

British Columbia Framework for Accessibility Legislation



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Message from the Premier



Our government is putting British Columbians first. We are focused on creating opportunities for people now, while also meeting the challenges of tomorrow.

Accessibility for all British Columbians, including persons with disabilities, means full and equal participation in our communities, with the physical, information, attitudinal and systemic barriers removed so people can participate in day-to-day activities, or take part in opportunities that are available to all citizens.

Accessibility legislation will help build an inclusive British Columbia that cares for and protects all British Columbians for generations to come.

Your feedback and input into the *Framework for Accessibility Legislation* will help our government develop laws, standards and policies, which will support people with disabilities to be truly included in the life of their communities.

By working together, we can address inequality and build a better B.C. while creating more opportunities for meaningful employment, supporting greater independence and fuller community participation for people with disabilities in our province.

Thank you for taking the time to participate in this important work.

A handwritten signature in black ink, reading "John J. Horgan", followed by a long horizontal flourish.

John Horgan
Premier of British Columbia

Message from the Minister



An accessible and inclusive province benefits all of us. Our government is working to remove barriers for people with disabilities and creating a culture of inclusion. Developing accessibility legislation is an important step that will help B.C. reach this goal.

To inform accessibility legislation for B.C., we will be guided by the UN Convention on the Rights of Persons with Disabilities and the principle of ‘nothing about us, without us.’ In this spirit, the consultation framework we’ll be using has been prepared in partnership with members of the disability community, their families and supporters, as well as Indigenous people and business.

The *Framework for Accessibility Legislation* outlines ideas for what accessibility legislation in B.C. could look like; but these ideas are not finalized. We need your input and feedback which will be vital in the development of this legislation.

We need your views, ideas and experiences as we shape the future of our province, with the goal of helping people reach their greatest potential and enjoying full participation in society.

I invite you to review the *Framework for Accessibility Legislation* and to provide your comments.

Thank you for participating in building a better B.C.

A handwritten signature in black ink that reads "Shane Simpson". The signature is fluid and cursive, with the first name "Shane" and last name "Simpson" clearly distinguishable.

Shane Simpson

Minister of Social Development and Poverty Reduction

Introduction

Purpose

The purpose of this Framework for Accessibility Legislation is to begin a conversation about accessibility legislation for B.C. Currently, B.C. does not have comprehensive legislation to help identify, remove, and prevent barriers experienced by persons with disabilities. This document outlines ideas about what accessibility legislation in B.C. could look like. However, these ideas are not finalized. There are several accompanying questions in this document and your input and feedback will help guide the subsequent development of B.C.'s accessibility legislation.



Ideas that Guide this Document

A central idea that animates this Framework for Accessibility Legislation is that all persons, including persons with disabilities, have inherent worth and dignity and that it is a function of good government to safeguard and advance that dignity. Various sources have guided the development of this document, including:

- 1. The principles** in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
- 2. The voices** of people with disabilities expressed in previous consultations such as Canada's consultation on accessibility legislation in 2016/17 and British Columbia's consultation on disability in 2013/14;
- 3. Canada's Bill C-81**, *The Accessible Canada Act* (*Accessible Canada Act*); and
- 4. Accessibility legislation** from other provinces and countries.

How to get involved

You can get involved in several ways. Read this document, think about the questions, and let us know what you think about the proposed ideas:

➤ Options to Participate

Find out about one of our in-person sessions taking place this fall across the province – information provided online at:

engage.gov.bc.ca/accessibility

Provide feedback by Friday, November 29, 2019 at 4:00 pm.

Online: engage.gov.bc.ca/accessibility

Email and ASL video:

engageaccessibility@gov.bc.ca

Telephone: 844 878-0640 (toll free)

Fax: 250 356-8182

Mail: PO Box 9929 STN, PROV GOVT,
VICTORIA, BC, V8W 9R2

Why Accessibility Legislation Matters



Breaking Down Barriers

There are more than **926,100** British Columbians over the age of **15** with some form of disability. This represents **24.7%** of the population. As the population ages, the number of people with disabilities and the severity of their disabilities are likely to increase.

The Government of British Columbia is committed to developing laws, standards, and policies that support people with disabilities to live with dignity and to meaningfully participate in their communities. Accessibility legislation would empower government, persons with disabilities, and the broader community to work together to identify, remove, and prevent barriers.



➤ How would accessibility legislation relate to laws and programs that already exist?

Accessibility legislation would be distinct from existing legislation and programs that support persons with disabilities. It would not directly affect programs that fall under other pieces of legislation, such as Worker's Compensation Benefits.

