ldao · Learning Disabilities Association of Ontario

The right to learn, the power to achieve

What does an Accessible Canada mean to you?

LDAO Response to the Federal Consultation on Accessibility Legislation

February 2017

Attitudes and Awareness

Questions for feedback

- How can the Government of Canada raise awareness of and change attitudes in relation to accessibility (in the short term and long term)?
- How can the Government of Canada show leadership in improving accessibility and removing barriers for Canadians with disabilities?

The Government of Canada can set up a process to create accessibility standards in sectors that are under federal jurisdiction, and develop a public awareness campaign for the sectors involved in addition to the general public.

- Do you have examples of collaborative models that have led to the creation of shared expectations and sustained culture change within organizations in relation to accessibility?

The standards developed under the Accessibility for Ontarians with Disabilities Act (AODA) could serve as a model, with some additional features (see below).

Topics for Discussion on Accessibility Legislation

What is the goal of the legislation?

The overall goal of the legislation is to increase the inclusion and participation of Canadians in society and promote equality of opportunity by improving accessibility and removing barriers in areas of federal jurisdiction.

Questions for feedback

- Do you have any input regarding this goal?

The wording should be changed to "promote the full inclusion of Canadians in society and equality of opportunity, by maximizing accessibility and removing barriers in areas of federal jurisdiction."

- How should the legislation define "accessibility" and/or "barrier"?

Accessibility means that there are no barriers that stand in the way of persons with disabilities participating in society, in a way that fits with their wishes and abilities. Barriers could be physical, communicational or attitudinal.

What approach should the legislation take to improve accessibility and remove barriers?

Questions for feedback

- Overall, which approach or approaches do you think would be best for accessibility legislation? Are there other approaches that you would suggest?

A prescriptive-type approach with the development of detailed accessibility standards in areas of federal jurisdiction, and compliance measures that the government would use to ensure the accessibility standards have been implemented appropriately.

- If a prescriptive-type approach were to be taken, do you have any input on how standards could be developed?

Standards should be developed in a collaborative effort with input from all stakeholder groups, including government, industry, organizations representing persons with disabilities, and persons with disabilities themselves. The Standards Development Committees under the AODA are one model.

- If an outcome-based approach were to be taken, do you have any input on how accessibility outcomes could be established?

Accessibility outcomes would need to be based on the same process as the development of standards, with input from all stakeholders, as above.

Who should be covered by the legislation?

Questions for feedback

- Are there other organizations within federal jurisdiction that should be covered by the legislation?

- Are there organizations that should be exempt from the legislation?

No organization should be exempt.

- The legislation could potentially set out different requirements and timelines for different types and sizes of organizations. Do you have any comments or suggestions for this?

Consider the examples followed in the AODA Standards

What accessibility issues and barriers should the legislation address?

Questions for feedback

- We have listed six areas where accessibility could be improved. Of these, which are the most important to you? Are there other areas that should be included?

The listed areas of information and communications, the built environment, employment, program and service delivery, transportation, and the procurement of goods and services are all important. Information and communication must include telecommunications, and procurement must include communication tools in accessible formats.

- We have listed some potential mechanisms that the legislation could describe for the ongoing identification and prioritization of accessibility issues. What do you think of these mechanisms? Are there other mechanisms you would suggest?

Both suggestions, a permanent advisory committee comprised of Canadians with disabilities and other stakeholders, and periodic consultation with Canadians with disabilities and other stakeholders, are good options that should be used in conjunction.

- Canada has a number of laws in place to address human rights issues and improve accessibility. Do you have any comments on how the new accessibility legislation could interact with these existing laws? Should the legislation describe a process by which these laws would be reviewed and potentially revised?

The Canadian Charter of Rights & Freedoms, and the Canadian Human Rights Act, should supersede any new legislation in the same way that the Ontario Human Rights Code supersedes the AODA.

- Should the legislation build on accessibility standards already developed by provincial/territorial governments and other countries?

The legislation should be informed by accessibility standards already developed, and by the experiences of persons with disabilities in those jurisdictions. Lessons can be learned from the implementation issues that have come up in other jurisdictions.

How should compliance with the legislation be monitored and enforced?

Questions for feedback

- What monitoring mechanisms do you think should be considered for the legislation (including ones not listed here)?

Monitoring should include reviews and audits, in addition to an accessible complaint mechanism.

Consideration should be given to creating a federal watchdog role to monitor compliance and complaints.

- What enforcement mechanisms do you think should be considered for the legislation (including ones not listed here)?

Enforcement mechanisms should include, in this order: public reporting on an accessible website of organizations that are non-compliant; orders that detail an organization's areas of non-compliance and give a timeframe for the organization to become compliant (also made publicly accessible); option of a mediation process to address compliance issues; and monetary penalties if none of these have been successful.

How should organizations be supported to improve accessibility?

Questions for feedback

- Do you have suggestions for how the Government could help organizations to improve accessibility and remove barriers?
- Do you have suggestions for how the Government could encourage, support and recognize organizations that show accessibility leadership?

The Federal Government should set up a hotline to give organizations free advice on what exactly to do to remove and prevent accessibility barriers. It should send out periodic guidelines giving more details on how to remove and prevent accessibility barriers.

Organizations could be offered interest–free loans to pay for expensive upgrades.

Organizations could compete for yearly recognition as most improved in accessibility and removal of barriers.

How will we know if the legislation is effective in improving accessibility and removing barriers?

Questions for feedback

- In relation to the implementation and effectiveness of the legislation, how often would you want the Government of Canada to report to Canadians?

The federal accessibility watchdog should report annually to Canadians.

- What kinds of things should this report look at?

The report should include results of review and audits and the number and types of complaints, as well as compliance reports for those organizations that have been found in non-compliance,

- How often should the legislation be reviewed?

At least every 5 years.

- Are there specific considerations for how any such review should be conducted?

Public consultation across Canada and online with persons with disabilities and other stakeholders, and the general public who are interested.