as the CSS, where three categories of organizations are in a staggered obligation timeline.

Part 2: Measures, Policies and Practices

The second part is comprised of 10 sections that are almost all in the CSS.

The first section is the general section that governs all of Section 4. This area states, like the CSS, that measures, policies and practices must be established and implemented by the organization for its ICs. This applies to ICs that are fully controlled by the organization, or they may be produced by a third party, but can be modified. It also applies to ICs, and the tools and technologies that are related to ICs, created in house or ones that are purchased or procured from third parties for free, or for a fee.

The second section is the Barrier Free Access to Information and Communications section. This is the area where ICs are split up by their use, not their type. No matter what type of ICs the organization works with, they will now split them into what is currently existing when the timeline is activated, what is new when the timeline activates, and what is legacy, unused and/or archived, as of the timeline activation date.

Organizations are asked to proactively make their current and new ICs accessible, or provide options by using the FAR in Section 7. They don't need to make legacy ICs accessible, except on request. Of course, this won't make everything accessible for everyone, so those three areas (current, new and legacy) are also linked to the Individual Accommodations section, where requests for access in a different manner are worked on.

The Committee asked organizations to focus first on new ICs, followed by the current ICs. The legacy ICs are only made accessible on request. This provides a clear focus and path for organizations, who will then be less likely to be overwhelmed by the sheer number of ICs that they need to make accessible.

The third section reminds organizations that the Human Rights Code is above the standard, and will take precedence. The fourth section is the opposite, where the organization is reminded that Section 5 of the CSS, communications related to goods and services, is not overridden by the ICS.

The fifth section focuses on Emergency Procedures, Plans and/or Public Safety Information. This area is one of the few sections that uses the term

'must', in order to indicate the importance of these ICs, as they are a matter of life and death.

This section does not require that organizations create these, if they haven't created them already. However, if they have them, or are creating them, they need to proactively make them accessible, providing options using the FAR for guidance. Of course, that won't ensure 100% accessibility for everyone, so this section is also linked to the Individual Accommodation section, so that people can make a request for access in a different manner.

The sixth section focuses on Feedback. Here, the feedback process for both receiving and responding to feedback must be made accessible, providing options using the FAR. This way, people can provide feedback about the accessibility of the organization's information and communications. Again, like Emergency Plans, this section is linked to Individual Accommodation for requests for access in a different manner, as not everyone will find the Feedback process accessible.

In the Feedback section, organizations must document their process and how they handled that feedback. This documentation will be able to be requested by the public. Here, the organization is reminded that Section 10 of the CSS feedback related to the accessibility of goods and services is not overridden by the ICS, because the ICS deals with ICs only.

The seventh section is the Functional Accessibility Requirements (FAR). This section is the 'how' to proactively make ICs accessible in a universal sense (versus Individual Accommodation which is an individual sense). So, in some of the areas above, the FAR is referred to in order to give guidance on how to start looking at IC accessibility. In this section, a list of requirements, or barriers, is provided. For example, the FAR indicates that if vision is needed to access an IC, then another option needs to be provided.

Organizations must consider this list of requirements or barriers, which isn't exhaustive and not everything on the list may apply to a particular situation and/or IC, in order to make their ICs more accessible. Organizations are reminded that privacy is very important when working with accessibility, and should be paramount when making ICs more accessible.

To remove barriers and achieve the FAR, organizations should use applicable standards, guidelines and/or best practices, which will be listed in the Guide. So, for example, the Guide can list WCAG 2.1 AA and/or PDF/UA-1 (soon to be PDF/UA-2) as standards that can be used to make a PDF more accessible.

The eighth section, Individual Accommodation, focuses on requests by people who need access in a different manner, and is reactive. This is linked to many sections in the ICS, because not every IC can proactively be made accessible for everyone, it would be impossible. The two parts of this section are, the contact process to request an accommodation, and the consultation process to receive the accommodation.

In the contact process, organizations need to make reasonable efforts to proactively provide accessible processes for receiving and responding to individuals who need access to ICs in a different manner, or an individual accommodation. As with Feedback, organizations are referred to the FAR section, and its associated applicable standards, guidelines and/or best practices, to make their contact process more accessible for everyone.

The processes used for Feedback can be reused, or readapted, for this purpose, thus there is no requirement to set up a new system or process. It can be as simple as changing the wording on a Feedback web page form to 'Please contact us to provide feedback about the accessibility of our ICs, and to request access in a different manner through an individual accommodation'. The individual will likely indicate how they would like the organization to respond in terms of the method of communication.

Again, like Feedback, documentation is required and can be requested by the public. As well, like with Feedback, organizations are reminded that this doesn't override any individual accommodations noted in the CSS, because it is focused on goods and services, or the Employment standard, which is focused on only individual employee accommodations.

In the consultation part of the Individual Accommodation section, the organization is reminded to consult with the individual in order to determine their individual needs for the IC in question, and then use reasonable efforts to provide access in that manner, if at all possible. The two parties work together to find an appropriate accommodation, in a relationship of sorts, not just the organization deciding on the course of action, or option

provided. This may help foster more positive attitudes and create more awareness towards individual accommodations. Attitude and awareness were the top two barriers at the Public Input Session on Barriers to Information and Communications.

This consultation, and resulting accommodation, must be done within a reasonable time, and a fee will only be charged as a last resort. The organization is also reminded that this doesn't override any individual accommodations noted in the CSS, because it is focused on goods and services, or the Employment standard, which is focused on accessible formats and communications supports for individual employees only.

The ninth section focuses on Documentation related to Measures, Policies and Practices, Section 4, which is almost exactly the same as the CSS Documentation section. If an organization has over 20 employees in Manitoba, then it must document what it does in Section 4, provide notice that this can be requested, and then provide copies on request.

These copies should be made accessible in a proactive way, using the FAR in Section 7. However, the individual who requests them could then consult with the organization for the preferred access manner, as per the Individual Accommodation Section. There will be no fee assessed for this documentation. This is unlike other sections that link to the Individual Accommodations section, where there may be a fee, if no other options are available.

The notice for the Documentation can be displayed in a prominent place, but the choice of display is left up to the organization. The organization is reminded that this doesn't override the Documentation re measures section in the CSS, which only focuses on goods and services.

The tenth section reminds the organization that it must comply with the measures, policies and practices that it establishes and implements under Section 4

Part 3: Training

Part 3 is comprised of two sections, Training and Documentation re Training. This section is very similar to CSS, with just a few changes made to it.

The first section is Training, and it is broken up into three areas. The first area focuses on who must get training. Organizations must ensure that training about accessible ICs is provided to three groups of people, two of which are taken directly from CSS. The two groups used in the CSS Training section are people who provide ICs, and people who participate in, or are responsible for the development or implementation of the Section 4 Measures, Policies and Practices. The ICS adds a third group, people who are responsible for purchasing or procurement of ICs and/or IC related tools and technologies.

The second area in the Training section focuses on what the instruction must include, in terms of the topic. The topic was deliberately kept general, to allow organizations greater scope to customize the specific content for their situation and needs.

The organization must cover: "How to identify, prevent and remove barriers that disable people when the organization is authoring, creating, providing and/or receiving information and communications". The topic covers the scope and continuum of ICs from the authoring and creation process, to the providing and receiving process. It was chosen, because it specifically covers ICs, and the topic is not covered in the CSS.

The third area in the Training section requires organizations to ensure training is provided, similar to the CSS. Organizations must ensure that training happens as soon as is practicable, whether someone is an employee in a large organization, or they are running their own small home based business. They must also provide ongoing training, as there may be changes made to the organization's IC related measures, policies and practices. Finally, organizations are reminded that this training is in addition to training set out by any other AMA standard, not instead of it.

The second section focuses on Documentation Related to Training. While this section was also in the CSS, changes have been made here to echo the Documentation re Measures section in the ICS (and CSS). If an organization has over 20 employees in Manitoba, then it must document its

training policy, which should include the training content and when training was provided.

As with the Documentation Re Measures, Policies and Practices, the organization must provide notice that this documentation can be requested, and then provide copies on request. These copies should be made accessible in a proactive way, by using the FAR. However, the individual who requests them could then consult with the organization for the preferred access manner, as per the Individual Accommodation Section. There will be no fee assessed for this documentation, unlike in the other sections that link to Individual Accommodations. This echoed the CSS, and it is assumed that the documentation would be relatively easy to make accessible.

The notice can be displayed in a prominent place, but the choice of display is left up to the organization. The organization is reminded that this doesn't override the Documentation re measures section in the CSS, which only focuses on goods and services.

Part IV

Important Themes

There are a few themes that the Committee has emphasized in this draft standard:

'Future Proof'
This Standard looks forward, or is 'future proof', because it lists general barriers in the FAR that will likely always be present; and it doesn't include specific standards, guidelines and/or best practices (they are in the Guide). The timeless nature of the FAR may mean that instead of focusing only on standards, which are flawed because they can't make everything accessible for everyone and they change more rapidly now, organizations will focus on potential barriers first, and then use standards, guidelines and/or best practices to try and make ICs more accessible.

Focus on Use
Section 4 is divided by the use of ICs in terms of current, new and legacy, unused and/or archived ICs. This focus on use is also forward looking,

because while use is unlikely to change, new types of ICs will developed at a fast rate, increasing as the years go along.

Educational

While the ICS is legislation and will become law, the Committee always felt that it was also an educational document. The educational components are the FAR, the applicable standards, guidelines and/or best practices linked to the FAR, the Training section, and Individual Accommodation Section where consultation with the individual is the focus. The FAR is likely the most educational component in the standard itself. No matter one's knowledge about ICs, or how to make them accessible, almost everyone will be able to learn about potential barriers with the FAR.

Consultation

The concept at the heart of the Individual Accommodation section that is emphasized is consultation, between organizations and the individuals who are requesting access in a different manner. By talking with each other, and finding out what needs need to be met, both the organization and individual learn from each other and build a relationship of sorts, while trying to provide access in a different manner.

Encourage Awareness and Positive Attitudes

The Standard emphasizes consultation, building relationships and providing options. This will help foster more awareness about barriers, and then influence more positive attitudes about eliminating barriers. This would help make change at both an individual, and global level. It would also help to solve the two top barriers at the Public Input Session on Barriers to Information and Communications, attitude and education/awareness.

Creativity and Flexibility

The standard was designed to try and encourage as much creativity and flexibility as possible for organizations, when they make their ICs accessible. Only some sections used the word 'must', such as Emergency Plans, Feedback, Individual Accommodations contact process and Training.

For example, in the Training section, even though the term 'must' was used, the training topic was left deliberately general to encourage the customization of content within the general framework. There is also the

opportunity for creativity in the FAR section. Instead of using specific standards in the ICS, organizations are encouraged to use standards that they want to use for their situations, or different guidelines and/or best practices, or a combination of all of them. In fact, organizations should be encouraged to develop their own best practices, and share them with others in Manitoba to encourage growth and work towards the 'common good'.

The Information and Communications Continuum

By focusing not just on the accessibility of content or a process, but on the accessibility of the authoring, creating, producing and receiving of ICs, including IC related tools and technologies, the IC continuum is emphasized, instead of just one aspect of IC. As well, procurement is emphasized in the general area of Section 4, and in the Training section. Both procurement and authoring (such as a website content management system like WordPress) are two aspects that will increase the accessibility of ICs on a global scale, and not just for an individual organization. Both of these usually involve third parties and/or vendors will now be more educated about IC accessibility, and they will help the 'global good' in Manitoba.

Universal and Individual

Universal relates to making ICs accessible proactively for the 'whole', while individual relates to working with individuals, when they request access in a different manner. The standard, if focused on the proactive and universal nature of IC accessibility, especially in the Current, New, Emergency Plans, Feedback, Individual Accommodations Process, Training Sections, and even more so in the FAR section.

However, it also makes the individual important as well, with many sections linking to the Individual Accommodation section, so it is reactive as well. While not every organization will be able to, or can, make all ICs accessible for some people, or provide individual accommodations for all ICs, Manitobans are encouraged to use reasonable efforts to do the best they can, whether they are proactively, or reactively, making ICs accessible.

Realistic Outlooks

The whole standard was written from a place of a realistic outlook, about the fact that not every organization can make every IC accessible, either

proactively or reactively, for everyone. This is almost impossible for almost all organizations. The terms 'reasonable efforts' and 'consider' have been used to let organizations know that they must do their best, and work within the spirit of the law, but sometimes they will fall short.

The timelines and the focus on making new and then current ICs accessible, but leaving legacy, unused and/or archived ICs just on a request only basis is realistic for the amount of ICs organizations will have to make accessible. It is hoped that this standard will encourage organizations to make their ICs accessible and be a starting point for them, as accessibility is always an endless journey.

Compliance
The two Documentation sections and the Compliance section itself all relate to trying to encourage compliance, mostly with organizations with 20+ employees. Compliance is certainly a goal, but it is hoped that organizations will not think of accessibility as 'one and done'.

Scalability
The standard was designed to be used by Joe in his small garage business, as well as people working in the largest organizations, such as the government, landlords who own many buildings, etc.

Encourage Options
The standard was designed to let organizations know, that while not everything can be made accessible for everyone, they should at least provide options, or at least more than one option in a proactive way. This doesn't have to be expensive, or a major project. For example, the Feedback process and Individual Accommodation contact process can be one in the same, as long as the individual is aware of that fact. It can be as easy as changing the wording on a website contact form to say: 'contact us with feedback about the accessibility of our ICs and/or request access in a different manner with an individual accommodation'.

Human Rights Code Connection
Throughout the Standard, echoing the CSS, the term 'reasonable efforts' has been used. This echoes the Manitoba Human Rights Code, which overrides the ICS, and CSS.