Advancing Human Rights

There are several laws in place already that help protect the human rights of British Columbians including the *Human Rights Code* (British Columbia) and the *Canadian Charter of Rights and Freedoms*. The Government of British Columbia intends for accessibility legislation to reinforce and strengthen the rights of persons with disabilities and not reduce or diminish any existing rights.

While existing human rights laws allow people to make individual complaints when their rights are violated, they often have limited ability to address systemic problems. Accessibility legislation would create mechanisms, such as accessibility standards, to address systemic barriers.

Promoting Fairness and Equality

The disability community is a diverse and vibrant community. The experiences of persons with disabilities varies according to the nature and severity of their disability as well as other individual characteristics. Social and economic factors as well as gender, sexuality, race, language, and religion can greatly impact how people experience and think about disability. In moving forward with the development of accessibility legislation for B.C., government is committed to legislation that seeks to address inequality and benefits all persons with disabilities.

➤ Gender Based Analysis Plus

Did you know that the government of British Columbia has adopted Gender-Based Analysis Plus (GBA+) as an analytical tool to assess how diverse groups of women, men, and gender-diverse people may experience policies, programs, and initiatives differently? GBA+ considers many identity factors, such as gender, race, ethnicity, age, and disability. GBA+ is one way government is seeking to be more responsive to the diverse needs and circumstances of all British Columbians.

Complementing Federal Accessibility Legislation

The *Accessible Canada Act* came into effect June 2019 and sets accessibility requirements for sectors or organizations under federal jurisdiction, such as banking, broadcasting and cross-border transportation.

The *Accessible Canada Act* supports a wide range of proactive measures to promote accessibility including measures to develop accessibility standards, issue penalties and incentives, track progress on accessibility, and work with provinces and territories to coordinate efforts relating to accessibility.

Federal accessibility legislation cannot address barriers to accessibility within areas of provincial jurisdiction. Accessibility legislation for B.C. would complement federal efforts to promote inclusion and accessibility.

Learning from Accessibility Legislation in Other Provinces

Four provinces, Nova Scotia (An Act Respecting Accessibility Legislation in Nova Scotia, 2017), Manitoba (*The Accessibility for Manitobans Act*, 2013), Ontario (*Accessibility for Ontarians with Disabilities Act*, 2005), and Quebec (*An Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration*, 2004) currently have accessibility legislation in place. In addition, Newfoundland and Labrador has carried out consultations to create new accessibility legislation.

The government of British Columbia is committed to accessibility legislation that meets the unique needs of British Columbians and will also seek to learn from the experiences of provinces that have legislation in place already.



Supporting International Commitments

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

Accessibility legislation will help advance the government of British Columbia's support for the UNCRPD and its Optional Protocol, which call for greater accessibility and opportunities for persons with disabilities on an equal basis with others.

The principles enshrined in the UNCRPD, including the values of inherent dignity, individual autonomy, non-discrimination, respect for difference, gender equality, and respect for the rights of children with disabilities will be fundamental to the development of accessibility legislation for B.C.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The Government of British Columbia has endorsed the UNDRIP and is committed to its full adoption and implementation along with the Calls to Action of the Truth and Reconciliation Commission of Canada. Indigenous persons with disabilities face unique and serious accessibility challenges and are an important part of the disability community. Accessibility legislation will seek to support true and lasting reconciliation with Indigenous persons.

What Accessibility Legislation Could Look Like in British Columbia



What's Important to You?

In the sections that follow, you will find ideas about what accessibility legislation for B.C. could look like along with questions for you to consider. When you provide your feedback, you can respond to the ideas in the document, provide your own ideas, or both.

❓ What is most important to you about accessibility legislation for B.C.?

Model for Legislation

The Government of British Columbia envisions a broad alignment between federal and provincial accessibility legislation. It may provide people with disabilities, businesses, and members of the community greater clarity about how the legislation works and what to expect.

This would entail moving forward with enabling legislation that outlines objectives regarding accessibility and inclusion in British Columbia. The legislation would then provide the authority and tools necessary to achieve those objectives. Subsequently, accessibility standards and regulations would be developed in conjunction with persons with disabilities, experts, and other stakeholders.

Scope of Legislation

The Government of British Columbia is committed to accessibility legislation that is inclusive of all persons with disabilities and would support the adoption of a broad and inclusive definition of “disability” consistent with the UNCRPD and the *Accessible Canada Act*.

➤ Definition of disability in the *Accessible Canada Act* and UNCRPD

Accessible Canada Act

Disability is defined as any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person's full and equal participation in society.

