

Accessible Canada Act

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What is this document about?

This document uses plain language to summarize the *Accessible Canada Act*. The Act is a law that was made by the Parliament of Canada in 2019.

In this document, the *Accessible Canada Act* is sometimes called the Act, and the Parliament of Canada is called Parliament.

What is the Act about?

The *Accessible Canada Act* is a new federal law about accessibility. (Accessibility means that everyone can get to and use information, spaces and places.) Accessibility is very important for people with disabilities.

What is a disability?

A disability is a condition or limitation that prevents people who are facing a barrier from having their full and equal place in society.

Here are some examples of a condition or limitation:

- The condition might be physical, mental or intellectual.
- The condition might limit the ability to think, understand, learn or communicate.
- The condition might limit the ability to see, hear or speak.
- The limitation might be permanent, temporary, occasional or hidden.

What is a barrier?

A barrier is anything that does not allow people with a condition or limitation to have their full and equal place in society.

Here are some examples of barriers:

- The barrier might be physical.
- The barrier might be in a structure.
- The barrier might be in technology.
- The barrier might be in attitudes.
- The barrier might be in information and communications.
- The barrier might be in a policy or practice.

Why was the Act made?

The *Accessible Canada Act* was made for the following reasons:

- The Act promotes the aims and values of the *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act*, which protect people against discrimination based on disability.
- It is a good idea to identify, remove and prevent barriers to accessibility as soon as possible.
- A United Nations law says that Canada has to take action to respect the rights of people with disabilities.
- Action is needed to deal with barriers to accessibility. Barriers to accessibility affect Canadians, including those with disabilities and their families. These barriers prevent Canadians with disabilities from having their full and equal place in society.
- It is a good idea for Canadians, including those with disabilities, to be able to have their full and equal place in society and carry out their rights and responsibilities.

What is the purpose of the Act?

The purpose of the *Accessible Canada Act* is to help people, especially those with disabilities, by making Canada free of barriers by 2040.

How will the purpose of the Act be achieved?

The purpose of the *Accessible Canada Act* will be achieved by identifying, removing and preventing barriers in matters under federal authority in the following areas:

- Employment
- Buildings and public spaces
- Information and communication technologies

- Communication, including certain sign languages, but excluding broadcasting and communications
- Getting goods, services and facilities
- Design and delivery of programs and services
- Transportation
- Areas that might be added in the future

How will Canada become free of barriers?

The *Accessible Canada Act* seeks to make Canada free of barriers in the following ways:

- The Act has accessibility rules. These rules are laws. Laws have to be obeyed.
- The Act allows for the making of accessibility standards that can become regulations. (A regulation is a law that is made with the permission of an Act of Parliament.) Regulations have to be obeyed.
- The Act provides for the administration and enforcement of its accessibility regime. (Enforce means to make sure that something is being obeyed.)
- The Act allows people to complain that the Act is not being obeyed.
- The Act will be reviewed in the future, to make sure that it is working properly.
- The Act raises awareness about accessibility.

What are the guiding principles of the Act?

The *Accessible Canada Act* has seven guiding principles, as follows:

- People need to be treated with dignity regardless of their disabilities.
- People need to have equal opportunity in their lives regardless of their disabilities.

- People need to have access, without barriers, to a full and equal place in society regardless of their disabilities.
- People need to have meaningful options and freedom of choice regardless of their disabilities.
- Laws, policies, programs, services and structures need to take into account disabilities and people with disabilities.
- People with disabilities have to be involved in planning for laws, policies, programs, services and structures.
- Accessibility standards and regulations need to give the highest level of accessibility for people with disabilities.

What is an accessibility standard?

An accessibility standard is a set of rules that help entities to identify, remove and prevent barriers in an area. (Entities means people and organizations, particularly those that have to obey the Act.)

There will be accessibility standards in the following areas:

- Employment
- Buildings and public spaces
- Information and communication technologies
- Communication
- Getting goods and services
- Design and delivery of programs, services and facilities
- Transportation

Other areas for accessibility standards may be made in the future.

How do accessibility standards become law?

The following process will be used to turn an accessibility standard into law:

- The Canadian Accessibility Standards Development Organization makes a standard that helps to identify, remove and prevent barriers.
- The standard is given to the Minister.
- The standard is made public so that people can comment on it.
- The federal government makes a regulation that adopts the standard.
- Entities under federal authority have to obey the regulation.

Who has to obey the Act?

The *Accessible Canada Act* has to be obeyed by most entities that work in the federal public sector. The federal public sector includes the following:

- Federal government departments and agencies
- Federal Crown corporations
- Canadian Forces
- Royal Canadian Mounted Police
- Officials and organizations of Parliament
- Constituency offices of federal Members of Parliament

The Act also has to be obeyed by most entities that work in areas of the private sector that are under federal authority. These areas include the following:

- Banking and finance
- Transportation
- Broadcasting and communications technology

Some of these public and private entities are or can be excused from having to obey the Act or parts of it because of special circumstances.

What do entities have to do under the Act?

Entities have to make plans, create a feedback process and make progress reports.

The Minister responsible for Accessibility, the Canadian Transportation Agency, and the Canadian Radio-television and Telecommunications Commission can give entities that are within their authority up to three years before they have to obey these rules, and they can also adjust the rules.

What are the rules on plans?

Entities have to make, publish and share plans on how they will improve accessibility and obey the Act. Updated plans have to be made and published every three years. People with disabilities have to be consulted when plans are being made or updated. The seven guiding principles of the Act must be taken into account when the plan is being made or updated.

What are the rules on feedback processes?

Entities have to create and publish a process to receive and deal with feedback on carrying out their accessibility plans, and any barriers that are being faced by people who deal with the entities.

What are the rules on progress reports?