Part V

Committee Draft Information and Communications Standard

INTRODUCTORY PROVISIONS

Definitions

1. Definitions are:

Information
Information includes data, facts and knowledge that exists in any format, including, but not limited to, text, audio, digital and/or images, which conveys meaning, and includes, but is not limited to, in person, conventional print and digital communications and technologies.

Communications
The imparting or exchanging of information by speaking, writing, and/or using some other medium and/or mechanisms, including but not limited to in person, conventional print and digital information and technologies.

Procurement
The process of including accessibility criterion into policies and practices, when finding and purchasing information and communications, which may include tools and technologies, from an external source. This includes, but is not limited to, in person, conventional print and/or digital.

Feedback
Information concerning the accessibility of information and communications of an organization that is received, and responded to, through an accessible process.

Current Information and Communications
Information and communications authored, created, provided and/or received before the obligation timeline in 4(2A), in an active state, and are regularly used and maintained.

New Information and Communications
Information and communications authored, created, provided and/or received after the obligation timeline in 4(2B), in an active state, and are regularly used and maintained.

Legacy and Unused information and Communications
Information and communications authored, created, provided and/or received before the obligation date, are in an inactive state and are no longer used or accessed on a regular basis.

Archived Information and Communications
Information and communications that are not being used, and are permanently kept for their historic or evidential value in an archives, or similar.

Meaning of Accessible Information and Communications

2. For the purpose of this regulation, accessible information and communications are authored, created, provided and/or received when all persons who are reasonably expected to seek to obtain, use or benefit from information and communications have a similar opportunity to obtain, use or benefit from the information or communications.

Application and Phase-In of Obligations

3. The following organizations are subject to all sections after this one at the following times:

Organization Type	Years to Obligation
A Department Of The Government	1 Year After Standard is Official
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act,	2 Years After Standard is Official

Organization Type	Years to Obligation
A regional health authority established under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation, Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	
Provides goods or services directly to the public or to another organization in Manitoba, and has one or more employees in Manitoba.	3 Years After Standard is Official

MEASURES, POLICIES AND PRACTICES

Barrier-Free Access to Information and Communications

4 **(1a)** An organization must establish and implement measures, policies and practices respecting barrier-free access to information and communications it provides, and

(1b) This applies to all information and communications an organization controls directly, and/or through a contractual relationship that allows for modification of the information and communications, whether free or paid, and

(1c) This applies to information and communications related tools and technologies that an organization procures and/or purchases.

4 (2) In establishing, updating and implementing its measures, policies and practices, an organization must

(A) Identify and make reasonable efforts to remove barriers in currently existing information and communications, using the Functional Accessibility Requirements in Section 7, so that all persons can reasonably expect to seek to obtain, use or benefit from the information and communications.

   (i) If a person is disabled by a barrier and requests access in a different manner, see Section 8 Individual Accommodation.
   (ii) All organizations must make reasonable efforts to remove barriers within 5 years from the start of the obligation. The following timeline applies for all organizations noted in Section 3.

Organization Type	Years For Removing Barriers
A Department Of The Government	4 Years After Obligation Start
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act, A regional health authority established under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation, Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	3 Years After Obligation Start
Provides goods or services directly to the public or to another organization in Manitoba,	2 Years After Obligation Start

Organization Type	Years For Removing Barriers
and has one or more employees in Manitoba.	

(B) New information and communications must be made accessible using the Functional Accessibility Requirements in Section 7, so that all persons can reasonably expect to seek to obtain, use or benefit from the information and communications.

    (i)   If a person is disabled by a barrier and requests access in a different manner, see Section 8 Individual Accommodation.

    (ii)   All organizations must prevent barriers within 1 year of the start of the obligation. The following timeline applies for all organizations noted in Section 3:

Organization Type	Years to Prevent New Barriers
A Department Of The Government	1 Year After Obligation Start
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act, A regional health authority established under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation,	1 Year After Obligation Start

Organization Type	Years to Prevent New Barriers
Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	
Provides goods or services directly to the public or to another organization in Manitoba, and has one or more employees in Manitoba.	1 Year After Obligation Start

(C) Legacy, unused and/or archived information and communications are only to be made accessible when persons who are disabled by a barrier request access in a different manner. The organization must make reasonable efforts to provide access, as per Section 8 Individual Accommodation.

4(3) An organization's actions must be consistent with the purposes and principles of the Act and its obligations, including the obligation to make reasonable accommodations under The Human Rights Code.

4(4) Note that the Customer Service Standard Section 5 specifically mentions communication in terms of Goods and Services. The ICS will not override this section.

Emergency Procedures, Plans and/or Public Safety Information

(5) Every organization that has emergency procedures, plans and/or public safety information must make them accessible using the Functional Accessibility Requirements in Section 7, so that all persons reasonably expect to seek to obtain, use or benefit from the emergency procedures, plans and/or public safety information can do so.

(i)   If a person is disabled by a barrier and requests access in a different manner, see Section 8 Individual Accommodation.

(ii)   All organizations must provide this within 2 years of the start of the obligation. The following timeline applies for all organizations noted in Section 3:

Organization Type	Years to Provide in Accessible Manner
A Department Of The Government	2 Years After Obligation Start
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act, A regional health authority established under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation, Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	2 Years After Obligation Start
Provides goods or services directly to the public or to another	2 Years After Obligation Start

Organization Type	Years to Provide in Accessible Manner
organization in Manitoba, and has one or more employees in Manitoba.	

(iii)   This section does not override the Employment Section that deals with emergency plans for individual employees.

Feedback Re Accessible Information and Communications

(6) In its measures, policies and practices, under Section 4, an organization must make reasonable efforts to ensure that it provides accessible processes using the Functional Accessibility Requirements in Section 7, for receiving and responding to feedback about the accessibility of its information and communications.

(i)   If a person is disabled by a barrier and requests access in a different manner, see Section 8 Individual Accommodation.

(ii)   Documents its resulting actions, and makes that documentation available on request. For on request, see Section 8 Individual Accommodation.

(iii)   This section does not override the Customer Service Standard Section 10 'Feedback re accessible customer service' that deals with a process for receiving and responding to feedback about the accessibility of its (organization's) goods or services. The ICS covers information and communication, and an accessible feedback process.

Functional Accessibility Requirements

7(1) The following list of Functional Accessibility Requirements should be taken into consideration when establishing and implementing measures, policies and practices on making your information and communications more accessible:

- Vision

- Colour Perception
- Hearing
- Speech
- Taste
- Feel
- Touch
- Smell
- Manual Dexterity
- Hand Strength
- Reach
- Memorization
- Text Literacy
- Extended Attention
- Time Limitations
- Controlled Focus
- Abstract Thinking
- Sequencing of Steps
- Accuracy of Input
- Biometrics

7(2) Organizations must make reasonable efforts to achieve the Functional Accessibility Requirements in 7(1) using applicable standards, guidelines and/or best practices, but should also consider the following:

(i) Not every functional accessibility requirement listed in Section 7(1) will apply in every situation. Apply each element listed in that section as relevant to the particular information and communications.

(ii) The list in Section 7(1) is not exhaustive, and is not limited to only the items in that list.

(iii) Consider privacy as an important factor, as different requirements may lessen privacy for the person disabled by a barrier.

Individual Accommodation

8(1) An organization must make reasonable efforts to ensure that it provides accessible processes using the Functional Accessibility Requirements in Section 7, for receiving and responding to people who are

disabled by a barrier and are requesting access to information and communications in a different manner.

    (i)   If the person requests access to the individual accommodation process itself in a different manner, see Section 8(2).

    (ii)   This section does not override any part of the Customer Service Standard that deals with individual accommodations, because this is just for information and communications, and the Customer Service Standard covers goods and services.

    (iii)   This section does not override any part of the Employment Standard where it may deal with an employee contacting an employer for an individual accommodation.

    (iv)   Documents its resulting actions, and makes that documentation available on request. For on request, Section 8(2).

8(2) In the event that a person is disabled by a barrier and requests access to information and communications in a different manner, consult with them, so you communicate with that person to determine appropriate individual needs for the information and communications in question, and use reasonable efforts to provide access to the information and communications in a manner that is most appropriate for their needs.

    (i)   within a reasonable time, and

    (ii)   in the consultation process, ensure that a fee or charge relating to accommodating a person who is disabled by a barrier is imposed only if the organization cannot reasonably accommodate the person otherwise.

    (iii)   There will be no fee for Documentation in Sections 9(3) and 12(4).

    (iv)   This section does not override any part of the Customer Service Standard that deals with individual accommodations, because this is just for information and communications, and the Customer Service Standard covers goods and services.

    (v)   This does not override the Employment Standard whenever it references Accessible Formats and Communications Supports for individual employees.

Documentation Re Measures, Policies and Practices

9(1) Subject to subsection (4), an organization must:

(a) Document the measures, policies and practices it establishes and implements under that section, and

(b) Must provide a copy of the documentation on request; and

(c) Provide notice that the documentation is available on request.

9(2) The notice under clause 9(1c) must be prominently displayed, or be given by other means that are reasonable in the circumstances.

9(3) If a person is disabled by a barrier and requests access in a different manner, see Section 7 Individual Accommodation.

   a) There will be **no** cost to the person (see Section 8(2viii).

9(4) An organization is subject to this section only if it has 20 or more employees in Manitoba.

9(5) This won't override the Customer Service Standard Documentation re measures section, because it is just for goods and services.

Compliance

10 An organization must comply with the measures, policies and practices that it establishes and implements under section 4.

TRAINING

Training

11(1) An organization must ensure that training about accessible information and communications is, or has been, provided to the following persons:

   a) A person who provides information and communications directly to the public, employees, agents and volunteers, or to another

organization in Manitoba on behalf of the organization, and

b) A person who is responsible for the purchasing or procurement of information and communications, and/or information and communications related tools and technologies, for an organization, and

c) A person who participates in, or is responsible for, the development or implementation of the organization's measures, policies and practices under section 4.

11(2) The training must include

a) instruction about:

(i) How to identify, prevent and remove barriers that disable people when the organization is authoring, creating, providing and/or receiving information and communications.

11(3) An organization must ensure that

(a) Training is provided to a person as soon as reasonably practicable and

(b) On-going training is provided in connection with changes to the organization's measures, policies and practices respecting providing barrier-free access to information and communications that it provides, and

(c) This training will be in addition to training required by other standards.

Documentation Re Training

12(1) Subject to subsection (2), an organization must document its training policy, including a summary of the content of the training and when training is to be provided.

12(2) An organization must:

(a) Must provide a copy of the documentation on request; and

(b) Provide notice that the documentation is available on request.

12(3) The notice under clause 12(2b) must be prominently displayed, or be given by other means that are reasonable in the circumstances.

12(4) If a person is disabled by a barrier and requests access in a different manner, see Section 8 Individual Accommodation.

a) There will be **no** cost to the person (see Section 8(2viii).

12(5) An organization is subject to this section only if it has 20 or more employees in Manitoba.

12(6) This won't override the Customer Service Standard Documentation re Training section, because it is just for goods and services.

Part VI

Committee Draft Information and Communications Standard with Notes

Introductory Provisions

1. Definitions

Information
Information includes data, facts and knowledge that exists in any format, including, but not limited to, text, audio, digital and/or images, which conveys meaning, and includes, but is not limited to, in person, conventional print and digital communications and technologies.

Communications
The imparting or exchanging of information by speaking, writing, and/or using some other medium and/or mechanisms, including but not limited to in person, conventional print and digital information and technologies.

Procurement

The process of including accessibility criterion into policies and practices, when finding and purchasing information and communications, which may include tools and technologies, from an external source. This includes, but is not limited to, in person, conventional print and/or digital.

Feedback
Information concerning the accessibility of information and communications of an organization that is received, and responded to, through an accessible process.

Current Information and Communications
Information and communications authored, created, provided and/or received before the obligation timeline in 4(2A), in an active state, and are regularly used and maintained.

New Information and Communications
Information and communications authored, created, provided and/or received after the obligation timeline in 4(2B), in an active state, and are regularly used and maintained.

Legacy and Unused information and Communications
Information and communications authored, created, provided and/or received before the obligation date, are in an inactive state and are no longer used or accessed on a regular basis.

Archived Information and Communications
Information and communications that are not being used, and are permanently kept for their historic or evidential value in an archives, or similar.

1. Meaning and Notes
The Committee felt that it needed to define the three use categories that are in Section 4: current, new and legacy, unused and/or archived information and communications, for clarity. The definitions are based on best practice records management principles used in Canada of active, semi active and inactive (archived) records in an organization.

A definition was provided for feedback, because it is a section in the CSS, and in the ICS it only relates to information and communications, and includes an accessible process as well.

Procurement needed to be defined, because it wasn't used in the CSS. It is used in the ICS in Section 4(1c), and it is assumed in Section 4(1b). Many organizations, particularly small ones, may not use the term 'procurement', but use the term 'purchasing', so both terms were used in Section 4(1b). The term 'purchasing' was included in the procurement definition, even though procurement and purchasing are two slightly different concepts and processes.

The definition of procurement is not limited to information and communications related tools and technologies, even though they are specifically linked in Section 4(1c). This is due to procurement of information and communications being assumed in Section 4(1b). In this definition the Committee wanted to emphasize that the accessibility of ICs, and their related tools and technologies, are the goal of the ICS.

The Committee discussed the definitions of information and communications in great detail, and looked at many definitions in dictionaries, online sources, the 2007 Ontario ICS and the Terms of Reference.

