

Accessibility in Ontario: How the AODA Impacts Web and Online Video

AODA Overview

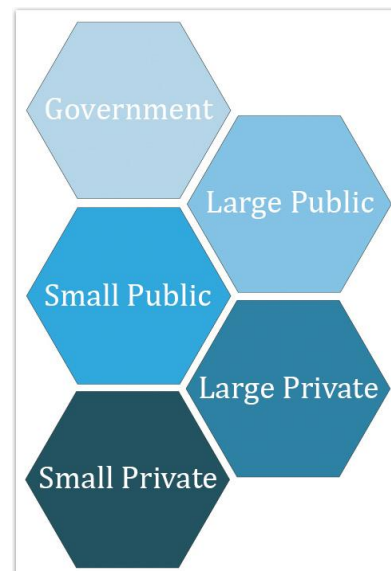
The Accessibility for Ontarians with Disabilities Act (AODA) was instated in 2005 with the objective of creating a barrier-free Ontario by 2025. 1 in 7 people in Ontario have a disability, a number that is expected to rise to 1 in 5 by 2036.ⁱ Aimed at eliminating obstacles that might prevent a person from fully participating in all aspects of society because of his or her disability, the AODA regulates accessibility standards for government and business sectors within Ontario. The accessibility requirements affect five different areas of business: customer service, employment, information and communications, transportation, and design of public spaces.ⁱⁱ

The AODA is a progressive, widespread law that calls for a giant overhaul of the Ontarian infrastructure.ⁱⁱⁱ In order to make the accessibility requirements more feasible to implement, the AODA instated a series of compliance deadlines. The cumulative deadlines implicate government agencies first, with requirements trickling down to small private sector businesses over time. This allows businesses with fewer resources more time to plan for compliance.

Types of Organizations

The AODA affects different types of organizations in different ways. Because it is not practicable to impose the same regulations upon all businesses, Ontario has divided them into 5 sectors.^{iv} This allows for separate deadlines and compliance guidelines based on size and sector. The AODA has differentiated types of organizations in the following way:

- ▶ The Government of Ontario and the Legislative Assembly;
- ▶ Large designated public sector organizations (50 or more employees in Ontario);
- ▶ Small designated public sector organizations (less than 50 employees in Ontario);
- ▶ Large private sector organizations (50 or more employees in Ontario); and
- ▶ Small private sector organizations (less than 50 employees in Ontario).



Most regulations (with a few exceptions) phase in sequentially in the order above.

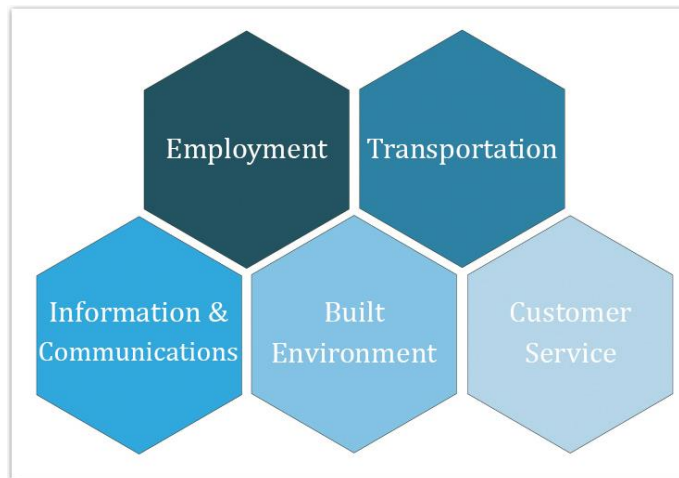
Types of Regulations

Regulations within the AODA are broken up into five different accessibility standards. These standards are meant to create appropriate requirements for different processes, as well as for different types of industries. Note that not all standards are applicable to every organization.

The AODA has differentiated the accessibility standards as such:

- ▶ **Information and Communications:** All web content must be accessible according to WCAG 2.0, and all other resources and materials must be provided in accessible formats;
- ▶ **Customer Service:** All organizations that provide goods or services within Ontario;
- ▶ **Employment:** Accessibility will become a regular part of finding, hiring, and supporting employees with disabilities;
- ▶ **Transportation:** Conventional and specialized transportation services must be physically accessible, and must also provide accessible information; and
- ▶ **Built Environment:** Barriers must be removed for buildings and designed public spaces.