United Nations Convention on the Rights of Persons with Disabilities

Disability is described as an evolving concept which results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.

❓ What do you think about the suggested model for legislation and scope of legislation?

❓ Do you have other ideas for the model for legislation and scope of legislation you would like considered?



Purposes

Accessibility legislation for B.C. could seek to achieve the following purposes:

- 1. To support** Canada's ratification of the UNCRPD by promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and by promoting respect for their inherent dignity.
- 2. To identify,** remove, and prevent barriers encountered by people with disabilities in their daily lives through the development, implementation, and enforcement of accessibility standards.
- 3. To allow** persons with disabilities and other impacted stakeholders in the public and private sectors to work collaboratively towards the timely development of accessibility standards.
- 4. To ensure** there are adequate mechanisms in place to track progress on accessibility.
- 5. To promote** compatibility with the *Accessible Canada Act* and between federal and provincial accessibility standards.

Principles

The principles that guide the development and implementation of accessibility legislation could include:

Inclusion: All British Columbians, including persons with disabilities, should be able to participate fully and equally in their communities.

Adaptability: Accessibility legislation should reflect that disability and accessibility are evolving concepts that change as services, technology, and attitudes change. Ensuring that B.C. is an inclusive and accessible province will require ongoing commitment from government in partnership with the disability community and other stakeholders.

Diversity: Every person is unique. People with disabilities are individuals with varied backgrounds. Individual characteristics including race, gender, sexual orientation, religion, and lived experience greatly inform the experiences of individuals. Accessibility legislation should acknowledge the principle of intersectionality and the diversity within the disability community.

Collaboration: Promoting accessible communities is a shared responsibility and everyone has a role to play. Legislation should create opportunities for government, community, and business to work together to promote access and inclusion.

Self-determination: Accessibility legislation should seek to empower people with disabilities to make their own choices and pursue the lives they wish to live.

? What do you think about the suggested purposes and principles for legislation?

? Do you have other ideas about the purposes and principles that should guide accessibility legislation?

Accessibility Standards

Consistent with the approach taken in other Canadian jurisdictions, the government of British Columbia envisions accessibility legislation that would support the development, implementation, and enforcement of accessibility standards.

Accessibility standards would provide guidance about best practices for accessibility including desired accessibility outcomes. Accessibility standards could cover a variety of areas including:

- ✓ Service Delivery
- ✓ Employment
- ✓ Built Environment
- ✓ Information and Communication
- ✓ Transportation

Accessibility standards would be developed collaboratively between persons with disabilities, experts and other stakeholders.

Government envisions accessibility legislation that allows for the creation of both voluntary accessibility standards as well as mandatory accessibility regulations. Accessibility legislation would allow the Government of British Columbia to adopt standards as binding regulations in part or in whole.

Timelines

To ensure progress, accessibility legislation could require timelines to achieve the timely development, implementation and revision of accessibility standards.

The Government of British Columbia could seek to expedite the development of accessibility standards by adopting or building on existing standards, policies and practices developed elsewhere in Canada or around the world.

? What do you think about the suggested approach to accessibility standards?

? What do you think about the suggested approach to timelines for accessibility legislation?

? Do you have other ideas about the development of accessibility standards or timelines for accessibility standards?

Governance



➤ What is Governance?

Governance refers to the entities, such as people or organizations, who would ensure effective implementation, compliance, and enforcement of accessibility legislation and standards.

An effective governance structure would be essential to the success of accessibility legislation and standards. For example, accessibility legislation could create the following responsibilities:

Accessibility Directorate: responsible to oversee progress and provide information and tools to help organizations comply with legislation and standards.

Standards Development Board: responsible for the development and revision of accessibility standards. The Standards Development Board could include significant representation of persons with disabilities and the discretion to create technical committees comprised of persons with disabilities, experts, and other stakeholders, or to develop standards with the Canadian Accessibility Standards Development Organization (CASDO) or a similar entity.

Accessibility Commissioner: responsible for ensuring compliance and enforcement with accessibility legislation and reporting compliance and enforcement outcomes.

? What do you think about the suggested approach to governance for accessibility legislation?

? Do you have other ideas about governance for accessibility legislation?



Incentives

Accessibility legislation could allow for the creation of incentives to help individuals and organizations comply with legislation and standards. Incentives could include:

- ✓ Creation of provincial accessibility awards program to share exemplary practices and celebrate the accomplishments of accessibility leaders.
- ✓ Funding programs to help individuals and organizations become accessibility leaders.
- ✓ Financial incentives for accessibility leaders.
- ✓ Reduced reporting requirements for individuals and organizations that show accessibility leadership.