The Terms definitions were:

- "information" means a one-way process from the information provider to the consumer or end-user.
- "communication" means an interactive process between the two or more entities, where the entities may be businesses, other organizations, systems, people, etc., or any combination thereof
- Information provision and communications is achieved through one or more media or mechanisms, including but not limited to convention print, in person, information and communications technologies.

The Committee had full agreement on the definition for information that was chosen. It was the definition from the Ontario 2007 ICS, with part of the Terms definition added to it, so it included in person, in print and digital, as well as communications technologies.

The Committee had full agreement on the definition for communications that was chosen. It was the definition from the online Oxford Dictionary,

with part of the Terms definition added to it, so it included in person, in print and digital, as well as information technologies.

The Terms definitions were rejected by the Committee.

- Information is only defined as a one way process, and only from the information provider to the consumer, or end-user, and this is problematic. There is a two way process in the Emergency Procedures, Plans and/or Public Safety Information, Feedback and Individual Accommodation Sections. As well, individuals will contact organizations with information regarding feedback, or requests for individual accommodations. So, information isn't always a one way process from the organization to the individual.

- The terms 'end-user' and 'consumer' were problematic. Both terms are usually used in a transaction, or purchasing, based scenario, such as when an individual buys something at a store. However, the Committee's definition didn't define any party, because information may come from, or be delivered to, anyone, external or internal to the organization.

- Information is defined as a process, and the Committee wanted to emphasize 'what' information was, so that the public can understand what it may include, and not the process or parties involved.

- Communication focused on the entities, and described them. The Committee wanted to focus on the process, as that is what they felt communication entailed. The process in the communications definition also followed the theme of 'consulting', and indicated a relationship through the terms 'imparting and exchanging'. This followed the themes present in the Standard, particularly in the Individual Accommodation Section.

2. Meaning of Accessible Information and Communications

2. For the purpose of this regulation, accessible information and communications are authored, created, provided and/or received when all persons who are reasonably expected to seek to obtain, use or benefit from

information and communications have a similar opportunity to obtain, use or benefit from the information or communications.

2. Meaning and Notes

Organizations need to author, create, provide and/or receive accessible information and communications, so that everyone can access them.

This is a general phrase about the importance of providing accessible information and communications overall. This section, and wording, was used in the CSS and the Committee kept it the same, except for two changes.

Goods and services was replaced with information and communications. As well, the term 'provided' was replaced with 'authored, created, provided and/or received'. The term 'provided' could be interpreted as a one way process, from organization to person. However, in the ICS there are two way processes, such as in Feedback (Section 6) and Individual Accommodation (Section 8). So, this change was made in order to indicate the full scope of the IC process from start to finish for both ICs, and the tools and technologies used to create them (authoring).

3. Application and Phase-In of Obligations

3. The following organizations are subject to this standard at the following times:

Organization Type	Years to Obligation
A Department Of The Government	1 Year After Standard is Official
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act,	2 Years After Standard is Official

Organization Type	Years to Obligation
A regional health authority established under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation, Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	
Provides goods or services directly to the public or to another organization in Manitoba, and has one or more employees in Manitoba.	3 Years After Standard is Official

3. Meaning and Notes

There is a phase in of obligations depending on organization type. Different organizations will have the Standard applied to them at different times.

This section, and wording, was used in the CSS. The Committee felt it was important to keep the same three categories, and obligation date structure, for consistency. Organizations would already be used to the CSS obligation structure, and thus wouldn't have difficulty with this one.

The Committee and Sub-Committee had extensive discussions about whether emergency services should be added as a new category with a shorter obligation date. However, it was decided that this would make the structure too complex, as emergency services could be private and/or public. So, the Committee felt that echoing the CSS obligation structure would be more beneficial overall.

Measures, Policies and Practices

4. Barrier-Free Access to Information and Communications

4.1 Overall Elements

4 (1a) An organization must establish and implement measures, policies and practices respecting barrier-free access to information and communications it provides, and

(1b) This applies to all information and communications an organization controls directly, and/or through a contractual relationship that allows for modification of the information and communications, whether free or paid, and

(1c) This applies to information and communications related tools and technologies that an organization procures and/or purchases.

4.1 Meaning and Notes

4(1a) is a general statement governing Section 4, which tells organizations that they must establish and implement measures, policies and practices related to accessible ICs. This was taken from the CSS, and the Committee decided to use this for consistency. However, the Committee added two new general statements in 4(1b) and 4(1c) that also govern Section 4.

Section 4(1b) was added to make organizations aware that Section 4 applies, whether the organization has full control of the ICs, or only partial control of them. It also covers all ICs, whether they were free for use, or the organization had to pay to use them.

ICs may be created in the organization itself, or 'in house'. These are usually within the full control of the organization, and they can make modifications without issue. Examples include a website (digital) created by the organization's web developer, or a brochure (print) created by the organization's marketing team.

The words 'through a contractual relationship' were used to infer the process of purchasing and/or procurement from a third party, such as a vendor, business and/or an individual.

The Committee felt strongly that procurement be included in this section, as it is an important aspect of the information and communications process. It can majorly improve accessibility of third party ICs for everyone, not just the organization purchasing it. Procurement and/or purchasing also provides opportunities for organizations and third parties to help educate and support each other in terms of IC accessibility. These ICs may, or may not, be able to be modified by the organization for its needs. Thus, the organization's control over the IC modification may be limited, or non-existent.

Organizations may feel that the term 'contractual relationship' only applies to traditional signed contracts. However, it should be noted that today, particularly for digital ICs that are free, or shared. One example is open resource content (primarily digital) that is available for technology, education and museum related organizations.

Many times, there is no official signed contract, but instead a general agreement to terms. The Committee agreed that these are still a contractual relationship between the organization and IC related provider. For example, when signing up for Facebook or Twitter, there is a terms of service or use agreement that one must agree to in order to use their IC related website. These constitute a contractual relationship, and it is recommended that this be put into the Guide, to make this clear to organizations.

The term 'allows for modification' was added here to make it clear that most purchased and/or procured ICs should be able to be modified to some degree, so the organization should have some level of control over them. Basically, the Committee would like them to do what they can, with what they control, and can modify.

One example is a Facebook page that is used by an organization instead of a traditional website, which is a very common occurrence today. The organization cannot control the system, or most of the features in it. However, it can control the content and make that more accessible, such as using plain language text, alternative text for images, etc. A similar

example is a paper menu that an organization orders from a printer. The organization may only have control over the content, colour and font size, but they can make those aspects more accessible.

However, some ICs may not be modifiable by the organization, and may be locked by a third party. For example, a company may order business cards (print) that are fully in the control of the printing house, in terms of content, layout, colour, style, etc. Another example is an organization that receives content in the form of PDF (digital) that is locked for security or copyright reasons. These kinds of ICs may not be within the control of the organization, and may be difficult, or impossible, to be made more accessible.

This doesn't mean that the organization shouldn't do anything in terms of accessibility. It is hoped in the spirit of this Standard that the organization will be proactive and try and come up with options, such as a website contact us page or email text signature that has all the same information as the non-modifiable business card.

As well, if an individual requests access to this 'locked' information in a different manner, then the organization will need to make reasonable efforts to consult with that person (as per Section 8 Individual Accommodation) on the best way they can access the information. It may be as simple as putting information in the text of an email or just leaving a voice mail with the same information, in order to comply with the Standard.

The Committee is fully aware that there may be grey areas that come up with what is considered controlled, or modifiable, under the standard, and many of them will be hard to solve.

There may be instances where an organization creates an IC in house, but modifications are done by a third party, and these are then locked and not modifiable, or the reverse happens. One example is where an organization uses a third party website content management system, such as WordPress. It is fully modifiable, and then the organization purchases a module, or add on, from a third party that is not modifiable at all. Since no legislation can capture every single grey area issue, some form of adjudication process should be initiated by the government to try and resolve these kinds of potential grey area issues.

The aspect of cost was added to 4(1b), because organizations may feel that just because they didn't pay for IC, that it isn't covered by the Standard. This happened in Ontario, where some organizations were using free ICs as a loophole to not comply.

Today many ICs, particularly in the digital realm, are free to use from third parties, including popular website content management systems Drupal and WordPress, or popular learning management systems, such as Moodle. In the print realm, there are free newsletters that an organization can submit an article to, and these may not come with a cost from the 3rd party who produces the paper newsletter. Just because an IC did not have a fee associated with it, doesn't mean it should be exempt from this standard.

Section 4(1c) relates to the procurement and/or purchasing of IC related tools and technologies from third parties. These may be purchased for a fee, or they may be free to use. It is essential that accessibility be added to the procurement and/or purchasing process, because then greater change can be made **before** the organization obtains the ICs and/or IC related tools and technologies. Otherwise, changes later usually cost money and take a lot of time.

These tools and technologies are usually associated with the authoring process to create and/or provide accessible information and communications. They themselves should be accessible, so that accessible ICs can be produced. Examples include computer software programs, website content management systems such as WordPress or Drupal, learning management systems such as Moodle, kiosks, ticket machines, etc. These may have a public facing side (a website for example), as well as the back end that the organization uses to create IC content.

It should be noted that this tools and technology item doesn't override the Employment Standard, because it is focused on making accommodations for individual employees who request it. The ICS is more universal or global in nature and intent.

The Committee fully realizes that not every tool or technology can be made, or will be made, accessible for everyone. This would be an almost impossible task. As well, many organizations will purchase tools and technologies from third parties, and won't be able to make modifications

after purchase or procurement. So, organizations will be relying on the third party to make these tools and technologies accessible. This may be a flawed process as well, as third parties may need to be educated about accessibility as well.

Even with these difficulties, the Committee felt that it was imperative that IC related tools and technologies be kept in Section 4, because they are change makers on a global scale. Like procurement, they are great change makers for accessibility, because they provide systematic change in Manitoba, not just individual change for one Manitoba based organization.

The Committee talked to Jutta Treviranus from OCAD, one of the top worldwide experts in universal design and accessibility related legislation, who stressed the importance of both authoring and procurement, as they both produce the greatest change. As well, the recommendations for the Revised Ontario ICS and Federal Accessibility Act both include procurement and authoring (tools and technologies), so both will be a priority nationwide and in the province of Ontario.

4.2 Overall Statement

4 (2) In establishing, updating and implementing its measures, policies and practices, an organization must

4.2 Meaning and Notes

Organizations must establish, update and implement measures, policies and practices, and include Sections 4(2A) to 4(4).

The Committee used the CSS Section 4 wording for 4(2), except that the word 'updating' was added to it. This was done because accessibility in IC is not a 'one and done' thing, instead it is always evolving and changing. The Committee wanted to remind organizations of this with 'updating'. The rest of Section 4 echoes the CSS for consistency, but there are areas that are new, due to the different nature of ICs.

This is the start of the breakdown of ICs by use. Three categories of IC were identified under Section 4: current, new and legacy, unused and archived information and communications. The Committee felt that instead of breaking the section up into specific IC types, such as websites, apps,

etc., instead a more global and long lasting approach would be to highlight three categories of use for the ICs.

This is unlike the 2007 Ontario ICS, which mentioned only a specific IC type, websites, because they were popular at the time. By using categories of use, that are present with all in person, print and digital ICs, and will be in years to come, the ICS will stand the test of time.

4.2A Current Information and Communications

(D) Identify and make reasonable efforts to remove barriers in currently existing information and communications, using the Functional Accessibility Requirements in Section 7, so that all persons can reasonably expect to seek to obtain, use or benefit from the information and communications.

   i.   If a person is disabled by a barrier and requests access in a different manner, see Section 8 Individual Accommodation.
   ii. All organizations must make reasonable efforts to remove barriers in 5 years from the start of the legislation. The following timeline applies for all organizations noted in Section 3.

Organization Type	Years For Removing Barriers
A Department Of The Government	4 Years After Obligation Start
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act, A regional health authority established under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries	3 Years After Obligation Start

Organization Type	Years For Removing Barriers
Regulation, Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	
Provides goods or services directly to the public or to another organization in Manitoba, and has one or more employees in Manitoba.	2 Years After Obligation Start

4.2A Meaning and Notes

Organizations will have ICs that exist prior to their obligation date under the standard. The Committee wanted organizations to proactively identify and use reasonable efforts to remove barriers in those ICs, in five years from the start of the legislation.

To help with this task, organizations should refer to the FAR for information. Not every single IC can be made accessible for everyone, so if an individual makes a request for access in a different manner, the organization goes to the Individual Accommodation section for information on how to consult with them.

The Committee used some of the similar wording to the CSS Section 4, but then made changes to suit this standard.

The Committee wanted organizations to look at their current information and communications to see what needed to improve, and what can be left as is. Since the CSS is focused on digital, in print and in person goods and services, it is likely that most organizations would have already done some of this work prior to the ICS obligation, because information and communications is intricately connected to the CSS.

The word 'must' wasn't used here, but the term 'make reasonable efforts' was used in this section. This was to imply that the Committee understands that the number and variety of ICs may be overwhelming to organizations,

but that they should at least try to identify and remove barriers, as much as possible.

Section (i) was added because there is no way that any organization can make everything accessible for everyone. Realistically, they will try their best, but there will still be IC that won't be made partially, or more fully, accessible. This section was added to remind organizations that they won't get everything 100% accessible for everyone, and will always have individual requests.

In Section 4.2A, the FAR were mentioned, so that organizations can get basic guidance when trying to identify and remove barriers in ICs. Many organizations likely don't know how to make ICs accessible. However, the FAR, and the standards, guidelines and/or best practices linked to the FAR in Section 7(2), give a good basic guide on what barriers to look for, and then Training in Section 11 will also help with this task.