Since the enactment of the AODA in 2005, these five standards have been made into two secondary laws. The first, the Accessibility Standards for Customer Service (Ontario Regulation 429/07), was instated in 2007 and includes the regulation for customer service.^v The second, the Integrated Accessibility Standards Regulation (Ontario Regulation 191/11), was instated in 2011 and encompasses the other four regulations (employment, information and communications, transportation, and built environment).^{vi}



This brief will focus on the Information and Communications accessibility standard of the AODA as it relates to online video and web content.

AODA Standards for Information and Communications

The Information and Communications standard sets regulations for electronic communications.^{vii} It encompasses requirements for websites and web content, communication supports, libraries, educational or training institutions, and producers of educational or training materials. In order to comply with the requirements of the AODA, organizations will have to:

- ▶ Make websites and web content accessible according to the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.0.
- ▶ Provide accessible formats and communication supports at no additional cost.
- ▶ Make feedback processes accessible when requested.
- ▶ Make public emergency information accessible.

Educational and training institutions must:

- ▶ Provide educational and training resources/materials in accessible formats.
Example: a video used in class must be captioned for hearing impaired students.
- ▶ Provide educators with accessibility awareness training.

Producers of educational or training materials must:

- ▶ Provide educational or training institutions with accessible materials.

Libraries:

- ▶ Libraries of education and training institutions must make resources accessible upon request.
- ▶ Public libraries must provide access to accessible materials where they exist.

The complete list of Title II requirements can be found at: <http://www.ada.gov/t2hlt95.htm>.

Title II also applies to employment in public entities, meaning disabled employees must not be barred from performing responsibilities because of inaccessible processes or procedures. This means state and local entities need to caption videos for internal communication and training,^{viii} as well as public-facing material.

Making Online Video and Other Web Content Accessible

With the exception of small private sector organizations, all websites and web content published after January 1, 2012 will be required to comply with WCAG 2.0 Level AA by January 1, 2021. All websites and web content from The Government of Ontario and the Legislative Assembly have been required to comply with WCAG 2.0 Level AA since January 1, 2016.

Note that as of January 1, 2014, all new websites and web content must conform to WCAG 2.0 Level A. Below, we will take you through the various levels and standards of WCAG 2.0.

WCAG 2.0

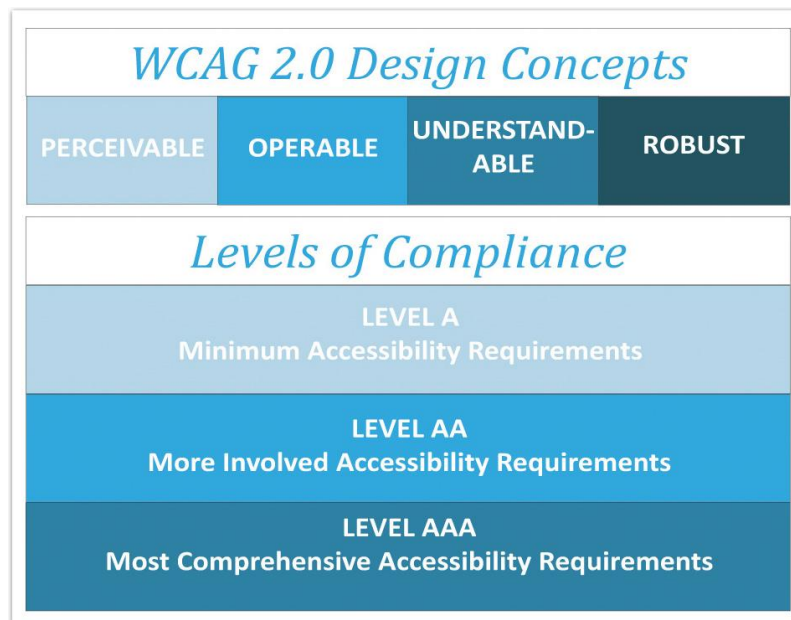
Web Content Accessibility Guidelines (WCAG) were created by the World Wide Web Consortium's (WC3) Web Accessibility Initiative.^{ix} WCAG consists of a series of guidelines for making web content accessible. WCAG 1.0 was introduced in 1999, and has since been superseded by WCAG 2.0, published in 2008. WCAG 2.0 consists of four universal design concepts and three levels of fulfillment criteria. The four concepts are:

- ▶ **Perceivable:** Information and user components must be presentable to users in ways they can perceive. This means that information must be able to be perceived by people with disabilities.
- ▶ **Operable:** User interface components and navigation must be operable. This means that the interface cannot require interaction that a user with a disability cannot perform or sense.
- ▶ **Understandable:** Information, as well as the operation of the user interface, must be understandable. This means that users must be able to understand the information and the operation of the user interface despite a disability.