Compliance

Accessibility legislation would introduce measures to ensure individuals and public and private organizations are compliant with the legislation. Measures that could be considered include:

- ✓ Accessibility plans and progress reports prepared in consultation with people with disabilities;

- ✓ Creation of new channels for employees, customers, or members of the public to provide feedback about accessibility; and/or,
- ✓ Creation of community hubs offering tools, resources and training to support accessibility.

Enforcement

Consistent with the approach taken elsewhere in Canada, the government of British Columbia would look to ensure there are appropriate measures in place to enforce accessibility legislation. Primary focus would be on providing supports and incentives and building awareness. Enforcement measures could be available in case of non-compliance and could include:

- ✓ Accessibility inspections;
- ✓ Mediation;
- ✓ Publication of information about known barriers to accessibility; and/or
- ✓ Monetary penalties.

➤ Monetary penalties in other Canadian jurisdictions

Jurisdiction	Minimum	Maximum
Government of Canada	No minimum amount	\$250,000
Manitoba	No minimum amount	\$250,000
Nova Scotia	No minimum amount	\$250,000 (penalties must be used for accessibility initiatives, public education and awareness)
Ontario	No minimum amount	\$100,000 (for each day or part of a day on which the offence occurs or continues to occur)
Quebec	\$500 (in the case of a second or subsequent offence, the fines are doubled)	\$7,000 (in the case of a second or subsequent offence, the fines are doubled)

? What do you think about the suggested approach to incentives, compliance, and enforcement for accessibility legislation?

? Do you have other ideas about how to achieve the right mix of incentives and compliance/enforcement tools for accessibility legislation?



Legislative Reviews

Accessibility legislation could require the preparation of periodic legislative reviews from an independent person outlining progress that has been made to implement the legislation and standards. Legislative reviews would help ensure legislation and standards are implemented transparently and accountably. However, if they are too frequent they may hinder substantive efforts to implement the legislation.

► Frequency of legislative reviews in other jurisdictions

Jurisdiction	Initial Review (Years)	Subsequent Reviews (Years)
Government of Canada	5	10
Manitoba	4	5
Nova Scotia	4	5
Ontario	4	3
Quebec	5	5

❓ What do you think about having reviews of accessibility legislation?

❓ If you support legislative reviews, how often should they occur?



Looking Beyond Legislation – Seeking Cultural Change



Moving forward with accessibility legislation is an important step that will help B.C. to become a more inclusive and accessible province. However, legislation is just one piece of a larger effort to create a culture of accessibility.

The Government of British Columbia has made several key achievements through its Building a Better B.C. for people with disabilities strategy and will look at other ways to support a culture of accessibility in British Columbia.

➤ Building a Better B.C. recent achievements

The Government of British Columbia has supported several key programs and initiatives which seek to promote a culture of inclusion. For example:

- ✓ The Rick Hansen Foundation received **\$10 million** to continue its work to make communities more accessible and inclusive.
- ✓ Disability Alliance BC (DABC) received **\$1.14 million** to expand Tax AID DABC to new communities.
- ✓ The Western Institute for the Deaf and Hard of Hearing received **\$1 million** to support the new Centre of Excellence for the Deaf and Hard of Hearing.
- ✓ Government completed the first phase of its Barrier Free Accessibility Program, which increased accessibility in government owned buildings where the primary function is citizen-focused.
- ✓ Government introduced B.C.'s first poverty reduction plan which aims to reduce the overall poverty rate by **25%** and child poverty rate by **50%** in the next five years.

- ✔ Government provided **\$1 million** over the last two years to support projects that promote greater accessibility and inclusivity for people with disabilities in B.C. communities, administered by Disability Alliance BC.
- ✔ The Presidents Group trained more than **250** people to raise awareness about inclusive employment.

? What other initiatives or actions would you recommend to promote a culture of accessibility?

? How else can accessibility legislation support cultural change and vice-versa?

Conclusion



Thank you for taking the time to provide your thoughts about what accessibility legislation for B.C. should look like. The Government of British Columbia is proud to support efforts to make B.C. a truly accessible and inclusive place. A place where all persons, including persons with disabilities, have access to the supports they need to pursue their dreams.

After conducting public engagement and consultation, the Government of British Columbia will report out with an overview of the feedback and input that has been provided. This feedback and input will also be used to inform the subsequent development of accessibility legislation for B.C.