As well, the FAR would guide organizations in the procurement process. It could be used, along with standards, guidelines and/or best practices, in the procurement process with third parties. This is done in accessibility procurement legislation, such as EU Mandate 376 and US Section 508. The Committee realizes that resources and/or training will be needed as well, as many people may be unfamiliar with accessibility and ICs.

While some organizations may approach this task with trepidation and even fear, the FAR and standards, guidelines and/or best practices can help reduce that fear and at least help them understand basic principles. In short, the Committee wants people to know that options are the key to providing accessibility. Whether they are provided proactively at the start in a proactive way, or given when someone requests something different due to different access needs, in a reactive way.

Section (ii) notes the timeline for this work. The Committee has provided a specific timeline, because otherwise organizations may potentially ignore current ICs. The Committee felt that five years total for all organizations (from the start of the standard to a five year mark) would be enough time for all organizations to work with their current material. The first two categories of obligation would be government and larger institutions, for the most part, and they were given more time from their obligation date than the third category organizations.

This was done deliberately, because the first two categories of organizations will likely have more resources to work with overall, and they may possibly share experiences and resources to organizations in the third category. So even though the third category of organizations only have two years from their obligation date, they would benefit from the others in terms of education and resources, and if not, they could find training that fits their needs in that 5 year period.

4.2B New Information and Communications

(B) New information and communications must be made accessible using the Functional Accessibility Requirements in Section 7, so that all persons can reasonably expect to seek to obtain, use or benefit from the information and communications.

   i.   If a person is disabled by a barrier and requests access in a different manner, see Section 8 Individual Accommodation.

   ii.   All organizations must prevent barriers within 1 year of the start of the obligation. The following timeline applies for all organizations noted in Section 3:

Organization Type	Years to Prevent New Barriers
A Department Of The Government	1 Year After Obligation Start
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act, A regional health authority established	1 Year After Obligation Start

Organization Type	Years to Prevent New Barriers
under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation, Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	
Provides goods or services directly to the public or to another organization in Manitoba, and has one or more employees in Manitoba.	1 Year After Obligation Start

4.2B Meaning and Notes

Organizations will have ICs that are created, procured and/or purchased on, or after their obligation date under the standard. The Committee wanted organizations to proactively remove barriers in those ICs, in one year from the obligation start date.

To accomplish this task, organizations should use the FAR for information on what barriers to look for, and use the FAR, as well as standards, guidelines and/or best practices to remove the barriers.

Section (i) was added because there is no way that any organization can make everything accessible for everyone. Realistically, they will try their best, but there will still be IC that won't be made partially, or more fully,

accessible. This section was added to remind organizations that they won't get everything 100% accessible for everyone, and will always have individual requests.

In Section 4.2B, the FAR were mentioned, so that organizations can get basic guidance when trying to identify and remove barriers in ICs. Many organizations likely don't know how to make ICs accessible. However, the FAR, and the standards, guidelines and/or best practices linked to the FAR in Section 7(2), give a good basic guide on what barriers to look for, and then Training in Section 11 will also help with this task.

The Committee wanted organizations to prioritize making their new ICs accessible, and this is noted with the word 'must' used in 4(2B), and in the timeline of only one year after the obligation starts in 4(2Bii). However, again, since the CSS is focused on digital, in print and in person goods and services, it is likely that most organizations would have already done some of this work prior to the ICS obligation, because information and communications is intricately connected to the CSS.

The Committee felt that it was more realistic to ask for new ICs to be proactively made accessible, with a short timeline, than current ICs which could number in the hundreds of thousands, or more. With new ICs, they are just being created or procured, so there may be more time to find out how they can be made accessible.

The Committee debated using the term 'must', as we are fully aware that not every organization can, or will, make all new ICs proactively accessible. However, by linking to the FAR in Section 7, which uses the phrases 'should be taken into consideration' and 'make reasonable efforts', this provides some leeway for organizations in terms of making reasonable efforts to make their new ICs accessible. However, the Committee hopes that in the spirit of the standard, that the organization will make every effort possible to comply with it.

The phrase 'made accessible' can be vague, and this is recognized by the Committee. The wording in legislation can't account for the diverse range of individual needs. The concept that the Committee was trying to get across was to provide options. The Committee did not want to be prescriptive about what the organization will do in terms of options. The Committee hopes that this will lead to organizations being innovative and promoting

creativity and flexibility, and possibly even encourage more options to be provided than if just one had been prescribed. For example, instead of just having a paper floor plan on a wall, put a statement on a web page that says that this information can be accessed in digital form through the web page itself.

The Committee is fully aware that organizations can't make everything fully accessible for everyone, however they should at least use the FAR in order to try and provide more than one option, if at all possible.

As well, the FAR would guide organizations in the procurement process. It could be used, along with standards, guidelines and/or best practices, in the procurement process with third parties. This is done in accessibility procurement legislation, such as EU Mandate 376 and US Section 508. The Committee realizes that resources and/or training will be needed as well, as many people may be unfamiliar with accessibility and ICs.

While some organizations may approach this task with trepidation and even fear, the FAR and standards, guidelines and/or best practices can help reduce that fear and at least help them understand basic principles. In short, the Committee wants people to know that options are the key to providing accessibility. Whether they are provided at the start, or given when someone requests something different due to different access needs.

Section (ii) notes the timeline for this work. The Committee has provided a specific timeline, to indicate the importance of new ICs. These should be their priority to make accessible within a year of the obligation date for all three categories of organizations.

Even though this is a strict timeline, the Committee felt that all organizations could comply with this, as they would have time to look at what they would produce themselves (in house), and what they would procure and/or purchase from third parties.

Even if the organization had a complex procurement process, they would only have to start including accessibility in their procurement requests as of 1 year after their obligation date. It is hoped that this process would start sooner, in the spirit of the Act, however this should give ample time for the procurement process language and process to be modified to comply with the standard.

The Committee understands that there could be many complex situations where a grey area can exist. For example, a current website could have new modules/functionality added to it, or even new content. The Committee felt that it would be an impossible task to parse out every situation that could arise.

Organizations would need to use their best judgement to decide how to interpret the rule. However, it is strongly recommended that examples in the Guide be used to try and proactively remediate some issues. Ontario has faced this 'grey area' issue and is revising how it deals with it, even though it will always be problematic to some degree.

4.2C Legacy, Unused and/or Archived Information and Communications

(C) Legacy, unused and/or archived information and communications are only to be made accessible when persons who are disabled by a barrier request access in a different manner. The organization must make reasonable efforts to provide access, as per Section 8 Individual Accommodation.

4.2C Meaning and Notes

Organizations will have ICs that are not used, or rarely used, as of the obligation date of the standard. These are only to be made accessible on request, and are referred to Section 8 Individual Accommodations. The Committee wanted organizations to only reactively remove barriers on request and lessen the priority of these ICs, and so this section is fully reactive in nature.

Three terms, legacy, unused and archival, were used to signify ICs that were rarely used, or not used, by an organization. Legacy and unused ICs would either never be in use, or only rarely used. Archived ICs are not in use and have been preserved for historical significance. They may reside in an archives, or the organization itself.

The Committee wanted organizations to focus on the current and new ICs, and not legacy ones, for two reasons. First, Ontario had a real problem with organizations taking down a significant amount of material from websites,

because they were older and rarely used. Organizations didn't have the time or resources to make them accessible, so they just took them down completely to avoid a potential fine under the AODA. Thus, a lot of material that could be useful for the public at large was taken down and/or deleted. Second, the reality is that most organizations, even the smallest ones, have a plethora of ICs that are rarely, or never, used, and it would be an overwhelming task to identify and eliminate barriers in those ICs.

While the Committee would like to have all ICs, including legacy, unused and/or archived ones, as accessible as possible, this is an unrealistic goal. For archives ICs in particular, most archives in Manitoba likely have thousands to up to millions of archived materials, in both analog and digital form. It would be an impossible task for them to make everything accessible for everyone. However, the Committee hopes that the spirit of the law will encourage organizations to work with legacy ICs, after they have tackled new and current ones, instead of just waiting for a request to make them accessible.

The Committee understands that there could be many complex situations where a grey area can exist. Organizations may define legacy ICs differently, or may not think their ICs are used, and this may cause complexities. As well, what is legacy, or rarely used, to one organization may mean something different to another one. Definitions have been provided for all three terms, legacy, unused and archived. Canadian best practice records management principles have been used to form the intent behind them as a concept, and definition. This was done to try and counteract some of the 'grey area' that will arise.

The Committee felt that it would be an impossible task to parse out every situation that could arise. Organizations would need to use their best judgement to decide how to interpret the rule. However, it is strongly recommended that examples in the Guide be used to try and proactively remediate some issues. The recommendations for the Revised Ontario ICS also included legacy and archived material, so there may be some resources that can be shared from Ontario.

4.3 Human Rights Code Connection

4(3) An organization's actions must be consistent with the purposes and principles of the Act and its obligations, including the obligation to make reasonable accommodations under The Human Rights Code.

4.3 Meaning and Notes

Organizations must follow this standard, but also know that the Human Rights Code overrides it. So, reasonable efforts must be made to make ICs accessible, otherwise a human rights complaint could be initiated. This section was taken from the CSS, and needs to be included because the Human Rights Code overrides this standard.

4.4 Customer Service Standard Connection

4(4) Note that the Customer Service Standard Section 5 specifically mentions communication in terms of Goods and Services. The ICS will not override this section.

4.4 Meaning and Notes

Organizations must abide by CSS Section 5, because it came first, and it specifically mentions, albeit in a brief manner, communication in terms of goods and services. However, for all other aspects of information and communications, the IC standard should be used.

This section was added because there was an issue brought to the Committee about the ICS possibly overriding the CSS. The Committee, and Sub-Committee, considered this issue in great detail and in many meetings. All members of the Committee agreed that the ICS did not override the CSS, but complimented it, and was on the 'same continuum'.

However, the Committee didn't want to cause confusion between the two standards. Section 4 of the ICS does not override Section 4 of the CSS and vice versa, as the two deal with different aspects. The CSS is goods and services, and the ICS is information and communications. This was the same concept used in the Ontario ICS and CSS, as was confirmed by both Jutta Treviranus (a member of the Ontario Original and Review ICS Committees) and the head of the Accessibility Directorate in Ontario.

The Committee in its deliberations agreed that Section 5 of the CSS may be problematic, because it specifically deals with communications. Thus,

Section 4(4) was added to note that this CSS section would take precedence over the ICS in this area alone.

The Committee recommends that when the CSS and ICS are reviewed, that the committees collaborate to define this in the standard in a more definitive way.

5. Emergency Procedures, Plans and/or Public Safety Information

(5) Every organization that has emergency procedures, plans and/or public safety information must make them accessible using the Functional Accessibility Requirements in Section 7, so that all persons reasonably expect to seek to obtain, use or benefit from the emergency procedures, plans and/or public safety information can do so.

- (iv)   If a person is disabled by a barrier and requests access in a different manner, see Section 8 Individual Accommodation.
- (v)   All organizations must provide this within 2 years of the start of the obligation. The following timeline applies for all organizations noted in Section 3:

Organization Type	Years to Provide in Accessible Manner
A Department Of The Government	2 Years After Obligation Start
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act, A regional health authority established	2 Years After Obligation Start

Organization Type	Years to Provide in Accessible Manner
under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation, Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	
Provides goods or services directly to the public or to another organization in Manitoba, and has one or more employees in Manitoba.	2 Years After Obligation Start

(vi)   This section does not override the Employment Section that deals with emergency plans and individual employees.

5. Meaning and Notes

If an organization already has, or creates, emergency procedures, plans and/or public safety information it must provide them in more than one way, if possible, in 2 years from the start of the obligation. This sub-section does not require organizations to create these, as it only applies if they have them already, or create them.

The Committee felt it was crucial that this section be parsed out in the standard, like in the Ontario ICS, because this involves ICs that are a

matter of life and death. In the Ontario 2018 Review ICS, it has been recommended that this section be moved to the General AODA Section, because Emergency information related to many standards.

Today, for the most part, organizations only post this kind of information in paper form on a wall near an elevator, or in a room. The objective of this section is to get organizations to provide this information in more than one way, if at all possible. The paper notice can be accessible for many people, but not everyone. So, this section is stressing that options be provided for access to this information.

The term 'must' was used in Section 5 to show the importance of this sub-section to the organizations. The term 'make them accessible using the Functional Accessibility Requirements in Section 7' was used in that section as well. By linking to the FAR, which uses the phrases 'should be taken into consideration' and 'make reasonable efforts', this provides some leeway for organizations in terms of making reasonable efforts to make their emergency related ICs accessible. However, the Committee hopes that in the spirit of the standard, that the organization will make every effort possible to comply with it.

The FAR would help organizations with accessibility of these ICs. For example, if an organization only has an emergency plan on a wall in paper, someone without vision, with low vision or with a cognitive, neurological and/or learning disability may not be able to access it. The FAR section reminds organizations to provide a different manner, if at all possible (such as a web page with that information on it, or a contact email). This won't override the Employment Standard, which applies to individual employees.

The phrase 'make them accessible' can be vague, and this is recognized by the Committee. The concept that the Committee was trying to get across was to provide options. The Committee did not want to be prescriptive for what the organization will do in terms of options. The Committee hopes that this will lead to creativity and flexibility, and possibly even encourage more options to be provided, than if just one had been prescribed. For example, instead of just having a paper floor plan on a wall, put a statement on a web page that says that this information can be accessed in digital form on the web page itself.

To make these ICs more accessible, organizations should use the FAR for information on what barriers to look for, and use the FAR, as well as the standards, guidelines and/or best practices to remove them.

Section 5(i) was added because not every single IC can be made accessible for everyone. So, if an individual makes a request for access in a different manner, the organization goes to Section 8 Individual Accommodation for information.