- ▶ **Robust:** Content must be robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies. This means that the content should remain accessible as technologies evolve.

WCAG 2.0 levels of compliance are:

- ▶ **Level A:** This is the highest priority and usually the easiest to achieve. It denotes minimum requirements for accessibility. At this time, all new websites and web content must conform to Level A according to the AODA.
- ▶ **Level AA:** This is more comprehensive and provides more involved accessibility requirements. Note that according to the AODA, all websites and web content published after January 1, 2012 will be required to conform to Level AA by January 1, 2021.
- ▶ **Level AAA:** This is the most comprehensive and most accessible level of compliance. It can also place the most constraints upon design and visual presentation. At this time, the AODA does not have plans to require Level AAA compliance for websites and web content.



To further differentiate the different levels of compliance, let us use the example of online video, which is included in the AODA's Information and Communications standard.^x According to WCAG 2.0 guidelines for video and other time-synched media, the following must occur:

- ▶ **Level A Compliance:** Captions, Prerecorded (1.2.2). Captions are provided for all prerecorded audio content in synchronized media, except when the media is used as an alternative for text and is clearly labeled as such.
- ▶ **Level AA Compliance:** Captions, Live (1.2.4). Captions are provided for all live audio content in synchronized media.
- ▶ **Level AAA Compliance:** Sign Language, Prerecorded (1.2.6). Sign language interpretation is provided for all prerecorded audio content in synchronized media.

As you can see, the requirements become much more difficult to implement as the level of compliance becomes stricter.

Online Video Captioning Standards

According to the AODA's Information and Communications standard, all prerecorded video content must be captioned (this includes any web content, educational or training materials, library resources, and other communication supports that incorporate video).^{xi} Providing captions for prerecorded content is intended to enable people who are deaf or hard of hearing to understand synchronized media presentations. Success criterion 1.2.2 of WCAG 2.0 clearly states that captions should not only include dialogue, but must also include speaker identification, meaningful sound effects, and important non-speech information conveyed through sound.^{xii}

The following are the best practices for transcription and captioning:^{xiii}

- ▶ **Accuracy of Spelling and Grammar:** Spelling should be at least 99% accurate, punctuation should be included for maximum clarity, and both uppercase and lowercase letters should be used to make the content easier to read.
- ▶ **Speaker Identification:** Speaker identification should be used, particularly when there are multiple speakers present or the video doesn't make it clear who is speaking. Note that speaker ID labels should not reveal a plot point too early.
- ▶ **Non-Speech Sounds:** Non-speech sounds like [MUSIC] or [LAUGHTER] should be denoted with square brackets. Note that it is important to stay true to plot development.
- ▶ **Verbatim:** Transcription and captioning should be as close to verbatim as possible without making the text difficult to read.
- ▶ **Caption Frames:** Caption frames should hold one to three lines of text at a time, and each line should not exceed 32 characters. The minimum duration for one frame is 1 second. It is preferable to use a non-serif font style. Each caption frame should be replaced by another caption frame, unless there is a long period of silence or an extended sound effect.
- ▶ **Caption Placement:** Caption frames should be repositioned if they obscure onscreen text.

Information and Communications Requirements as of January 2017

Many AODA requirements were phased into law between 2012 and 2017. January 1, 2014 alone marked a big deadline for the AODA.^{xiv} There were nine new requirements instated, including three requirements within the Information and Communications standard. The following Information and Communications requirements have been phased in as of January 1, 2017:^{xv}

- ▶ **Make Information Accessible**
 - ▶ *January 1, 2017:* All small private sector organizations must make information about their goods, services, and facilities accessible.
 - ▶ *January 1, 2016:* All small public sector organizations and large private sector organizations must make information about their goods, services, and facilities accessible.
 - ▶ *January 1, 2015:* All large public sector organizations must make information about their goods, services, and facilities accessible.
 - ▶ *January 1, 2014:* All Government organizations must make information about their goods, services, and facilities accessible.
- ▶ **Make Feedback Accessible**
 - ▶ *January 1, 2016:* All small private sector organizations must make the ways they receive and respond to feedback accessible when asked.

