



Board and Committee Meeting Materials on TCHC's Website

Item 8

April 11, 2023

Governance, Communications and Human Resources Committee

Report: GCHRC:2023-15

To: Governance, Communications and Human Resources Committee ("GCHRC")

From: General Counsel & Corporate Secretary and Vice President, Strategic Planning & Communications

Date: March 22, 2023

PURPOSE:

The purpose of this report is to report the outcome of TCHC's review of the manner in which PDF Board and Committee materials are made available through TCHC's website, and seek GCHRC's and the Board's approval of the recommended approach described in this report.

RECOMMENDATIONS:

It is recommended that the GCHRC approve this report and recommend that the Board of Directors (the "Board") approve the following approach to the treatment of PDF Board and Committee materials on TCHC's website:

1. Restore to the TCHC website all available Public meeting materials related to the period from January 2004 to December 2011, accompanied by a message that the materials may not appear in an accessible format and that, if individuals require the documents to be made accessible, TCHC will accommodate requests within 5 business days with the exception of complex documents;
2. Remove non-compliant Public meeting materials in PDF format related to the period from January 2012 to December 2020 as part of the final transition to TCHC's new corporate website;

3. Publish *Accessibility for Ontarians with Disabilities Act* (“AODA”) compliant meeting agendas and minutes related to Public meetings of TCHC’s Board and Committees for the period from January 2012 to December 2020, enabling the public to access high-level information on the items covered and decisions made at Board or Committee meetings between 2012-2020;
4. Make reports to the Board and its Committees related to Public meetings of TCHC’s Board and Committees for the period from January 2012 to December 2020 available, in accessible format, to members of the public upon request;
5. Ensure that all PDF documents posted online, related to the period from January 2021 to present, are remediated and require TCHC business units to submit future Board reports in an AODA compliant format; and
6. Authorize the Vice President, Strategic Planning & Communications and the General Counsel and Corporate Secretary, and/or their respective designates, to take all actions and execute all necessary documents to implement the above recommendations.

REASONS FOR RECOMMENDATIONS:

Decision History

At its May 18, 2021, meeting, the Building Investment, Finance and Audit Committee (“BIFAC”) approved the staff recommendation to:

1. Remove Board and Committee PDF meeting materials up to January 1, 2021 that are not compliant with the AODA standards, except for Board and Committee meeting agendas, and retain non-compliant materials off-line;
2. Remediate Board and Committee PDF materials starting from January 1, 2021 to comply with AODA standards and allow materials to remain on the website; and
3. Remediate all Board and Committee PDF agendas to comply with AODA standards and allow agendas to remain on the website.

[Report BIFAC:2021-45](#)
[BIFAC Meeting of May 18, 2021](#)

At its June 15, 2021 meeting, the Board of Directors approved the same recommendations as approved by the BIFAC at its May 18, 2021 meeting.

[Report TCHC:2021-34](#)
[Board Meeting of June 15, 2021](#)

At its January 30, 2023, meeting, the Governance, Communications and Human Resources Committee requested that TCHC management examine and report back regarding how to facilitate returning documents to TCHC's website in a manner compliant with the *Accessibility for Ontarians with Disabilities Act* ("AODA").

[Action Item related to Report GCHRC:2023-05](#)
[GCHRC Meeting of January 30, 2023](#)

Review Outcome

TCHC management have now concluded the review that GCHRC requested it to undertake in relation to the manner in which PDF Board and Committee materials are made available through TCHC's website. This report describes the outcome of that review and provides recommendations for an alternative approach to this matter.

The recommendations that were originally presented to the Building Investment, Finance and Audit Committee were informed by the requirements of Ontario Regulation 191/11 to the *Accessibility for Ontarians with Disabilities Act* ("AODA"), which states that all public websites and web content posted after January 1, 2012 must meet the WCAG 2.0 Level AA success criteria. Web content posted prior to January 1, 2012 is exempt from having to meet the WCAG 2.0 Level AA success criteria.