Organizations may be concerned that making these ICs accessible requires a lot of work and resources. In fact, it can be as simple as a web page that gives text information about floor emergency exists, and/or it can be a notice on a main floor saying to contact the landlord if another method is needed to access this information.

In the latter situation, the landlord could send a person an email with text information about a building's emergency procedure and/or exits, or do this in a phone call. A building manager could draw out a plan on a piece of paper, or take a person through the floor they want to access, to quickly show them where exits are located. The Committee felt strongly that these options don't have to be elaborate, or expensive.

The Committee also discussed the possibility of organizations located in more secure buildings. It is possible that these organizations can't release emergency plans or procedures to the public in full. If this is the case, they can also be flexible and creative in how they deal with this situation. They might be able to put a notice on the contact us section of their web site that lets people contact them, if they need this information in a different manner.

Section 5(ii) notes the timeline for this work. The Committee has provided a specific timeline, to indicate the importance of emergency related ICs. These should be a priority to make accessible within two years of the obligation date for all three categories of organizations. The Committee chose this relatively short timeline (comparatively), to show the importance of this section to the organization.

The Committee had more than one discussion about changing this timeline to one year after the obligation begins, and would have preferred it. However, in our extensive deliberations, it was felt that the two year timeline would be realistic for all organizations, whether they were small or

very large. We took into account landlords, government entities, hotels, etc. that may have many floors and/or rooms with emergency information present.

This section has no relation to the CSS. Section 5(iii) was added so that this section does not override the emergency information part of the Employment standard in any way. The Employment Standard deals with individual employees, and is reactive to an employee's request for accessible emergency information. The ICS is proactive, and universal, prescribing this for the general public, interns, volunteers, etc., but also includes a reactive sub-section, if access is requested in a different manner.

6. Feedback Re Accessible Information and Communications

(6) In its measures, policies and practices, under Section 4, an organization must make reasonable efforts to ensure that it provides accessible processes using the Functional Accessibility Requirements in Section 7, for receiving and responding to feedback about the accessibility of its information and communications.

- (iv) If a person is disabled by a barrier and requests access in a different manner, see Section 8 Individual Accommodation.
- (v) Documents its resulting actions, and makes that documentation available on request. For on request, see Section 8 Individual Accommodation.
- (vi) This section does not override the Customer Service Standard Section 10 'Feedback re accessible customer service' that deals with a process for receiving and responding to feedback about the accessibility of its (organization's) goods or services. The ICS covers information and communication, and an accessible feedback process.

6. Meaning and Notes

An organization must provide feedback processes that are accessible in order to receive and respond to feedback about the accessibility of its

information and communications that are detailed in Section 4 (current, new and legacy ICs). This section is proactive, but also reactive in 6(i).

The Committee felt it was important for this section to be parsed out in the standard, as it was in Ontario and the Manitoba CSS, because feedback is crucial to improve accessibility. In Ontario, it has been recommended that this section be moved to the General Section, because there were multiple places where feedback was mentioned in the standard, which was confusing to organizations.

This section focuses on both the accessibility of the feedback process itself, in receiving and responding to feedback and the feedback. This is slightly different than in CSS, where the 'Feedback re accessible customer service' Section focuses on the feedback and the process, but didn't mandate an accessible feedback process. Here, the Committee agreed that the accessibility of the process was crucial, and that there should be more than one process (if possible), because otherwise people can't communicate with the organization about the accessibility of its ICs.

The term 'must' was used in Section 6 to show the importance of this sub-section to the organizations. The term 'using the Functional Accessibility Requirements in Section 7' was used in that section as well. By linking to the FAR, which uses the phrases 'should be taken into consideration' and 'make reasonable efforts', this also provides some leeway for organizations in terms of making reasonable efforts to make their feedback process accessible. However, the Committee hopes that in the spirit of the standard, that the organization will make every effort possible to comply with it.

The term 'reasonable efforts' was also included with the 'must', because we know that organizations all have different resources and situations. Plus, the process itself can't be made accessible for everyone. The Committee was trying to get across that options should be provided, or more than one way to provide feedback and respond to it. While the terms 'must' and 'reasonable efforts' may seem at odds, the Committee was trying to get across that this is important ('must'), but that they were aware that every organization would do its best to accomplish the tasks with their resources.

The Committee understands that organizations may think that providing an accessible feedback process may be a daunting prospect, in terms of work and resources. However, this can be provided in relatively simple ways.

For example, for receiving feedback, an accessible Feedback form can be added to a web site. A phone number and email can be added to a Facebook About page, with the phrase 'contact us to provide feedback on the accessibility of our information and communications'.

In terms of the organization responding to feedback from an individual, it is likely that in the feedback receipt, the person would say how they want to be contacted, if contact was requested. For example, a person could say instead of email, please call me with information. The Committee makes a strong recommendation that the guide contains examples of feedback, so organizations can see different options. As well, creativity and flexibility should be encouraged, so that organizations can feel free to go further than any prescription in a standard could take them.

The phrase 'accessible processes' can be vague, and this is recognized by the Committee. The concept that the Committee was trying to get across was to provide options. The Committee did not want to be prescriptive for what the organization will do in terms of options. The Committee hopes that this will lead to creativity and flexibility, and possibly even encourage more options to be provided, than if just one had been prescribed.

Organizations may be concerned that making the feedback process accessible requires a lot of work and resources. In fact, it can be as simple as a phone number, email address, and/or a printed notice on a wall with how to send feedback to the organization. The Committee felt strongly that these options don't have to be elaborate, or expensive.

To make the feedback process more accessible, the FAR, and associated standards, guidelines and/or best practices linked to it, can be used to identify and remove barriers in existing feedback process(es), and can be used to avoid barriers.

Section 5(i) was added because not every single IC can be made accessible for everyone. So, if an individual makes a request for access in a different manner, the organization goes to Section 8 Individual Accommodation for information.

The Committee copied Section (ii) from CSS Section 10(b). This sub-section states that all organizations, not just those with 20+ employees, must document the actions surrounding feedback, and make that documentation available on request. If an individual requests it, then the organization follows Section 8 Individual Accommodation.

Note that the Committee discussed whether Section (ii) should also be in the Emergency Plans Section 5. It was decided that it would only be used here, to echo the CSS and also because if someone needs a different manner of access for Emergency Plans, then it would fall under Section 8 Individual Accommodation and the contact process detailed in Section 8(1), and/or would fall under this section, Feedback.

Section (iii) was included because of CSS Section 10 'Feedback re accessible customer service'. That section focuses on goods and services, and not information and communications, so there is no override. As well, it doesn't require an accessible feedback process for communicating with the organization, unlike the CSS.

7. Functional Accessibility Requirements

7(1) The following list of Functional Accessibility Requirements should be taken into consideration when establishing, updating and implementing measures, policies and practices on making your information and communications more accessible:

- Vision
- Colour Perception
- Hearing
- Speech
- Taste
- Feel
- Touch
- Smell
- Manual Dexterity
- Hand Strength
- Reach
- Memorization

- Text Literacy
- Extended Attention
- Time Limitations
- Controlled Focus
- Abstract Thinking
- Sequencing of Steps
- Accuracy of Input
- Biometrics

7(2) Organizations must make reasonable efforts to achieve the Functional Accessibility Requirements in 7(1) using applicable standards, guidelines and/or best practices, but should also consider the following:

(iv) Not every functional accessibility requirement listed in Section 7(1) will apply in every situation. Apply each element listed in that section as relevant to the particular information and communications.

(v) The list in Section 7(1) is not exhaustive, and is not limited to only the items in that list.

(vi) Consider privacy as an important factor, as different requirements may lessen privacy for the person disabled by a barrier.

7. Meaning and Notes

Functional Accessibility Requirements are a list of barriers that organizations should consider when trying to make their ICs more accessible. This section relates to the 'how', in terms of evaluating accessibility, or identifying barriers, by using the FAR in 7(1), and then using the FAR in connection with standards, guidelines and/or best practices, to try and achieve more accessibility in 7(2).

The FAR is part of the recommendations made for the Review of the Ontario ICS (Phase II), as well as the Federal Accessibility Act (See Appendix B). Versions of it are also used in current legislation, such as EU Mandate 376 and US Section 508 (See Appendix C and D). It also may have informed the development of the Web Content Accessibility Guidelines (https://www.w3.org/WAI/EO/WAI-access-profiles-19990409). While those two pieces of legislation are both focused on government procurement of Information and communications technologies (ICT), the

Committee felt strongly that they could be applied here as well. The Committee saw them as more universal and far reaching than just ICTs or procurement, and that they could apply to the physical, print and digital realms.

The FAR is linked to the current and new areas of Section 4 (and legacy if organizations choose to include it), and the Emergency Plans and Feedback Sections. These all mention making ICs accessible, and the FAR Section is linked, so that organizations can see how they can start to identify barriers to accessibility, and then try to remediate them.

The Committee felt strongly about including the FAR as a basic 'guide' on how to start making ICs accessible. This approach was chosen instead of one prescriptive standard being noted, (such as WCAG 2.0 AA) that would not apply to all ICs. The Committee felt that the FAR was an educational tool, and that it would help organizations be more aware of barriers that may exist. The FAR are proactive and universal in nature, unlike the Individual Accommodation in Section 8, which is reactive and individual.

By taking a functional approach to ICs, the Committee is trying to highlight that the organization should consider, and try to offer, options, whenever possible. For example, most restaurants use paper menus. They are unlikely to stop using them. So, by using the FAR and the CNIB guidelines, they may change the colours and font size on their menu to make it more readable. As well, even if just using the FAR alone, that restaurant may decide to also provide a digital option, such as having the menu in text and/or audio on their accessible website, etc.

In 7(1) the FAR is linked to Section 4, in terms of the measures, policies and practices. The term 'taken into consideration' is not 'must', but more of a 'reasonable efforts' statement. This was linked to Section 4, so that organizations would think about how they would identify barriers, how they might start to remove them and put them into their measures, policies and practices. This would relate to how compliance will be measured (as is detailed more below).

The list provided in 7(1) includes barriers such as vision and hearing, but also barriers that may involve physical, cognitive, neurological and/or learning, etc. This is a simplified version of the original FAR list that Ontario and the Federal Government is considering. That original list was provided

to the Committee by Jutta Treviranus from OCAD, who is working with those government bodies. That original list is located in Appendix B. It is **STRICTLY CONFIDENTIAL**, as it is from the draft of the 2018 Ontario Review ICS Committee Recommendations.

The Committee greatly simplified the list, because it felt the language used in the original list could be difficult to understand. This simplification will require that the guide be used to provide more detail on each item in the list, and possibly examples as well. For example, in the guide, under vision it should note that this includes low vision, no vision, etc. As well, under hearing, deafness, low hearing or hard of hearing should be noted, etc.

The Committee also added items to the original list: taste, feel, touch and smell. They felt that these may be barriers in certain ICs. While the list is likely covering most barriers that exist today, there is no way for it to cover everything. However, it is a place to start, and other items could be added to the list in the guide, and in the review of this standard. Section 7(2ii) was added, in order to tell organizations that the list was not exhaustive by any means.

The Committee understands that organizations may think that the FAR may be daunting when they first encounter it. So, in 7(2i), the Committee wanted to remind organizations that not everything on the list in 7(1) will apply to every situation, or every IC.

For example, an email won't usually provide a barrier of reach or hearing. However, if there is a video in the email, and it isn't captioned, then there may be a potential barrier in terms of hearing. Another example is if there is a printed brochure, that poses a potential barrier in terms of low vision or no vision. An in person example is, if there is a written notice on a desk, this may not pose a barrier to someone without hearing, but would pose a barrier to someone without sight or with low vision. The guide would be a useful resource to provide examples from each area, of what may, or may not, apply in different situations.

In 7(2iii), the Committee wanted to remind organizations to consider privacy when working with ICs. Privacy was included in the original list from Jutta Treviranus. However, the Committee moved it to 7(2iii), because they felt that while it could be considered a barrier, it was more of a consequence of a barrier. So, it was moved out of the list but kept as an important reminder.

In 7(2) the Committee wanted to link the FAR to applicable standards, guidelines and/or best practices. It used the term 'use reasonable efforts' to link the two, as there is no way to make everything 100% accessible in every way. The Committee is trying to encourage organizations to look at the FAR list, and then look at the standards, guidelines, best practices that they want to use to achieve the FAR.

'Must' was also used to indicate the importance of the FAR in 7(2). While 'must' and 'reasonable efforts' may seem at odds, the Committee was trying to get across that this is important ('must), but that they were aware that every organization would do its best to accomplish the tasks. The term 'reasonable efforts' was also included with the 'must', because we know that organizations all have different resources and situations, and that the process won't be accessible for everyone. The Committee was trying to get across that options should be provided, or more than one way to provide feedback and respond to it.

The Committee was not prescriptive in terms of a specific standard to use to make ICs more accessible, as was done in Ontario for websites (they only parsed out websites). The Committee instead used the phrase 'applicable standards, guidelines and/or best practices'.

The Committee chose to do this, because the ICS is print, in person and digital, and the Committee recognizes that there are no standards for print ICs, only guidelines and best practices. So, if WCAG 2.1 is the only prescriptive standard mentioned (WCAG 2.0 was in Ontario and also in other legislation worldwide) then it is not applicable to in print and in person, and may not even apply to all digital ICs, such as PDFs. PDFs can have two different standards apply to them, WCAG 2.1 or PDF/UA-1 (soon to be PDF/UA-2).