- ▶ *January 1, 2015:* All small public sector organizations and large private sector organizations must make the ways they receive and respond to feedback accessible when asked.
- ▶ *January 1, 2014:* All Government and large public sector organizations must make the ways they receive and respond to feedback accessible (upon request).
- ▶ **Accessible Websites and Web Content**
 - ▶ *January 1, 2014:* Any new websites and web content must conform to WCAG 2.0 Level A guidelines. This means that all pre-recorded video content must have captions; a transcript may be sufficient for audio content. This requirement is in effect for all organizations with the exception of small private organizations. *Note that small private organizations (less than 50 employees) are exempt from this requirement.*
- ▶ **Make School Library Materials and Resources Accessible**
 - ▶ *January 1, 2015:* All educational and training institutions' libraries must provide accessible or conversion-ready formats of print resources and materials.
- ▶ **Make Public Library Materials and Resources Accessible**
 - ▶ *January 1, 2013:* All public libraries are required to have accessible formats of print and digital or multimedia resources and materials available.
- ▶ **Make Educational Materials and Training Resources Accessible**
 - ▶ *January 1, 2015:* All organizations must make sure all their students, including those with disabilities, get the information they need.
 - ▶ *January 1, 2013:* All large public sector and large private sector organizations must make sure all their students, including those with disabilities, receive accessible formats of learning materials.
- ▶ **Produce Accessible Educational and Training Materials**
 - ▶ *January 1, 2015:* Any organization that produces materials for educational and training institutions must be able to provide accessible or conversion-ready formats of textbooks.
- ▶ **Train Educators About Accessibility**
 - ▶ *January 1, 2015:* All educational and training institutions must provide educators with accessibility awareness training.
 - ▶ *January 1, 2013:* All large public sector and large private sector educational and training institutions must provide educators with accessibility awareness training.
- ▶ **Make Emergency Information Accessible to the Public**
 - ▶ *January 1, 2012:* All organizations are required to make emergency and public safety information accessible to people with disabilities upon request.

Further deadlines not included in the Information and Communications standard can be found on the AODA website.

Future Deadlines for the Information and Communications Standard

As noted, most AODA requirements are being phased in over time to give smaller organizations and private businesses time to prepare. Over the next few years, the few remaining deadlines within the Information and Communications standard will pass. The upcoming deadlines are as follows:^{xvi}

- ▶ **Accessible Websites and Web Content**

- ▶ *January 1, 2021:* All websites and web content published after January 1, 2012 must conform to WCAG 2.0 Level AA, with the exception of providing captions for live videos or audio descriptions for pre-recorded videos.
- ▶ **Make School Library Materials and Resources Accessible**
 - ▶ *January 1, 2020:* All educational and training institutions' libraries must provide accessible or conversion-ready formats of digital or multimedia resources and materials.
 - ▶ *Note that school libraries have separate requirement deadlines from public libraries, for which all requirements are already phased in.*
- ▶ **Produce Accessible Educational and Training Materials**
 - ▶ *January 1, 2020:* Any organization that produces materials for educational and training institutions must be able to provide accessible or conversion-ready formats of supplementary educational or training resources.

Below is a chart showing the deadlines for each of the requirements of the Information and Communications Standard of the AODA:

Deadlines for the Information and Communications Standard of the AODA

	Gov't & Legislature	Large Public Sector	Small Public Sector	Large Private Sector	Small Private Sector
Emergency Information	PHASED IN	PHASED IN	PHASED IN	PHASED IN	PHASED IN
Public Library Materials/Resources	PHASED IN	PHASED IN	PHASED IN	PHASED IN	PHASED IN
Websites & Web Content (Level A)	PHASED IN	PHASED IN	PHASED IN	PHASED IN	EXEMPT
Make Educational Materials Accessible for Students	PHASED IN	PHASED IN	PHASED IN	PHASED IN	PHASED IN
Accessibility Training for Educators	PHASED IN	PHASED IN	PHASED IN	PHASED IN	PHASED IN
Feedback	PHASED IN	PHASED IN	PHASED IN	PHASED IN	PHASED IN
Information	PHASED IN	PHASED IN	PHASED IN	PHASED IN	PHASED IN
School Library Resources	Print:	PHASED IN	PHASED IN	PHASED IN	PHASED IN
	Digital:	2020	2020	2020	2020
Producers of Accessible Educational Materials	Print:	PHASED IN	PHASED IN	PHASED IN	PHASED IN
	Digital:	2020	2020	2020	2020
Websites & Web Content (Level AA)	PHASED IN	2021	2021	2021	EXEMPT

