



Special Presentation in celebration
of National AccessAbility Week and Red Shirt Day 2021
Tuesday, June 1, 2021. 1pm – 2pm ET.

The Accessible Canada Act

www.easterseals.ca





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Easter Seals: About Us

Federation of charities dedicated to enhancing the **well-being, opportunities** and **self-determination** of Canadians living with disabilities.

Programs and services include:

- Equipment and technologies
- Adaptive sports and recreation programs
- Accessible day and overnight camps
- Skills-building, employment preparation
- Scholarships and bursaries

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Implementing the *Accessible Canada Act*

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Webinar
Easter Seals Canada
June 1, 2021



Agenda

1:00 PM – 2:00 PM

1. About ARCH Disability Law Centre
2. What is the *Accessible Canada Act*?
3. How does the *Accessible Canada Act* fit in with other laws in Canada and international law?
4. How does the *Accessible Canada Act* achieve its purpose?
5. What's next? Upcoming accessibility standards, regulations and complaint mechanisms



About ARCH Disability Law Centre

- ARCH is a specialty legal aid clinic that advances and defends the equality rights of persons with disabilities in Ontario.
- ARCH is governed by a volunteer Board of Directors; ARCH's by-laws ensure that the majority of directors identify as having a disability.
- ARCH is primarily funded by Legal Aid Ontario



What is the *Accessible Canada Act*?

- The *Accessible Canada Act* is a law that aims to achieve a barrier free Canada by 2040.
- The *ACA* aims to achieve a barrier free Canada by identifying, addressing and preventing barriers.
- The *ACA* is framework legislation. It puts general processes and organizations in place to achieve its purpose.



What is the *Accessible Canada Act*?

Purpose and Priority Areas

Identifying, removing, and preventing barriers in:

- employment;
- the built environment;
- information and communication technologies;
- communication, other than information and communication technologies;
- the procurement of goods, services and facilities;
- the design and delivery of programs and services; and
- transportation.



What is the *Accessible Canada Act*?

What is a Barrier?

A barrier is anything that hinders the full and equal participation in society of persons with a physical, mental, intellectual, cognitive, learning, communication or sensory impairment or functional limitation.



What is the *Accessible Canada Act*?

The *ACA* and the Social Model of Disability

The *ACA*'s purpose and the way it defines barriers reflects the social model of disability

- Society's reactions or inactions, the built environment and attitudes that promote discrimination, exclusion, ableism are the barriers
- Barriers in society are what prevent persons with disabilities from being included and from participating
- Ending discrimination, segregation, and removing barriers is the answer



What is the *Accessible Canada Act*?

Where Does the Act Apply?

- The *ACA* is a federal accessibility law
- It only applies to organizations, businesses, and government offices under federal jurisdiction. It does not apply to organizations that are regulated by provincial or territorial laws
- For example: the Government of Canada, Canada Revenue Agency, the Immigration and Refugee Board, banks, mining companies, internet providers, and many others



What is the *Accessible Canada Act*?

Principles Set Out in the *ACA*

- The *ACA* sets out several guiding principles that include:
- Treatment of persons with disabilities with dignity
- Barrier-free access to full and equal participation in society
- That laws, policies, programs, services and structures must take into account disabilities of persons, in addition to multiple and intersecting forms of marginalization and discrimination



How Does the *Accessible Canada Act* fit in with other laws in Canada and international law?

The *Charter* and Human Rights Law

- The *ACA*'s preamble explains that it works together with the *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act*
- In particular, it says: “Whereas a proactive and systemic approach for identifying, removing and preventing barriers to accessibility without delay complements the rights of persons with disabilities under the *Canadian Human Rights Act*”
- The *ACA*'s purpose and approach reinforce *Charter* rights and human rights



How Does the *Accessible Canada Act* fit in with other laws in Canada and international law?

The Convention on the Rights of Persons with Disabilities

- The Convention is an international agreement. It says that people with disabilities have the right to participate equally in society.
- The preamble of the *ACA* says: “Whereas Canada is a State Party to the United Nations Convention on the Rights of Persons with Disabilities and Canada has agreed to take appropriate measures respecting accessibility and to develop and monitor minimum accessibility standards”
- The *ACA* implements some of Canada’s obligations under the Convention



How Does the *Accessible Canada Act* Achieve Its Purpose?

Accessibility Plans

- The *ACA* says that accessibility plans should include:
 - policies, programs, practices and services to identify, remove and prevent barriers relating to priority areas
 - any accessibility regulations, licence conditions, or orders that apply
 - the manner in which organization consulted with persons with disabilities to prepare the plan
- Accessibility plans must take into account the *ACA* principles
- Accessibility plans have to be updated at least every three years



How Does *the Accessible Canada Act* Achieve Its Purpose?

Feedback Processes

The *ACA* requires regulated businesses, organizations, and government offices to create feedback processes to get feedback about:

- how they are implementing their accessibility plan, and
- barriers to accessibility encountered by people who deal with them



How Does the *Accessible Canada Act* Achieve Its Purpose?

Progress Reports

- The *ACA* requires regulated businesses, organizations, and government offices to create progress reports about the implementation of their accessibility plan
- They have to consult persons with disabilities and take into account feedback from the feedback process



What's Next?

Regulations about Planning and Reporting and Penalties

- The Government of Canada, the Canadian Transportation Agency, and the Canadian Radio-television and Telecommunications Commission just published draft regulations for public comment
- Each of these regulations relate to planning and reporting – accessibility plans, progress reports, feedback processes
- The Government of Canada's draft regulation also explained how penalties are assessed
- They are required to publish final regulations by July 2021



What's Next?

Accessibility Standards

- The *ACA* creates an organization called Accessibility Standards Canada. Accessibility Standards Canada is currently developing its first standards about emergency egress, employment, outdoor spaces and plain language. These standards will be published for public comment before they are finalized.
- Standards are voluntary, and can provide guidance to regulated businesses, organizations, and government offices
- However, Accessibility Standards Canada can ask the Government of Canada to turn a standard into a regulation, which has legal consequences



What's Next?

Complaint Mechanisms

- The *ACA* also creates ways for people to make complaints about accessibility issues
- These complaints can be brought to the Accessibility Commissioner, the Canadian Transportation Agency, the Canadian Radio-television and Telecommunications Commission, or the Federal Public Sector Labour Relations and Employment Board
- These complaint processes are not in place yet, but this will be happening soon

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Consult a lawyer or paralegal if you need legal advice on a specific issue.

Information is current as of the date indicated.

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