The Committee didn't feel that they should be prescriptive, or lean towards one standard in the digital realm, because of the rapid change in both technology, and the standards related to technology. Ontario's ICS was written in 2007, when both technology and standards related to it (WCAG 2.0) were more stable than they are today. This may be why Ontario only focused on websites and WCAG 2.0 (which is now WCAG 2.1). Today, we see technology, and once stable standards, changing quickly in today's climate, so the Committee felt that broadening the scope was warranted.

Today, standards like WCAG are changing at an accelerated rate. WCAG 2.0 was published in 2008. We now have WCAG 2.1, published a decade later in 2018. The process to update that standard is changing, with a focus on more frequent and agile updates (WCAG 3 or WCAG 2.2, 2.3, etc.). As well, it is quite likely that WCAG will be morphing into the Accessibility Guidelines (AG or 'Silver'), and possibly including other standards such as ATAG (Authoring Tools Accessibility Guidelines). So, standards are not the same as they were in 2007, because they are undergoing rapid change, unlike ever before.

The ICS is only being reviewed every five years, and if one particular standard and version is linked, such as WCAG 2.1, then it doesn't take advantage of the potential to increase accessibility. For example, WCAG 2.1 has significantly increased accessibility for low vision, mobile users and people with cognitive, neurological and/or learning disabilities. However, legislation worldwide still requires WCAG 2.0.

Another problem with specific standards is there may be more than one standard that organizations can use. As mentioned above, if an organization is making a PDF more accessible, and wants to use a standard, they can choose WCAG 2.1, or PDF/UA-1 (soon to be PDF/UA-2).

The choice will depend on the situation, as the two standards are slightly different. As well, PDF/UA-2 will be released soon and it is problematic in terms of accessibility. Thus, an organization may not use it, and go back to WCAG 2.1. So, some PDFs may be assessed to WCAG 2.1, while others would be to PDF/UA-1, or PDF/UA-2. So, to be prescriptive to a specific standard is problematic for many reasons. In fact, Ontario's 2007 ICS, and most other legislation worldwide in this realm, doesn't account for different standards, nor do they account for updates to standards, leading to many issues and grey areas.

A related issue with standards is that there are currently no standards for print accessibility. An organization can choose from many popular guidelines for print accessibility, such as those produced by the CNIB, RNIB (UK), Association of Registered Graphic Designers of Ontario (RGD Ontario) AccessAbility Handbook (https://www.rgd.ca/database/files/library/RGD_AccessAbility_Handbook.p

df), etc. Many organizations use a mix of these, and still others may use a specific version of the Principles of inclusive Design, instead of other guidelines.

The term 'best practices' was added, because many times no one standard or guideline may apply. Local disability related organizations may produce best practices, and organizations may want to use those to make their ICs more accessible, instead of other worldwide guidelines and standards.

The Committee agreed that by encouraging organizations to look at different standards, guidelines and/or best practices that fit their particular needs, that this may encourage creativity and flexibility, which could lead to more options than the legislation could ever prescribe.

Even if an organization only uses the FAR alone to create options, then the Committee feels this would be progressive. It may lead to more accessibility overall, and encourage creative and innovative solutions. This in turn could help foster more awareness about barriers, and then influence more positive attitudes about eliminating barriers. Attitude and education/awareness were top barriers at the Public Input Session on Barriers to Information and Communications.

The Committee also agreed that with this more flexible model, then the guide would list standards, guidelines and/or best practices, as they become available or change. This would make a more dynamic list for organizations to make use of, and if organizations themselves (including local disability related organizations) produced their own best practices or guidelines, those too could be shared in the Guide. The Committee felt that this could promote a culture of sharing and collaboration between organizations across the province.

There may be a concern that if there isn't one standard listed in the legislation, then how can the government test compliance? Ontario is working on a similar model (Phase II ICS) to the one proposed here, where there will be no prescriptive standard in the ICS, and standards, guidelines and/or best practices will be placed outside of the legislation, for similar reasons to the ones mentioned here.

The government can still check for compliance, but instead of a check list, which is inherently flawed, because by nature accessibility cannot be

achieved through a check list, it can ask for justification on how organizations identified and removed barriers proactively. It can also ask why the organization chose to use the FAR and/or certain standards, guidelines and/or best practices, or why they put a mix of all of them into their own guidelines or best practices. This is why the Committee linked the measures, policies and practices in Section 4 to 7(1), so that this compliance and justification mechanism could more easily be enacted.

The Committee felt strongly that by changing the traditional model of compliance (which has yet to be set in a full sense by Manitoba), overall ICs may possibly be more accessible. As well, by changing the 'accessibility is just a check list' mode of thinking, this may instead encourage organizations to become more creative and flexible about accessibility options. This may lead to providing more accessible options, and possibly lead to sharing and educating other organizations in Manitoba about them.

8. Individual Accommodation

8(1) An organization must make reasonable efforts to ensure that it provides accessible processes, using the Functional Accessibility Requirements in Section 7, for receiving and responding to people who are disabled by a barrier and are requesting access to information and communications in a different manner.

i. If the person requests access to the individual accommodation process itself in a different manner, see Section 8(2).
ii. This section does not override any part of the Customer Service Standard that deals with individual accommodations, because this is just for information and communications, and the Customer Service Standard covers goods and services.
iii. This section does not override any part of the Employment Standard where it may deal with an employee contacting an employer for an individual accommodation.
iv. Documents its resulting actions, and makes that documentation available on request. For on request, Section 8(2).

8(2) In the event that a person is disabled by a barrier and requests access to information and communications in a different manner, consult with

them, so you communicate with that person to determine appropriate individual needs for the information and communications in question, and use reasonable efforts to provide access to the information and communications in a manner that is most appropriate for their needs.

i. within a reasonable time, and
ii. in the consultation process, ensure that a fee or charge relating to accommodating a person who is disabled by a barrier is imposed only if the organization cannot reasonably accommodate the person otherwise.
iii. There will be no fee for Documentation in Sections 9(3) and 12(4).
iv. This section does not override any part of the Customer Service Standard that deals with individual accommodations, because this is just for information and communications, and the Customer Service Standard covers goods and services.
v. This does not override the Employment Standard whenever it references Accessible Formats and Communications Supports for individual employees.

8. Meaning and Notes

An organization must provide accessible processes in order to receive and respond to people who are requesting access to ICs in a different manner. Once contact is made, the organization must consult with that person to determine needs, and try to provide the accommodation, if possible.

The Feedback section relates to general feedback about the accessibility of ICs, in terms of things that have happened, or experiences people have had, whereas this section focuses solely on the individual being disabled by a barrier, and requesting a different manner of access. The Individual Accommodation section is engagement, whereas the Feedback section is purely a statement, that may lead to engagement.

Most of the sections in the ICS link to this section, as even though organizations may make their ICs proactively accessible, such as in the Current ICs, New ICs, Emergency Plans and Feedback Sections, they won't be accessible for everyone. The Individual Accommodation section was added to respond to individual requests for different manners of access (in a reactive sense).

The Committee felt strongly that this option must be present, despite the fact that almost all of the sections in the ICS are proactive and universal, including the FAR, because 100% accessibility for every IC is not possible. So, there must be a section that addresses individual needs, and provides a reactive process to meet those needs.

This section has two parts. In 8(1), it focuses on the request process itself, in terms of making contact with the organization to request a different manner of access, and the organization responding back in an accessible way. The Committee felt that it was crucial to have an accessible contact process, in order to facilitate the communication between the organization and individual, and vice versa.

The Committee chose to use the phrase 'must make reasonable efforts', and then linked this to the FAR. While 'must' and 'reasonable efforts' may seem at odds, the Committee was trying to get across that this is important ('must), but that they were aware that every organization would do its best to accomplish the tasks.

The term 'reasonable efforts' was also included with the 'must', because we know that organizations all have different resources and situations, and that the process won't be accessible for everyone. The Committee was trying to get across that options should be provided, in terms of more than one way to contact an organization and for them to respond in more than one, if possible.

The FAR was linked with the 'must make reasonable efforts' phrase, with 'using the Functional Accessibility Requirements in Section 7'. By linking to the FAR, which uses the phrases 'should be taken into consideration' and 'make reasonable efforts', this also provides some leeway for organizations in terms of making reasonable efforts to make their contact process accessible. However, the Committee hopes that in the spirit of the standard, that the organization will make every effort possible to comply with it.

To make these ICs more accessible, organizations should use the FAR for information on what barriers to look for in existing contact process(es), or new ones, and use the FAR, as well as the standards, guidelines and/or best practices to remove those barriers.

The Committee understands that organizations may find the requirements of having a feedback and contact process daunting when they first encounter it. However, the Committee feels strongly that this is relatively easy to achieve. For example, if an organization has a Contact Us page with a form, it can include the words, 'use this form to provide feedback and to request an individual accommodation'. This is the case with Manitoba Hydro, who offers a single form titled 'Accessibility Requests and Feedback'.

Alternatively, an organization can post a paper notice to contact them by email or phone (with those provided) for feedback and to request an individual accommodation. Thus, the Committee felt that no new mechanisms need to be in place to accomplish this goal.

There is also a Feedback process in Section 10 of the CSS the organization would already have a feedback process in place, and would just have to add words to the effect of 'request an individual accommodation' to that existing feedback process or mechanism.

Organizations may also feel overwhelmed by the phrase 'for receiving and responding to', again the Committee felt this was relatively easy to achieve. For example, if a person emails in a request or calls the organization, they may already likely ask for a certain method of communication to be used for the reply, because of their particular need. If they haven't specified, the organization is free to respond with 'is this the way you prefer to be contacted?', or similar.

Section 8(1i) was added to make organizations aware of the fact that their individual accommodations request process may not be, and is likely not, accessible for everyone. So, this is referring them to 8(2) for guidance on how to proceed when someone contacts them about needing access in a different manner to the actual contact process.

Section 8(1ii) was added because the Committee wanted to make it clear that this section did not override any part of the CSS that deals with individual accommodation for goods and services. The Committee felt strongly, and all agreed, that while the CSS focused on individual needs for goods and services only, that the ICS was universally focused on ICs. However, the Committee included this section in the ICS to remind organizations that individual accommodations may be needed in terms of

IC accessibility. As well, Section 8(1iii) was added to ensure that the ICS doesn't override any part of the Employment Standard, which focuses on the individual accommodation only for employees.

Section 8(1iv) was added, to echo Section 6(ii) Feedback, which was echoing CSS Section 10(b). This sub-section states that all organizations, not just those with 20+ employees, must document the actions surrounding this section, and make that documentation available on request. If an individual requests it, then the organization uses Section 8 Individual Accommodation to provide it. While this is a loop, it was kept in order for the process to be documented.

Section 8(2) focuses on what happens after initial contact is made, both in the process and end result. This section stresses consultation as the process between the organization and individual requesting accommodation to identify needs, in order to provide the outcome or end result, which is hopefully the actual accommodation (if it can be achieved) to match the need expressed by the person requesting it.

The Committee felt strongly that the term 'consultation' invoked a collaborative process, or consultative nature, of this process, and not one that is organization centered. This is what some may call a relationship of sorts, where it isn't just one way and only one option is provided to the individual in a cold transaction.

The Committee wanted to focus on the two entities/parties communicating directly with each other, as this may produce a favourable outcome, even if the IC can't be made in an accessible manner, for the individual making the request. At least the individual feels heard and respected, which can then lead to more engagement with the organization, and a more positive outcome for both parties. The Committee felt this focus was vital, because this process could help foster more positive attitudes towards individual accommodations, and create more awareness around them. Attitude and awareness were the top two barriers at the Public Input Session on Barriers to Information and Communications.

With consultation, if there is a fee involved, then by consulting with the individual, they may be able to recommend a cheaper option that the organization may not have come across.

There is a very positive educational benefit to consultation. If the organization lacks knowledge in that area, or doesn't have resources to match the need, then the two parties work together to figure out a solution. By doing this, there is an education process between the two parties and both learn more about other, and more importantly about individual needs.

The term 'reasonable efforts' was included in Section 8(2), because the Committee is aware that organizations can only do their best to provide what the person is asking for, or something very close to it, whenever possible. The Committee is not prescribing any specifics in this section, because they hoped that this would increase the creativity and flexibility of the process, for both parties involved.

The Committee understands that organizations may think that consultation may be a daunting prospect, in terms of work and resources. However, the Committee strongly believes that direct communication can result in possibly fewer complaints and more satisfaction on the part of both parties, even if the solution may not be the outcome one, or both, had expected.

Section 8(2i) was added to echo the CSS spirit, so that organizations know there is a timeframe to work with this request. It can't just be left, there has to be some urgency to it.

Section 8(2ii) was added and this point was discussed by the Committee numerous times. The Committee felt that there should be no fee imposed. If a fee was possible, then organizations may use that as a loophole, or use it in a punitive way. However, the Committee decided to use the wording from CSS Section 4(2c) with a fee for three reasons.

First, the CSS uses this wording with a fee, and this was added at the government level, not the Council level. So, by using it, the ICS would be consistent with the CSS.

Second, the Committee came up with many situations, which may prove to be problematic, if a fee is not charged. For example, a person could go into a bookstore or University and ask for an individual accommodation for a book, and then possibly expect that no fee would be charged, not just for the accommodation, but for the book itself.

Third, the Committee is aware of the fact that while many options for individual accommodations won't cost a lot, if anything at all, there may be individual accommodations that may cost more. Realistically, many organizations may not have resources, or be able to finance the cost. For example, printed braille or in person ASL/LSQ may have medium to substantial costs that not every organization can afford.