Penalties

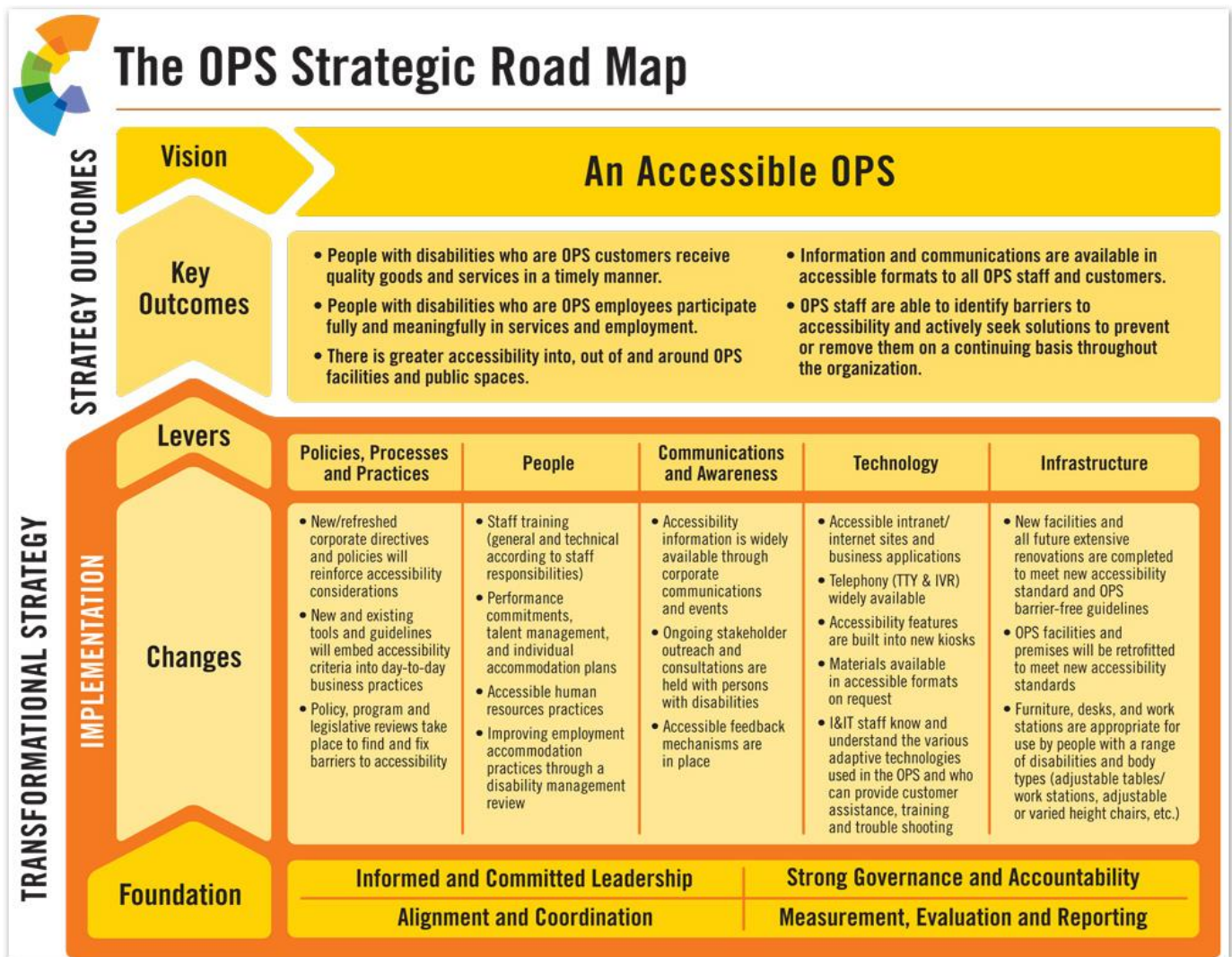
The AODA is enforced by the Ministry of Economic Development, Trade and Employment. Note that the Ministry has the power to conduct audits, and corporations can face significant fines of up to \$100,000 for each day they are not in compliance. Directors and officers can be found liable for fines of up to \$50,000 for each day their organization fails to comply.^{xvii}

Creating Your Roadmap to Accessibility

Because the AODA requirements are being phased in gradually, and because the deadlines are different for various types of organizations, your path to accessibility may seem challenging to enact. The AODA has created a quick way for you to pinpoint the specific requirements and deadlines applicable to your organization, allowing you to create a roadmap to accessibility.