In addition, for documents posted after January 1, 2012, complex documents (for example online maps, architectural drawings, complex graphs and diagrams) may be impossible to make accessible to people with visual disabilities due to barriers in technology. In the event that an accessible format cannot be provided, TCHC must explain why the information or communication is unconvertible and provide a summary of the unconvertible

content. There are no additional exceptions to this legislation.¹ TCHC staff have also confirmed this advice directly with enforcement staff of the Ministry for Seniors and Accessibility.

The main factors that determined the recommendations originally presented to BIFAC were the significant number of PDFs housed on the TCHC public website and the total cost to remediate all documents to be WCAG 2.0 AA compliant. At the time, analysis of potential costs determined that the remediation of the nearly 8,000 PDF files would cost upwards of \$500,000. Further, penalties for non-compliance with the WCAG 2.0 AA and AODA legislation is up to \$100,000. The cost associated with making these documents AODA compliant was balanced against the minimal access to those documents by members of the public.

In response to the GCHRC's request, staff have revisited those recommendations in light of the apparent interest in maintaining public access to Board and Committee reports that pre-date January 1, 2012. As noted above, documents created prior to 2012 are exempt from having to meet the WCAG 2.0 Level AA success criteria, minimizing the cost of their retention on the website. At the same time, the retention of these materials and their reinstatement to TCHC's website does not come without cost. Staff time will be required to identify those reports and to secure their return to TCHC's website. In addition, staff time will be required in order to convert meeting agendas and meeting minutes to HTML format in relation to the period from January 2012 to December of 2020. Approximately 300 hours of staff time is estimated to be required in this regard, which may be supplemented with work by an external vendor. Upon having concluded its review of the current status of this project, TCHC's revised recommendations, as reflected in this report, are informed by the following considerations:

- Reinstatement of meeting reports for the period from January 2004 to December 2011 does not require those materials to be made AODA compliant, which would give rise to additional cost. As noted, staff time will be required in order to identify and reinstate those materials. TCHC will post a message on the website noting that if individuals require the documents to be made accessible, TCHC will accommodate requests

¹ Province of Ontario website "[How to make websites accessible](#)" - accessed on March 22, 2023

within five business days (with the exception of complex documents that cannot be made AODA compliant);

- Meeting reports related to the period from January 2012 to December 2020 will be made available upon request to members of the public;
- By making meeting agendas and minutes related to the period from January 2012 to December 2020 available in HTML format, those documents will be automatically made accessible and will provide high-level information on the items covered and decisions made at Board or Committee meetings during that period. This approach is in keeping with other City of Toronto agencies, boards and commissions, such as the Toronto Transit Commission and the Toronto Parking Authority, and prevents a substantial gap in public facing Board and Governance reporting on the website; and
- Strategic Communications and Governance staff will implement a sustainability plan going forward through which:
 - all PDF documents related to Board and Committee meetings that are posted to TCHC's website are AODA compliant;
 - business unit leads and Governance staff will be trained and supported in order to ensure that future Board and Committee reports are presented in an AODA compliant format;
 - regular reviews of PDF materials posted related to Board and Committee meetings online are AODA compliant; and
 - TCHC business units will be required to submit Board and Committee reports in an AODA compliant format.

IMPLICATIONS AND RISKS:

Legal and Financial Risk

As previously reported, the Ministry for Seniors and Accessibility oversees compliance with, and enforcement of, accessibility laws. If TCHC fails to meet the AODA WCAG 2.0 guideline, it may apply daily administrative penalties until TCHC becomes compliant to a maximum of \$100,000. Failure to comply will also result in reputational risk to the corporation.

SIGNATURES:

“Darragh Meagher”

Darragh Meagher
General Counsel & Corporate Secretary

“Paula Knight”

Paula Knight
Vice President, Strategic Planning and Communications