Entities have to make, publish and share progress reports on their accessibility plans. The reports have to answer the following questions:

- How were accessibility plans put into action?
- How were people with disabilities involved when the report was being made?
- What were the main concerns of the feedback?
- What was done about these concerns?

Who administers the Act?

The following officials and organizations have important roles and duties in the *Accessible Canada Act*:

- Federal government
- Minister
- Chief Accessibility Officer
- Canadian Accessibility Standards Development Organization
- Accessibility Commissioner
- Canadian Radio-television and Telecommunications Commission
- Canadian Transportation Agency

What is the role of the federal government?

The federal government makes regulations on how the *Accessible Canada Act* has to be obeyed. It also makes regulations that adopt accessibility standards made by the Canadian Accessibility Standards Development Organization.

The federal government appoints people to the positions mentioned in the *Accessible Canada Act*.

What is the role of the Minister?

A federal Minister is responsible for accessibility and for making Canada free of barriers by 2040, (In some cases, another Minister or government organization is or will be responsible for a matter dealing with accessibility.)

The Minister has powers to carry out this role.

The Minister has to work with other governments in Canada on accessibility issues.

The Minister receives different kinds of reports on accessibility, and gives them to Parliament.

What is the role of the Chief Accessibility Officer?

The Chief Accessibility Officer is an independent special adviser to the Minister responsible for accessibility. The Chief Accessibility Officer advises the Minister on systemic or emerging issues, and makes annual and special reports to the Minister.

What is the role of the Canadian Accessibility Standards Development Organization?

The role of the Canadian Accessibility Standards Development Organization is to help to make Canada free of barriers by 2040. (In this document, the Canadian Accessibility Standards Development Organization is sometimes called the Standards Organization.)

The Standards Organization does the following:

- It develops, changes and recommends model accessibility standards.
- It shares information on accessibility standards and barriers.
- It supports research on barriers.
- It gives new accessibility standards to the Minister and shares them with the public.
- It makes annual reports to the Minister.

The Standards Organization has broad powers to carry out its responsibilities.

The following people and groups have important roles and duties in the Standards Organization:

- A board of directors sets the direction for the Standards Organization, supervises its activities and affairs, and advises its Chief Executive Officer. Most of the directors are people with disabilities. The directors are representative of the diversity of Canadian society and the disabilities faced by Canadians.
- A Chief Executive Officer manages the Standards Organization.
- Committees of experts and advisors help to make and change accessibility standards. These committees are created by the Chief Executive Officer.

What is the role of the Accessibility Commissioner?

The Accessibility Commissioner is a member of the Canadian Human Rights Commission.

The Accessibility Commissioner enforces much of the Act, deals with most kinds of accessibility complaints and makes annual reports to the Minister.

The Accessibility Commissioner may also advise the Minister on the administration and enforcement of the Act, and may make and publish special reports.

What is the role of the Canadian Radio-television and Telecommunications Commission?

The Canadian Radio-television and Telecommunications Commission is responsible for accessibility in many areas of broadcasting and telecommunications.

What is the role of the Canadian Transportation Agency?

The Canadian Transportation Agency is responsible for accessibility in many areas of the federal transportation system.

Do the officials and organizations who administer the Act have to work with each other?

The following officials and organizations have to work together to make sure that complaints, applications and grievances go to the right official or organization.

- Accessibility Commissioner
- Canadian Transportation Agency
- Canadian Radio-television and Telecommunications Commission
- Canadian Human Rights Commission
- Federal Public Sector Labour Relations and Employment Board

These officials and organizations also have to work together so that policies and practices do not conflict. They and the Standards Organization also have to help the Chief Accessibility Officer carry out his or her duties.

Who enforces the Act?

The Accessibility Commissioner enforces the *Accessible Canada Act*, although the following organizations enforce accessibility provisions in certain areas:

- Canadian Radio-television and Telecommunications Commission
- Canadian Transportation Agency

How is the Act enforced?

The Accessibility Commissioner enforces the parts of the *Accessible Canada Act* that are about plans, feedback and progress reports. The enforcement might happen in the following ways:

- An entity might be Inspected.
- An entity might be ordered to provide certain information.
- An entity might be ordered to obey the Act.
- An entity might get a warning or fine.
- An entity might agree to obey the Act.
- The name of an entity that does not obey the Act might be made public.

It is an offence to obstruct or mislead the Accessibility Commissioner.

Can people complain that the Act is not being obeyed?

People can complain to the Accessibility Commissioner that an entity has not obeyed a regulation made under the *Accessible Canada Act* if the failure to obey caused them certain kinds of harm, damage or loss.

The Accessibility Commissioner investigates complaints, and then decides whether they are valid. If a complaint is valid, the Commissioner can then make different kinds of orders against the entity. For example, the Commissioner can order the entity to compensate the person who complained.

Some decisions of the Accessibility Commissioner can be reviewed or appealed.

The Commissioner does not deal with all accessibility complaints. In particular, the following organizations deal with complaints in their own areas:

- Federal Public Sector Labour Relations and Employment Board
- Canadian Radio-television and Telecommunications Commission
- Canadian Transportation Agency

Is the Act ever going to be reviewed?

The *Accessible Canada Act* is going to be reviewed regularly to make sure that it is working properly.

A committee of Parliament will review and report on the Act five years after the first regulation under the Act is made.

Five years later, there will be an independent review of the Act. A report based on the review will be written. This review will require input from the following:

- Public
- People with disabilities
- Organizations representing people with disabilities
- Entities that have to obey the Act (and organizations that represent them)

Subsequent independent reviews of the Act will happen every ten years.

The reports of all reviews will be given to Parliament.

Does the Act raise awareness?

The *Accessible Canada Act* creates a National AccessAbility Week that will start in the last week of every May.