



# The Accessible Canada Act

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## Commitment

- Bill C-81 signals a transformational shift in the Government's approach to disability and accessibility:
  - Bring cohesion and leadership to federal efforts to improve accessibility
  - Lead to more consistent experiences of accessibility across Canada

## Objectives

- Shift the burden off individual Canadians with disabilities in order to address systemic accessibility issues
- Provide entities under federal jurisdiction with clearly defined accessibility standards to achieve and maintain, as well as new requirements to plan and report on results
- Ensure involvement of Canadians with disabilities is at the core of the new approach
- Report annually on results for Canadians

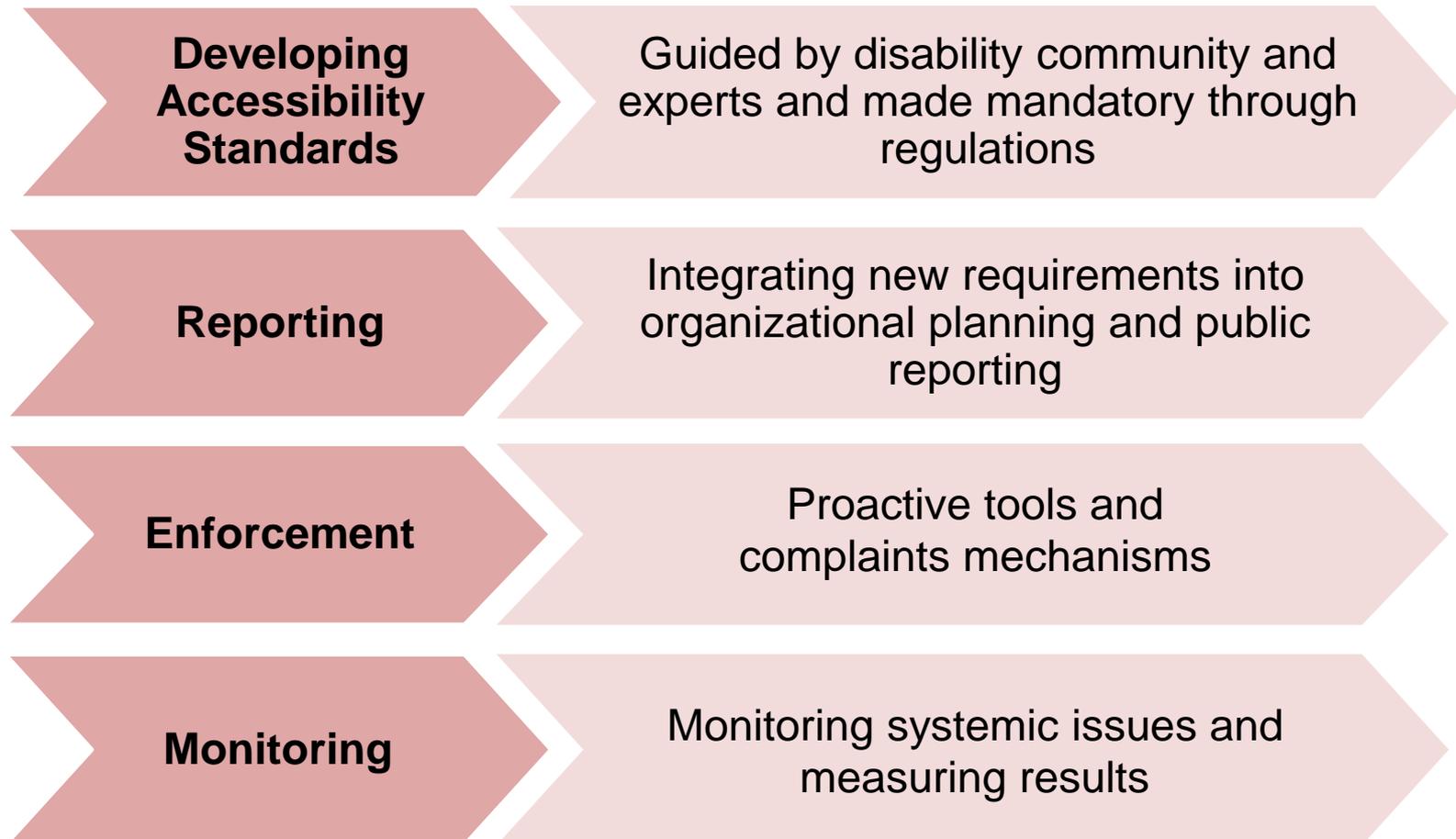
# Application

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- Parliament
  - Senate, House of Commons, Library of Parliament, Parliamentary Protective Service, Senate Ethics Officer, Conflict of Interest and Ethics Commissioner, and Parliamentary Budget Officer
  - Tailoring of compliance and enforcement provisions to respect parliamentary privilege
- Government of Canada
  - Government departments, crown corporations and agencies
- Federally regulated private sector
  - Banking, federal transportation system, telecommunications and broadcasting, etc.
- Canadian Forces and the Royal Canadian Mounted Police
  - Flexibility for *bona fide* occupational requirements

