

BC Framework for Accessibility Legislation Input from the Rick Hansen Foundation

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Submission By: The Rick Hansen Foundation

Organization Purpose: The Rick Hansen Foundation (RHF) was established in 1988, following the completion of Rick Hansen’s Man In Motion World Tour. For nearly 30 years, RHF has made transformational change in raising awareness and removing barriers for people with disabilities and funding research for the cure and care of people with spinal cord injuries. Today, the Foundation focuses on improving accessibility to create a world that’s inclusive and accessible for everyone, everywhere. Visit www.rickhansen.com to learn more.

Connection to the topic of accessibility legislation for BC: The Rick Hansen Foundation’s mission is to create and deliver innovative solutions that lead to a global movement to remove barriers and liberate the potential of people with disabilities. Our vision is an inclusive world where people with disabilities are living to their potential.

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Answers to Questions Posed in the British Columbia Framework for Accessibility Legislation

1. What is most important to you about accessibility legislation in BC?

It is essential that BC’s accessibility legislation be harmonized with the Government of Canada's Accessible Canada Act as well as the legislation put in place by Ontario, Manitoba, Quebec and Nova Scotia. All have committed themselves to accessibility some as long ago as 2005, and it is important that BC surpass what has already been done.

Unlike the Accessible Canada Act, BC’s accessibility legislation must cover more than simply facilities/buildings it controls (e.g., in the Government of BC portfolio/footprint). It should push the boundaries and harness the Provincial Government’s influence and mandate over major capital projects, land use regulations and zoning bylaws; short, medium and long term infrastructure plans; budget planning cycles, and HR and employment in context of the BC Public Service.

This legislation cannot be viewed in isolation and must be part of a larger Whole of Government initiative. To fulfill its potential, it should be tied closely to the Government of BC's partnerships with public and private employers and its mandate to facilitate economic growth by creating jobs, diversifying the workforce, attracting investment and helping BC employers draw in and retain talent.

The legislation should infuse all policies pertaining to these areas with accessibility related language and incorporate accessibility in all regulations, practices and guidelines. The goal in taking this approach is to ensure that accessibility is not an afterthought, or sporadically applied vis-à-vis Government of BC projects but rather taken into account in initial and throughout stages. This approach will prove cost effective, facilitate integrated and horizontal planning and costing, eliminate embedded and systemic barriers and help indemnify the Government of BC against human rights complaints/suits and expensive post construction retrofits.

BC's Accessibility Legislation should be seen as central to a larger Whole of Government initiative and tied closely to the Government of British Columbia's role, responsibility and mandate to boost economic growth by creating jobs, diversifying the workforce, increasing labour market participation and helping BC's employers attract and retain talent. To fulfill its purpose and meet its full potential BC's accessibility legislation cannot be viewed in isolation and accessibility must be integrated into all other other government and Ministry policies whether they relate to economic development, social services or HR and administration.

2. What do you think of the suggested model for legislation and scope of legislation?

The approach to both the model and scope of BC's accessibility legislation is logical and traditional. It seems reasonable in light of the proposed legislations goals.

The Government of BC should keep in mind however that legislation alone is not enough and that other measures such as promoting improved public awareness, training, certification and incentives, and collaboration with stakeholders are critical to complement provincial legislation.

Additionally, recent research published by the Canadian Disability Policy Alliance (CDPA) notes that to bring about equal opportunity for people with disabilities to participate in society legislation must: be accompanied by programs and policies targeted at changing attitudes and behaviours; remove both physical, systematic, and attitudinal barriers to access; and promote inclusion for all. You can read more about this study at

<https://cjds.uwaterloo.ca/index.php/cjds/article/view/506>

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

It is not expressed in the Ministry of Social Development and Poverty Reduction document, and perhaps it is implied, but it is important to express that that BC's legislation will be progressive and put in a 2020 context and outdated, ineffective and impractical provisions/elements of accessibility legislation in other jurisdictions (both within and outside Canada) will not be duplicated in BC's accessibility legislation.