The Committee hopes that organizations won't use this as a loophole to not provide accommodation, or to charge for unnecessary means, and that within the spirit of the ICS, they will consult with the person and only charge a fee when all other options have been exhausted. It is also hoped in this process that the individual making the request may also supply options, possibly even a cheaper alternative or other options, if there are any, to the organization to conclude a successful consultation process and individual accommodation. For example, if in person ASL/LSQ is out of scope, then perhaps the individual can recommend an ASL/LSQ app, which can at least help in the situation, although wouldn't be the same as in person services.

Section 8(2iii) was added to make clear that this section was different than the two documentation sections, 9(3) and 12(4) in the standard. Those two sections are different, because they only relate to an individual's request for documentation that has been created by the organization to document processes in terms of measures, policies and practices and training. So, the organization will likely be creating this documentation in Word, Excel, or a similar program, and these can be made accessible for an individual who requests an accommodation. However, the documentation may need to be produced in a more expensive format, such as printed Braille or in person ASL/LSQ, and that issue is covered in those Sections. As well, the CSS noted that no fee would be due in its Documentation re measures section, so this follows the CSS for consistency.

Section 8(2iv) was added because the Committee wanted to make it clear that this section did not override any part of the CSS that deals with individual accommodation. The Committee felt strongly, and all agreed, that while the CSS focused on individual needs for goods and services only, that the ICS was universally focused on ICs. However, this section was added to remind organizations that individual accommodations may be needed in terms of IC accessibility. As well, Section 8(2v) was added to ensure that the ICS doesn't override any part of the Employment Standard,

which focuses on individual accommodation for employees only, in terms of accessible formats and communications supports.

9. Documentation Re Measures, Policies and Practices

9(1) Subject to subsection (4), an organization must:

(d) Document the measures, policies and practices it establishes and implements under that section, and

(e) Must provide a copy of the documentation on request; and

(f) Provide notice that the documentation is available on request.

9(2) The notice under clause 9(1c) must be prominently displayed, or be given by other means that are reasonable in the circumstances.

9(3) If a person is disabled by a barrier and requests access in a different manner, see Section 7 Individual Accommodation.

b) There will be **no** cost to the person (see Section 8(2viii).

9(4) An organization is subject to this section only if it has 20 or more employees in Manitoba.

9(5) This won't override the Customer Service Standard Documentation re measures section, because it is just for goods and services.

9. Meaning and Notes

This section ensures that organizations with more than 20 employees in Manitoba, document their measures, policies and practices, and display the fact that people can request access to that documentation.

This section is important, because it ensures that these organizations track what they do, and what they can't do. In a way it is the compliance component , along with Section 10 Compliance and Documentation re Training in Section 12. If an organization over 20 employees has to document its work and allow access to the documentation, then there may be more impetus to complete the work, because there is transparency with

the documentation. As well, this ensures that an organization as a whole has to work on documentation, and hopefully not just one person in the organization.

This Documentation Re Measures, Policies and Practices section echoes the same section in the CSS Section 11. The Committee felt that consistency was important. However, there were changes made to this section that were needed, as they are IC or ICS specific.

Section 9(2) was changed from the CSS version, and the words 'on the applicable premises and on the organization's website' were taken out. The reason for this was three fold.

First, the Committee wanted to leave out a prescriptive location for the notice, to give the organizations more flexibility for placement. Second, organizations may not have a premise or a website, they may work out of a shared office space and use Facebook for their website. Third, the organization may have trade secrets or confidential ICs, and they may want to choose where they put up the notice, hence leaving in the phrase 'given by other means that are reasonable in the circumstances. The Committee hoped that the change would provide for flexibility, but also creativity by the organization.

The IC Section 9(3) is very similar to the CSS 11(3). As well, the no cost aspect was kept in this section, to mirror the CSS. The Committee decided to keep this as is, even though it is possible that the organization can incur great cost, if the individual requests a more expensive access manner, such as in person ASL/LSQ or printed braille.

This is different than in Section 8 Individual Accommodation, where the organization can request a fee, if after consultation there is no other way of satisfying the individual's request for access. However, the Committee felt that documentation would be produced by the organization itself not a third party, likely recently, and likely in a common format such as Word, Excel, or similar. So, this would be a very narrow scope, as compared to any type of IC in Section 4, etc.

Section 9(5) was added because the Committee needed to make clear that the ICS doesn't override the Customer Service Standard Documentation re measures section. The Committee felt strongly, and all agreed, that while

the CSS focused on goods and services only, that the ICS focused on ICs, so the two could co-exist.

10. Compliance

10 An organization must comply with the measures, policies and practices that it establishes and implements under section 4.
[Note: Change Requested Below.]

10. Meaning and Notes

This section was taken directly from the CSS, and the Committee felt that it needed to remain for consistency. However, it should be noted that this Compliance section only relates to Section 4.

There are many sub-sections in the Measures, Policies and Practices section, not only Section 4. These sub-sections would include Sections 5-10. Sections 1 to 3 are also not mentioned in the wording. As well, the Training Sections 11 and 12 are not included in the current Compliance Section 10 wording.

If possible, the Committee would like to request that this section be reviewed and other sections, such as Section 11, be added to the wording to ensure compliance, past only Section 4.

Training

11. Training

11(1) An organization must ensure that training about accessible information and communications is, or has been, provided to the following persons:

  d) A person who provides information and communications directly to the public, employees, agents and volunteers, or to another organization in Manitoba on behalf of the organization, and

  e) A person who is responsible for the purchasing or procurement of information and communications, and/or information and

communications related tools and technologies, for an organization, and

f) A person who participates in, or is responsible for, the development or implementation of the organization's measures, policies and practices under section 4.

11(2) The training must include

b) instruction about:

(i) How to identify, prevent and remove barriers that disable people when the organization is authoring, creating, providing and/or receiving information and communications.

11(3) An organization must ensure that

(a) Training is provided to a person as soon as reasonably practicable and

(b) On-going training is provided in connection with changes to the organization's measures, policies and practices respecting providing barrier-free access to information and communications that it provides, and

(c) This training will be in addition to training required by other standards.

11. Meaning and Notes

An organization must provide training to people who work with ICs, people who work in purchasing or procurement, and people who work with measures, policies and practices. This training must include one generic topic, and be provided as soon as is practicable, and be on-going if changes are made to the measures, policies and procedures.

This section was taken directly from CSS Section 13, and the Committee felt that it was important to use it for consistency. Plus, training is a very important component in terms of education on how to make ICs accessible.

The word 'must' was kept in 11(1), 11(2) and 11(3), echoing the CSS. However, a few changes were made to this section in order to work with the ICS.

First, the title was changed to just 'Training' and not 'Training for staff' as it was in the CSS. Staff may not be a word used by all organizations, and if one is the sole employee in a small business, it doesn't apply to that situation. The Committee strongly agreed that this section should not be limited by organization size, but by function that the person does in an organization. This section applies to all three categories of organizations, and in larger organizations different people may be doing different functions, whereas in a small business with one employee, one person may take on all functions.

Second, the Committee strongly agreed on adding another group of people in 11(1b). This group, or category, was added to ensure that persons involved with the purchasing or procurement process of ICs and/or IC related tools and technologies (authoring), must take training. The Committee felt it was crucial to have this group of people trained, as they work with procurement, and it can help make global change for Manitobans, not just for one organization.

Third, Section 11(2ai) has one topic that is specially IC based, which won't conflict with the topics in Section 13(2) of the CSS. The Committee kept this topic broad based and didn't prescribe the content. This was done to leave room for creativity and flexibility, as every organization will have different needs, use different ICs and have different resources and processes.

The topic itself will help organizations understand the IC process from creation to dissemination. It also includes the two way nature of the ICs that is a theme in this standard, in terms of providing and receiving ICs, which relates to consultation, feedback, etc.

Even though the topic was kept generic, the Committee did strongly recommend that the Guide include some potential training topics, such as these that the sub-committee came up with:

- How to provide more accessible information and communications in print, digital or in person.
- How to identify, prevent and remove barriers in information and communications in print, digital and in person.

- Why it is important to provide accessible information and communications in different ways.
- The variety of different forms of access available.
- How to create different forms of access for print, in person and digital materials.

Fourth, and finally, 11(3c) was added to indicate that this training will not override any other Standard's training, but be in addition to it.

Section 11(3a) came from the CSS, and the Committee noted that 11(3b) was especially important. Whereas in other standards, it is possible that updating measures, policies and practices may not happen that often. However, organizations may be constantly upgrading and changing its measures, policies and practices in terms of IC and the IC related tools and technologies, because they are always changing and advancing.

Finally, the Committee agreed that this training would be crucial in order to provide more information for Individual Accommodations, and for making ICs proactively accessible, by using training, the FAR and its associated standards, guidelines and best practices.

12. Documentation Re Training

12(1) Subject to subsection (2), an organization must document its training policy, including a summary of the content of the training and when training is to be provided.

12(2) An organization must:

    (c) Must provide a copy of the documentation on request; and

    (d) Provide notice that the documentation is available on request.

12(3) The notice under clause 12(2b) must be prominently displayed, or be given by other means that are reasonable in the circumstances.

12(4) If a person is disabled by a barrier and requests access in a different manner, see Section 8 Individual Accommodation.

a) There will be **no** cost to the person (see Section 8(2viii).

12(5) An organization is subject to this section only if it has 20 or more employees in Manitoba.

12(6) This won't override the Customer Service Standard Documentation re Training section because it is just for goods and services.

12. Meaning and Notes

This section ensures that organizations with more than 20 employees document their training policy, and display the fact that people can request access to that documentation.

This section was modified from the CSS in a major way. The CSS Section 14 did not provide for making this documentation public, displaying a public notice and it being available upon request. Sections 12(2) to 12(6) were added by the Committee to this section.

This modification was made in order for this Documentation section to be the same as the Documentation Re Measures, Policies and Practices Section. The Committee agreed that it was important to have consistency within the ICS, even though it made it slightly different from the CSS, which treated the two sections differently. As well, a person can likely make a Freedom of Information Request to get this information, so the Committee felt that although this section didn't echo the CSS, it was more beneficial to echo the ICS Documentation Re Measures Section.

The Documentation provided to the public does not have to include names (and names may likely have to be redacted due to privacy anyway), but just has to include what is listed in 12(1), only content of the training and when the training was provided.

This section is important, because it ensures that these organizations track what they do, and is a compliance component. This is not unlike Documentation Re Measures, Policies and Practices. This section echoes that Documentation section, except that the documentation is referring here to a training policy. All justifications that are located in that section, apply here as well.

As with the other Documentation section, if an organization over 20 employees has to document its training policy and allow access to the documentation, then there may be more impetus to complete the training, because there is transparency with the documentation. As well, this ensures that an organization as a whole has to work on documentation, and hopefully not just one person in it.

Appendix A: Draft Information and Communications Standard Timelines Only

Introduction

The Committee has recommended specific timelines for some sections in the Recommended Draft Standard. Others have been given either no specific timeline, or generic ones.

Sections Without Specific Timelines

The following sections have been given no specific timeline, or a generic one:

- Section 4(2C) Legacy, Unused and/or Archived Information is on request only, and this links to Section 8 Individual Accommodation.
- Section 6 Feedback has no specific timeline attached, so it is assumed this will be active as soon as the obligation begins.
- Section 7 Functional Accessibility Requirements has no timelines at all. Timelines are set by the sections that link to it.
- Section 8 Individual Accommodation has no specific timelines, but says to consult with people 'within a reasonable time'.
- Section 9 Documentation Re Measures, Policies and Practices has no specific timeline attached, and this links to Section 8 Individual Accommodation.
- Section 11 Training has no specific timeline attached. However, training has to be done 'as soon as reasonably practicable'.
- Section 12 Documentation Re Training has no specific timeline attached, and this links to Section 8 Individual Accommodation.

Section 3: Application and Phase-In of Obligations

The dates noted here, as well as the three tiered organization type structure, are the exact same as the Customer Service Standard.

Organization Type	Years to Obligation
A Department Of The Government	1 Year After Standard is Official

Organization Type	Years to Obligation
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act, A regional health authority established under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation, Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	2 Years After Standard is Official
Provides goods or services directly to the public or to another organization in Manitoba, and has one or more employees in Manitoba.	3 Years After Standard is Official

Section 4(2A): Current Information and Communications

Identify, and make reasonable efforts, to remove barriers in information and communications that currently exist, in 5 years from the start of the legislation.

The three tiered organization type structure is taken from Section 3.

Organization Type	Years For Removing Barriers
A Department Of The Government	4 Years After Obligation Start
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act, A regional health authority established under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation, Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	3 Years After Obligation Start
Provides goods or services directly to the public or to another organization in Manitoba, and has one or more employees in Manitoba.	2 Years After Obligation Start

Section 4(2B): New Information and Communications

New information and communications must be made accessible, in 1 year from the start of the obligation.

The three tiered organization type structure is taken from Section 3.

Organization Type	Years to Prevent New Barriers
A Department Of The Government	1 Year After Obligation Start
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act, A regional health authority established under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation, Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	1 Year After Obligation Start
Provides goods or services directly to the public or to another organization in Manitoba, and has one or more employees in Manitoba.	1 Year After Obligation Start

Section 5: Emergency Procedures, Plans and/or Public Safety Information

Every organization that has emergency procedures, plans and/or public safety information must make them accessible, in 2 years from the start of the obligation.

Organization Type	Years to Provide in Accessible Manner
A Department Of The Government	2 Years After Obligation Start
A government agency as defined in section 1 of The Financial Administration Act, A university and a college as defined in section 1 of The Advanced Education Administration Act, A regional health authority established under The Regional Health Authorities Act, The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation, Manitoba Regulation 567/88 R, and A school division and a school district established under The Public Schools Act;	2 Years After Obligation Start
Provides goods or services directly to the public or to another organization in Manitoba, and has one or more employees in Manitoba.	2 Years After Obligation Start

Overall Timeline

The table below shows what dates would be applicable for sections with specific timelines, if the legislation was made official as of January 1, 2019.