# The Approach

Working with Canadians with disabilities, C-81 creates a framework for *developing, reporting on and enforcing* accessibility requirements in priority areas, and *monitoring* implementation



# 1. Developing Accessibility Standards

Identifying, removing and preventing accessibility barriers in seven priority areas



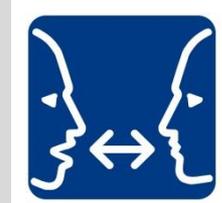
**Employment**

**Built Environment**



**Information and  
Communication  
Technologies**

**Communication**



**Transportation**

**Design & Delivery  
of Programs &  
Services**



**Procurement**

# 1. Developing Accessibility Standards

## Canadian Accessibility Standards Development Organization (CASDO)

- Oversees accessibility standards development process
- Board of Directors comprised of a majority persons with disabilities
- Provides technical assistance to organizations and supports research in priority areas
- Establishes technical committees comprised of persons with disabilities, experts and industry representatives
- Accessibility standards published and submitted to the Minister of Accessibility to consider adopting in regulations

CASDO develops standard



CASDO refers standard to Minister of Accessibility



Minister may recommend Governor in Council adoption of standard as a regulation in whole or in part

Canadian Transportation Agency and Canadian Radio-television and Telecommunications Commission will continue to develop standards and regulations for passenger mobility in the federal transportation network and telecommunications/broadcasting services, respectively.

## 2. Reporting on Accessibility

New requirements to integrate accessibility into organizational planning and reporting.

### Accessibility Plans

- Prepare and publish plan for improving accessibility and meeting accessibility requirements
- Develop and update every three years in consultation with persons with disabilities

### Feedback Processes

- Establish process for receiving feedback on accessibility
- Report publicly on nature of feedback and how it was taken into consideration

### Progress Reports

- Regular progress reports on implementation and feedback

# 3. Enforcement – Jurisdiction

## Accessibility Commissioner (CHRC)

- Employment
- Non-passenger built environment
- Information and communication technologies (outside transport, telecom & broadcasting)
- Service delivery (outside transport, telecom & broadcasting)
- Procurement (outside transport, telecom & broadcasting)
- Transportation (outside federal transportation network)
- Communication, as it relates to these areas



## CTA

### Federal Transportation Passenger Network

- Passenger built environment
- Information and communication technologies
- Service delivery
- Procurement
- Transportation
- Communication, as it relates to these areas



## CRTC

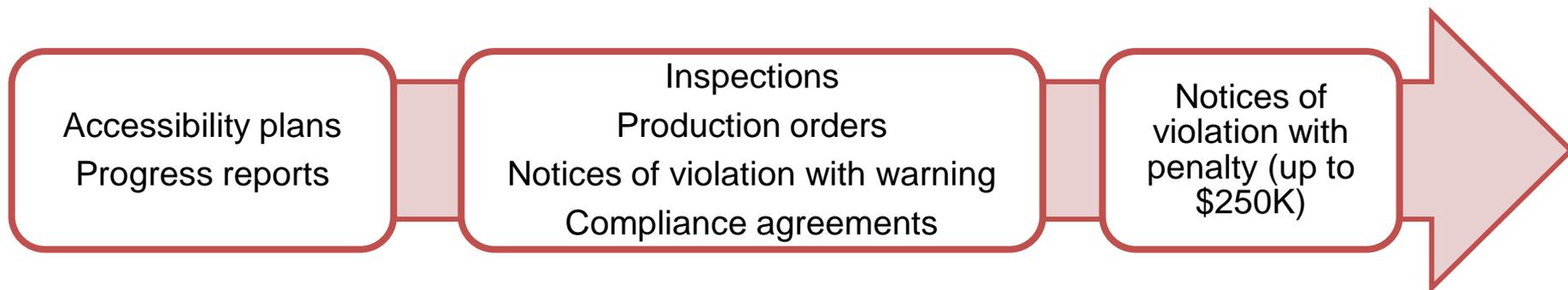
### Telecommunications & Broadcasting

- Information and communication technologies
- Service delivery
- Procurement
- Communication, as it relates to these areas