In addition, BC's accessibility legislation should expressly state that it will undergo regular reviews at intervals that are both reasonable (5 years) and facilitate change for the better.

It should also express that language around policies and regulations will be evergreen so that it can be strengthened, improved and amended as needed. This flexibility in the legislation is important to enable it to remain current and reflective of societal and judicial norms.

In order for amendments to be made in a timely manner and with ease, BC's accessibility legislation should not require an Order in Council, which requires the involvement of Cabinet and the Lieutenant Governor to facilitate revision, and instead be facilitated through a more direct and somewhat less formal regulatory approach.

4. What do you think of the suggested purposes and principles for the legislation?

At times the tone of this document feels removed from the day to day challenges people with disabilities are encountering. References to UN Conventions while understandable give it a distanced feel. Language with respect to the purpose and principles of BC's accessibility legislation could be bolder, less passive and more emphatic overall.

For example, in addition to outlining what the proposed legislation will eliminate "identify, remove and prevent barriers encountered by people with disabilities...." it should delineate what it will add to the accessibility landscape.

This is a good place to discuss how the legislation will help balance the economic disparity that exists vis-à-vis people with disabilities and note that in addition to removing barriers, it will work with employers and help create a climate where the number of accessible work places is increased.

It is important that the legislation include language about ensuring and facilitating the equal participation and the contribution by persons with disabilities to the places they live, work, learn and play. Additionally, it is important that the legislation incorporates mechanisms to measure and communicate progress or lack thereof on a regular basis.

This can be done through government's annual strategic planning and reporting functions.

This isn't just about what we want people to stop doing. It is equally about the behaviours we want them to adopt and what we want to become "normal" in the accessibility landscape.

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

Overall the principles are appropriate and all encompassing. However, active language is preferred and more meaningful. In addition to stating "All British Columbians, including persons with disabilities, should be able to participate fully and equally in their communities" BC's accessibility legislation should state that it "will enable all British Columbians, including persons with disabilities, and those who wish to support them, to participate fully and equally in their communities by supporting policies, practices, regulations, tools and equipment (e.g., assistive devices and technology) to facilitate the creation of employment, training opportunities, and accessible/adaptable housing."

It is also important for BC's accessibility legislation to incorporate language stating that one of its goals is to safeguard human rights.

The well documented disappointment around the 27 year old American Disabilities Act <https://money.cnn.com/2015/07/26/news/economy/americans-with-disabilities-act-problems-remain/> is one reason it is important for BC's accessibility legislation to make concrete commitments and avoid language that could be misconstrued as platitudinous.

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

Adding education to this list would make it more complete and many, young and old, still face challenges around accessibility and education and training. In context of education and facilitating equality and opportunity for all British Columbians, it is important for BC's legislation to discuss accessibility in context of K to 12 and post-secondary as well as public and private schooling.

By way of background, education is an area people often mention as a challenge when speaking to the Rick Hansen Foundation. RHF believes that by encouraging youth to take action on issues that matter to them, they can become leaders in creating an accessible, inclusive world. The Rick Hansen Foundation School Program offers free educational resources for youth in kindergarten to grade twelve, developed by educators for educators that help initiate meaningful dialogue about disability, accessibility and inclusion. These ready-made lesson plans incorporate Universal

Design principles and are connected to provincial curriculums and educational priorities across Canada.

BC's legislation should also mention service delivery, employment, the dissemination of information and government communication using adaptive technologies and transportation. When referencing the built environment, it is important that BC's accessibility legislation specifically speak to public and private buildings, residential housing, parks and trails etc.

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

It is preferable that BC's accessibility legislation take more active language and change "could" to "will", and that it create a 5 year window in which to complete a review of progress and standards. For example, "To ensure progress, accessibility legislation will require timelines to achieve the timely development, implementation and revision of accessibility standards." The Rick Hansen Foundation would like to see BC's accessibility legislation in place before October of 2021 and the next provincial election.