Type	Government	Government & Other	Everyone Else
Obligation Date	**Jan 1, 2020**	**Jan 1, 2021**	**Jan 1, 2022**
Current Information and Communications	Jan 1, 2024	Jan 1, 2024	Jan 1, 2024
New Information and Communications	Jan 1, 2021	Jan 1, 2022	Jan 1, 2023
Emergency Procedures Plans and/or Public Safety Information	Jan 1, 2022	Jan 1, 2023	Jan 1, 2024

Appendix B: Jutta Treviranus' Functional Accessibility Requirements List (Strictly Confidential)

Functional Accessibility Requirements List

Where visual modes of presentation are provided:
- at least one configuration must be provided that does not require vision,
- visual presentation must be adjustable to support limited vision (magnification, contrast, spacing, visual emphasis, layout)
- at least one configuration must convey information without dependence on colour distinction
- visual presentation that triggers photosensitive seizures must be avoided
- the presentation must be openly amenable to rendering in alternative formats, including tactile formats

Where auditory modes of presentation are provided:
- at least one configuration must be provided that does not require hearing (captions and signed language)
- audio presentation must be adjustable to support limited hearing (volume, reduced background noise)
- the presentation must be openly amenable to rendering in alternative formats, including tactile formats

Where speech is required to operate a function:
- at least one configuration must be provided that does not require speech

Where manual dexterity is required for operation:
- the opportunity to use alternative modes of operation must be provided
- at least one mode of operation must be provided that enables operation through actions that do not involve fine motor control, path dependant gestures, pinching, twisting of the wrist, tight grasping, or simultaneous manual actions (e.g., one handed operation)

Where hand strength is required for operation:
- at least one alternative mode of operation must be provided that does not require hand strength

Where operation requires reach:
- operational elements must be within reach of all users

Where memorization is required for use:
- at least one configuration must provide memory supports or eliminate the demand on memorization or accurate recall (unless the purpose is to teach or test memorization)

Where text literacy is required for use:
- at least one configuration must provide literacy supports or eliminate the demand for text literacy (e.g., text-to-speech, pictorial representation)
- at least one configuration must provide clear language (unless the purpose is to teach or test text literacy)

Where extended attention is required for use:
- at least one configuration must reduce demand on attention or enable use with limited attention

Where operation has time limits:
- at least one configuration must enable extension or elimination of time limits

Where controlled focus is required for use:
- at least one configuration must provide support for focus or eliminate demand on controlled focus.

Where specific sequencing of steps for operation is required:
- at least one configuration must provide support for sequencing steps, or eliminate the demand on specific sequencing of operation steps. (unless the purpose is to teach or test accurate sequencing)

Where abstract thinking is required:

- at least one configuration must reduce demand on understanding of abstractions (e.g., acronyms, allegory, metaphor), (unless the purpose is to teach or test abstract thinking)

Where accuracy of input is required:
- a simple undo must be available

Where biometrics are employed:
- alternative methods of identification must be made available

Where privacy may be involved:
- privacy should be maintained when using features that are provided for accessibility.

Appendix C: Section 508 Revised Functional Performance Criteria

This information has come from: https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/draft-rule-2011/chapter-3-functional-performance-criteria

302 Functional Performance Criteria

301.1 Without Vision. Where a visual mode of operation is provided, ICT shall provide at least one mode of operation that does not require user vision.

302.2 With Limited Vision. Where a visual mode of operation is provided, ICT shall provide at least one mode of operation that enables users to make use of limited vision.

302.3 Without Perception of Color. Where a visual mode of operation is provided, ICT shall provide at least one visual mode of operation that does not require user perception of color.

302.4 Without Hearing. Where an audible mode of operation is provided, ICT shall provide at least one mode of operation that does not require user hearing.

302.5 With Limited Hearing. Where an audible mode of operation is provided, ICT shall provide at least one mode of operation that enables users to make use of limited hearing.

302.6 Without Speech. Where speech is used for input, control, or operation, ICT shall provide at least one mode of operation that does not require user speech.

302.7 With Limited Manipulation. Where a manual mode of operation is provided, ICT shall provide at least one mode of operation that does not require fine motor control or simultaneous manual operations.

302.8 With Limited Reach and Strength. Where a manual mode of operation is provided, ICT shall provide at least one mode of operation that is operable with limited reach and limited strength.

302.9 With Limited Language, Cognitive, and Learning Abilities. ICT shall provide features making its use by individuals with limited cognitive, language, and learning abilities simpler and easier.

Appendix D: EU Mandate 376 Functional Performance Criteria

This information about EU Mandate 376 (EN 301.549 v.1.1.2 2015-04) has come from:
https://www.etsi.org/deliver/etsi_en/301500_301599/301549/01.01.02_60/en_301549v010102p.pdf

4.2 Functional performance statements

4.2.1 Usage without vision
Where ICT provides visual modes of operation, some users need ICT to provide at least one mode of operation that does not require vision.

NOTE: Audio and tactile user interfaces may contribute towards meeting this clause.

4.2.2 Usage with limited vision
Where ICT provides visual modes of operation, some users will need the ICT to provide features that enable users to make better use of their limited vision.

NOTE 1: Magnification, reduction of required field of vision and control of contrast, brightness and intensity can
contribute towards meeting this clause.
NOTE 2: Where significant features of the user interface are dependent on depth perception, the provision of
additional methods of distinguishing between the features may contribute towards meeting this clause.
NOTE 3: Users with limited vision may also benefit from non-visual access (see clause 4.2.1).

4.2.3 Usage without perception of colour
Where ICT provides visual modes of operation, some users will need the ICT to provide a visual mode of operation that
does not require user perception of colour.

NOTE: Where significant features of the user interface are colour-coded, the provision of additional methods of distinguishing between the features may contribute towards meeting this clause.

4.2.4 Usage without hearing

Where ICT provides auditory modes of operation, some users need ICT to provide at least one mode of operation that does not require hearing.

NOTE: Visual and tactile user interfaces may contribute towards meeting this clause.

4.2.5 Usage with limited hearing

Where ICT provides auditory modes of operation, some users will need the ICT to provide enhanced audio features.

NOTE 1: Enhancement of the audio clarity, reduction of background noise, increased range of volume and greater volume in the higher frequency range can contribute towards meeting this clause.
NOTE 2: Users with limited hearing may also benefit from non-hearing access (see clause 4.2.4).

4.2.6 Usage without vocal capability

Where ICT requires vocal input from users, some users will need the ICT to provide at least one mode of operation that does not require them to generate vocal output.

NOTE 1: This clause covers the alternatives to the use of orally-generated sounds, including speech, whistles, clicks, etc.
NOTE 2: Keyboard, pen or touch user interfaces may contribute towards meeting this clause.

4.2.7 Usage with limited manipulation or strength

Where ICT requires manual actions, some users will need the ICT to provide features that enable users to make use of the ICT through alternative actions not requiring manipulation or hand strength.

NOTE 1: Examples of operations that users may not be able to perform include those that require fine motor
control, path dependant gestures, pinching, twisting of the wrist, tight grasping, or simultaneous manual actions.

NOTE 2: One-handed operation, sequential key entry and speech user interfaces may contribute towards meeting this clause.

NOTE 3: Some users have limited hand strength and may not be able to achieve the level of strength to perform an operation. Alternative user interface solutions that do not require hand strength may contribute towards meeting this clause.

4.2.8 Usage with limited reach

Where ICT products are free-standing or installed, the operational elements will need to be within reach of all users.

NOTE: Considering the needs of wheelchair users and the range of user statures in the placing of operational elements of the user interface may contribute towards meeting this clause.

4.2.9 Minimize photosensitive seizure triggers

Where ICT provides visual modes of operation, some users need ICT to provide at least one mode of operation that minimizes the potential for triggering photosensitive seizures.

NOTE: Limiting the area and number of flashes per second may contribute towards meeting this clause.

4.2.10 Usage with limited cognition

Some users will need the ICT to provide features that make it simpler and easier to use.

NOTE 1: This clause is intended to include the needs of persons with limited cognitive, language and learning abilities.

NOTE 2: Adjustable timings, error indication and suggestion, and a logical focus order are examples of design features that may contribute towards meeting this clause.

4.2.11 Privacy

Where ICT provides features that are provided for accessibility, some users will need their privacy to be maintained when using those ICT features that are provided for accessibility.

NOTE: Enabling the connection of personal headsets for private listening, not providing a spoken version of characters being masked and enabling

user control of legal, financial and personal data are examples of design features that may contribute towards meeting this clause.

Appendix E: John Wyndel's July 23, 2018 Email to the Committee

Committee members,

John doesn't believe the ICS is only digital. I wrote the Terms of Reference for this committee which states -

The proposed standard should set out requirements for organizations with regard to:

- Providing accessible formats upon request
- Providing communication supports upon request
- Creating and offering accessible web content

My main contention is that if in-print and in-person areas are already addressed in the CSS, what do you want to say about those areas in the ICS? If the ICS is so much more comprehensive than how these issues are dealt with in the CSS, tell me what they differences are? Explain to me how in-print and in-person will apply differently under the proposed ICS standard.

I see the proposed ICS as an over-lay of the CSS, addressing those areas (digital) that are not addressed in the CSS and identifying those areas where there may be cross-over between the two, such as Feedback. That may be overly simplistic, but I do see the ICS setting out requirements for digital, while acknowledging and not over-riding those areas already established by the CSS.

There is nothing currently written in the ICS that state those issues are going to be dealt with differently. Substituting "information and communications" in the section 4 provisions doesn't tell me how those issues are to be treated differently within an organization or the operations that organization undertakes. The standard has to clearly articulate how in-print and in-person communication are different than the CSS. If it's already addressed, I don't know why we're doing it again. Remember, both the CSS and the ICS pertain to information provided to the end-user.

And this can't all be spelled out in the guide. Standards (regulations) have

to tell people (organizations) what they have to do and by when. The guide provides instruction in how to address the various provisions of a standard.

If we want ICS to deal with those issues differently than the CSS, perhaps in a more operational manner within organizations, please explain to me how. That is a question we are going to be asked and we have to know how to explain it.

Under the CSS, when the consumer or end-user (same language as the ICS T of R) require the in-print or in-person communication in a different manner to accommodate their disability, they are provided an alternate format that best meets their needs. The standard relates to in-print and in-person. Again, there is nothing in the CSS that relates to digital. If it was meant to relate to digital, it would have to be explicitly stated in the standard, which it does not. There is no language whatsoever that speaks to digital and what the requirements in that particular area are within the CSS. Nothing.

Digital is not addressed in the CSS and thus the need for an ICS. If digital was addressed in CSS, why would we developing an ICS?

If alternate formats address consumer or end-user requirements for in-print and in-person under the CSS, why are alternate formats for in-print and in-person not appropriate under the ICS? If the committee is seeking fundamental, systemic and operational changes to how organizations conduct themselves under the ICS, the committee has to spell that out. For instance, if organization x has a series of individuals within their operation preparing a document to be posted on their website (information for the consumer or end-user), what requirements, if any, must all the individuals working on that document adhere to? If the committee is seeking full-on systemic changes to how accessibility is made operational within an organization, and not just to the consumer or end-user, what are those changes? What are the requirements?

If I am viewing this correctly, what the committee wants to see happen is that all documents prepared within an organization, whether they be end-product or not, are prepared in fully accessible formats - wholesale organizational changes. And while I do adhere to the long-term aspirations of any ICS standard would be to bring about those kind of transformations change, I believe that is far beyond what the scope of this standard can set

out to achieve. I think a guide could encourage these changes, and progressive organizations will move in that direction, but to set out in standards applicable to all organizations that have a website, regardless of size and/or sector, is just not feasible.

And would requirements such as that be enforceable? And do we want those requirements to be enforceable?

And whereas alternate formats are appropriate for in-print and in-person, FAR is the equivalent for the digital realm. It provides alternate routes for individuals disabled by barriers to access information on various digital formats. I fully understand that. Applying FAR to in-print and in-person opens up a whole can of worms not required because it is already addressed through alternate formats. Is the term alternate formats inappropriate? How so? Why place a new sub-set of requirements to something that is already addressed? It is confusing the issue. It appears the committee is trying to create a solution for something when a solution already exists.

This is why I maintain FAR applies to digital formats, not in-print and in-person. Apply FAR to the area is was intended; digital formats. Applying

FAR to in-print and in-person is redundant because those issues are addressed in the CSS. Even the manner in which FAR is articulated, it is clearly meant to apply to digital formats. Applying FAR elsewhere is riddled with confusion for those organizations that must comply with the standard.

And if we start playing with FAR, taking this out and keeping that in, it is no longer FAR according to the standard in which it was established. (Section 508, etc) If you parse this in and that out, which I believe we were considering doing at the end of the last meeting to better mesh with in-print and in-person, it is no longer attributable to an established digital standard. All the more reason not to apply FAR beyond digital formats.

It appears to me that many members of the committee want the scope of the proposed ICS to go beyond what Section 3 of the Terms of Reference lays out to a broader use of accessibility and how that is made operational within organizations. Perhaps I'm wrong.

We've got a lot of ground to cover and as tired as the committee may be of

discussing this proposed standard, I don't believe this isn't going to be wrapped up immediately. I'm not just saying this to be difficult. I want resolution as much as anybody. Just stating an opinion from my vantage point.

I appreciate all the time and effort that committee members have given to this task. It was never going to be easy and has proven just that. Please, I ask you all to be patient. The end-product will reward our persistence.

Regards,
John Wyndels, Policy Analyst