The AODA compliance wizard is simple and informative, and will result in a list of the requirements you must complete, what steps you must take to be compliant, and when you must fulfill the requirements by.^{xviii} Further, if you are required to make your website and/or web content accessible according to WCAG 2.0, you can complete a checklist for each level of compliance.^{xix}

The Office of Public Service in Ontario, one of the first organizations recognized as AODA compliant in 2012, provides a comprehensive paper of how they achieved results.^{xx} Their roadmap to accessibility can be a resource for all; the following is a chart of their strategic roadmap.



Conclusion

With deadlines that phase in through 2021, the Information and Communications standard of the AODA will make all web content accessible according to WCAG 2.0 Level AA. This means that closed captioning will become an integral part of all online video content in Ontario. Planning ahead for captioning your video content and taking note of closed captioning standards will help you meet the AODA's requirements in a timely manner.

Although making Ontario accessible by 2025 may seem like a daunting task, the AODA marks an incredible victory in the accessibility world. The AODA is the first legislation in the world that puts legal responsibility upon businesses to remove barriers for customers and employees with disabilities.^{xxi} Creating an accessible Ontario by 2025 will allow the expected 20% of Ontarians with disabilities equal access to everyday activities that may have previously been unavailable to them. Developing a roadmap using the compliance wizard and the WCAG 2.0 checklist will help you meet your requirements on time and do your part in making Ontario barrier-free.

Endnotes

- ⁱ "Accessibility for Ontarians with Disabilities Act and Ontario Human Rights Code," Town of Ajax, Ontario, last accessed December 15, 2016, <https://www.ajax.ca/en/livinginajax/resources/AODAOHRCStaffTrainingSlides-PTStaffTranscript.pdf>.
- ⁱⁱ "Accessibility for Ontarians with Disabilities Act (AODA) S.O. 2005, CHAPTER 11," Accessibility for Ontarians with Disabilities Act (AODA), accessed December 15, 2016, <http://www.aoda.ca/the-act/>.
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- ^v "Ontario Regulation 429/07," Ontario Ministry of Attorney General e-Laws, accessed December 15, 2016, <https://www.ontario.ca/laws/regulation/r07429>.
- ^{vi} "Ontario Regulation 191/11," Ontario Ministry of Attorney General e-Laws, accessed on December 15, 2016, <https://www.ontario.ca/laws/regulation/r11191>.
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- ^{viii} "Facts About the Americans with Disabilities Act," U.S. Equal Employment Opportunity Commission, accessed December 15, 2016, <http://www.eeoc.gov/eeoc/publications/fs-ada.cfm>.
- ^{ix} "Web Content Accessibility Guidelines," Wikipedia, accessed December 15, 2016, http://en.wikipedia.org/wiki/Web_Content_Accessibility_Guidelines.
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- ^{xii} "Captions (Prerecorded): Understanding SC 1.2.2," World Wide Web Consortium (W3C), accessed December 15, 2016, <http://www.w3.org/TR/UNDERSTANDING-WCAG20/media-equiv-captions.html>.
- ^{xiii} Emily Griffin, "Closed Captioning & Subtitling Standards in IP Video Programming," *3PlayMedia.com*, June 16, 2016, <http://www.3playmedia.com/2016/06/16/closed-captioning-subtitling-standards-in-ip-video-programming/>.
- ^{xiv} Emily Griffin, "Are You Ready for Upcoming AODA Compliance Deadlines?," *3PlayMedia.com*, November 12, 2015, <http://www.3playmedia.com/2015/11/12/are-you-ready-for-upcoming-aoda-compliance-deadlines/>.
- ^{xv} "Ontario Regulation 191/11," *AODA.ca*, accessed December 15, 2016, <http://www.aoda.ca/integrated/>.
- ^{xvi} "Ontario Regulation 191/11," *AODA.ca*, accessed December 15, 2016, <http://www.aoda.ca/integrated/>.
- ^{xvii} Jason Hanson, Allan Wells, Lorraine M. Chan, Sumeet Dang, "Preparing for the 2014 AODA Requirements – Does Your Organization Have a Compliance Strategy?," *Osler.com*, December 15, 2016, <https://www.osler.com/en/resources/regulations/2013/preparing-for-the-2014-aoda-requirements-%E2%80%93-does-yo/>.
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About 3Play Media

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