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

Once passed, RHF thinks it is important for BC's accessibility legislation to be aligned with all publically funded capital projects in BC. Linking it to BC's upcoming projects will facilitate the measurement of progress on accessibility.

Of note is a study conducted by HCMA Architecture and Design on behalf of RHF. HCMA Architecture + Design examined the costs of building to RHFAC Gold Standard as means of highlighting methods and strategies for successfully integrating advanced accessibility strategies and dispelling concerns related to additional process or costs. The results of a research project demonstrate that building to RHFAC Gold requires only a 1% increase in total budget.

BC's accessibility legislation will also promote accountability, keep the issue in the public eye and create opportunities to communicate about accessibility. Finally, this approach will be able to help inform the development of public policy in context of accessibility.

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

This approach to governance is acceptable and seems reasonable.

We recommend that BC follow CASDO's lead versus re-inventing new standards. Harmonization of standards across Federal, Provincial, Municipal and Territorial governments would be ideal versus replication at every level.

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

RHF suggests that BC apply an accessibility lens across all areas of the provincial government.

In terms of communications and updates, accessibility legislation should be tied to the government's Speech from the Throne and annual provincial budgets to keep the issue in the public eye and so that each of these documents contain an update on the progress being accomplished since the legislation has been introduced. We suggest an Annual Report to a committee of the legislature and public hearings every three years.

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

BC's accessibility legislation would be strengthened and made more comprehensive if it included overt and clear incentives for the private sector as it is an essential partner with targets and specific, measurable goals. Without private sector support this endeavor will be hobbled. A cross-government approach is encouraged with overt linkage to Housing, Municipal Affairs and the Union of BC Municipalities. While continuing to hire more people with disabilities in the BC public service, when discussing incentives for accessibility leaders, the Ministry of Social Development and Poverty Reduction may wish to partner with the Ministries of Jobs, Trade and Technology; Municipal Affairs and Housing; Citizen Services; and Tourism, Arts and Culture, to pool resources and create financial incentives which could be used to encourage job creation and/or the creation of more accessible workplaces by private sector accessibility leaders. The Ministry of Social Development and Poverty Reduction could for instance provide more support to WorkBC (WorkBC Employment Services provide support for people looking for jobs, including specialized services for people with disabilities) and the Presidents Group as both are recognized for their efforts to help spur job creation for people with disabilities. Beyond this, the Rick Hansen Foundation strongly encourages the Ministry of Social Development and Poverty Reduction to form alliances with the private sector in commercial/retail, hospitality or financial services fields to increase the number of people with disabilities working in these sectors and seen to be doing so. A working group such as the Premier's Council for Persons with Disabilities. Additionally, in terms of hospitality and accessible tourism, these grants could be awarded to hotels, museums, tourist attractions, sports and cultural venues wishing to become accessible/more accessible. Finally, in light of British Columbia's demographics and the Provincial Government's influence and mandate over land use regulations and zoning bylaws, encouragement should be offered to real estate developers to increase the

supply of accessible and adaptable housing. Incentives could come in the form of policy amendments vis-à-vis zoning by laws (density bonusing).

Incentives should focus on the workplace and leverage new federal funds for education and workplace accessibility.

- Rick Hansen Foundation Accessibility Certification™ (modeled after LEED) is an excellent way to incent and showcase accessibility leadership in BC. Ratings provide organizations with a roadmap on where improvements should be made. You can't improve if you don't know where to improve.
- Accessibility improvement grants offer a key incentive in encouraging organizations to make improvements.
- Consider incentives for the building community i.e. developers, builders, architects, engineers, designers etc. Improved access starts with educating and incenting industry to get on board from the beginning so costly retrofits aren't necessary.