### 3. Enforcement – Proactive Compliance

- A new Accessibility Commissioner within the Canadian Human Rights Commission would have an array of compliance and enforcement tools



- Within the federal transportation network, the CTA would have enhanced authorities for compliance and enforcement
- Within telecommunications and broadcasting services, the CRTC would use existing authorities for compliance and enforcement

### 3. Enforcement – Complaints

Accessibility  
Commissioner

New entity created to receive and resolve accessibility complaints related to most federally-regulated organizations

CTA

CRTC

Federal Public  
Sector Labour  
Relations and  
Employment Board

Would continue to deal with accessibility complaints within their jurisdiction

**No Wrong Door:** complainants can file their complaint with any of these four bodies, who will then collaborate to efficiently refer the complaint to the correct authority.

### 3. Enforcement – Complaints (cont'd)

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- Complainants could receive compensation of up to \$20,000\* for pain and suffering resulting from a contravention of accessibility regulations and up to \$20,000\* if the contravention is determined to be the result of a wilful or reckless practice
- Complainants could also receive compensation for lost wages, as well as for the additional costs of obtaining alternative goods, services, facilities or accommodations, and any expenses incurred as a result of the contravention
- Note: Complaints under the proposed Act are distinct from discrimination complaints under the *Canadian Human Rights Act* (CHRA)
  - i.e. regulated entities compliant with requirements under the Accessible Canada Act could still be subject to discrimination complaints under the CHRA

\* Adjusted annually to reflect changes in the Consumer Price Index.

# 4. Monitoring Implementation

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- New, independent **Chief Accessibility Officer** (CAO) to advise the Minister of Accessibility on accessibility issues
- CAO will report on systemic and emerging accessibility issues and report annually on overall progress and outcomes for Canadians
- Accessibility Commissioner, CTA and CRTC will report annually on compliance and enforcement activities
- Five year Parliamentary Review by 2026, and regular independent reviews thereafter

# Culture Change

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- Bill C-81 requires that persons with disabilities be involved in the development and implementation of policies and activities that impact them, putting the principle of “nothing about us, without us” into action:
  - Development of accessibility plans and progress reports
  - Canadian Accessibility Standards Development Organization
- Legislating National AccessAbility Week – a week to raise awareness, promote inclusion and accessibility
  - Week starting on the last Sunday in May

# Summary

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- The most significant advancement for disability rights in Canada in over 30 years
- Enabling legislation designed to build a system that is resilient, adaptable, and responsive to the needs of the disability community and to new barriers that come with our changing economy, culture, and technology
- Putting “nothing about us, without us” into action – legally requiring the participation of persons with disabilities in the development and implementation of accessibility policies that impact their lives
- On day one, a new approach to accessibility will ensure that persons with disabilities are no longer required to fight barriers to accessibility on an individual basis
- Will create a system that recognizes accessibility as everyone’s responsibility. Persons with disabilities will be able to rely upon a new proactive, systemic approach to target barriers, as well as the structures that perpetuate these barriers

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# **ANNEXES**

## Canadians with disabilities continue to face barriers to inclusion

**22%**

of Canadians aged 15+ have at least one disability<sup>1</sup>

This percentage is expected to increase with population aging

**59%**

of Canadians with disabilities (aged 25-64) are employed<sup>1</sup>

80% of Canadians without disabilities are employed<sup>1</sup>

**28%**

of Canadians with more severe disabilities (aged 25-64) live in poverty<sup>1</sup>

14% of Canadians with milder disabilities (aged 25-64) live in poverty<sup>1</sup>

Close to  
**60%**

of discrimination complaints are related to disability (2013-2017)<sup>2</sup>

Disability is the most common ground for discrimination complaints to the Canadian Human Rights Commission

<sup>1</sup> Canadian Survey on Disability, 2017

<sup>2</sup> Canadian Human Rights Commission annual reports, 2013-2017

- Between July 2016 and February 2017, approximately 6,000 Canadians participated in the national consultation to inform the development of the legislation. Budget 2016 also provided funding to disability and Indigenous organizations to engage their members
- “What We Learned” report was published in May 2017. Key highlights:
  - Aim high – establish standards that reflect international best practices
  - Support organizations to comply; penalize those who do not
  - Use existing regulatory bodies, with new monitoring and oversight
  - GoC must lead by example in meeting and exceeding accessibility standards
  - Coordinate efforts across government, and harmonize federal and Provincial/Territorial standards over time

# The Accessible Canada Act: Governance