With respect to the proposed compliance and enforcement provisions in BC's accessibility legislation, they appear to be appropriate, reasonable, and well balanced. We suggest that enforcement aligns with the higher maximum monetary penalties of \$250k will better ensure compliance than those of Quebec.

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

Consultation, research and reviewing best practices are all things that the Government of BC could look at in this area.

13. What do you think about having reviews of accessibility legislation?

A legislative review is critical and the Rick Hansen Foundation believes that it is vital that BC's accessibility legislation include this provision. When it comes to unique legislation especially in the social and consumer services, and human rights sphere, legislative reviews are standard at the federal and provincial level. It is worth noting that all of BC's counterparts possessing accessibility legislation have incorporated a legislative review process. A review is the only way to measure progress, discern intended and unintended consequences and determine where adjustments may be needed to BC's accessibility legislation. Legislation reviews could include that from the UK, Australia, Holland and other European leaders such as Spain in addition to European Union human rights and workplace accessibility legislation.

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

While reviews are important, there needs to be enough time to make progress. Five year intervals are appropriate. The Government of Canada's guidelines in this regard are appropriate and should be incorporated in BC's accessibility legislation.

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

Accessibility is not something that's necessarily top-of-mind for most people. In order for British Columbians to take action to improve accessibility, first they need to be aware of how critical an issue it is.

- Awareness campaigns that personally and emotionally engage public and private sector leaders and the building industry in the issue and educate them about the benefits of improved accessibility to increase both their customers and their pool of potential employees is key.
- Rallying and engaging audiences around key dates such as International Day of Persons with Disabilities (early December) as well as National AccessAbility Week are key promotional time periods.
- Showcasing accessibility leaders and those who've achieved a gold standard provides great content and incentive for others to follow.
- Enabling the co-participation between people who are able-bodied and people with disabilities can have a profound impact on changing cultural attitudes. Incentives can be powerful motivators to achieve this. For example, by offering wage subsidies to persons with disabilities for say three months will offer an employer the chance to experience their work and overcome any fear or prejudices over performance.
- Attitudes are influenced most easily and effectively amongst children. Enabling opportunities for youth to have contact with persons with disabilities and educational programming will prevent negative attitudes from developing.
- Providing health professionals / medical students with increased training opportunities to interact with persons with disabilities either in person or through video is an effective way to build positive attitudes amongst those that prevent complications and care for people with disabilities.

It's also imperative that a "systems approach" is pursued. For example the "Clean BC" strategy development and national roll-out/website is a good example. Integrating accessibility into the mandates of more ministries/departments is a good starting point so the issue is viewed horizontally and not in silos. Accessibility should be part of the strategic planning and targets of the Ministries of Jobs, Trade and Technology (in light of the unemployment and under employment rate amongst people with disabilities, creating more jobs and accessible work places for people with disabilities); Municipal Affairs and Housing (in light of the shortage of affordable and accessible housing, working with developers and using zoning bylaws to increase the accessible/adaptable housing supply); and Tourism, Arts and Culture (as BC is a magnet for tourists, tapping

into an underserved market by creating accessible tourist venues and jobs for people with disabilities in the tourism sector). All ministries should be mindful and think of this issue as their own. An accessibility lens should be applied to all new policies and expenditures. Communications and updates re: accessibility legislation should be tied to the government's Speech from the Throne and annual provincial budgets to keep the issue in the public eye.

Finally, the Premier of BC's thought leadership for a 'made in BC' accessibility legislation strategy and solution will help to change culture within the province, the country and around the globe.

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

- By using the legislation as a way to both educate and motivate industry and the business community.
- Articulate and publish the 2030 Vision Statement with endorsement from stakeholders such as Municipalities, UBCM, MLAs, the Presidents Group, BC disability organizations and other business and city leaders.
- Accessibility should be goal for all MLAs and when individual cities and communities across BC compete as venues to host sporting and cultural events, accessibility should be top of mind.