



The Simon Fraser Student Society (SFSS)

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Accessibility through Legislation

Submission of comments on the British Columbia Framework for Accessibility Legislation

November 27, 2019

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PREFACE

The Simon Fraser Student Society (SFSS) is a student union representing 25,000+ undergraduate students attending Simon Fraser University (SFU) across three main campuses in Burnaby, Surrey, and Vancouver. Our mission is to support students in reaching their full potential by providing resources and services that represent, connect and benefit our membership.

CONNECTION TO THE TOPIC OF ACCESSIBILITY

The SFSS is committed to improving the accessibility of our spaces, resources and initiatives, and improving the lives of students with disabilities across SFU. The Accessibility Fund, administered by the Accessibility Fund Committee, was created in 2005 to increase the accessibility of, and removal of barriers to, campus activities and events for students with disabilities. The Committee also approves Accessibility Fund Grants and makes policy recommendations to the SFSS Board of Directors relating to issues of accessibility and the Accessibility Fund. Accessibility is very important to our membership – according to the 2019 SFSS Advocacy Survey, having accessible spaces on campus is important or very important to 85.2% of SFU undergraduate students.

COMMENTS

Based on the 15 questions posed in “British Columbia Framework for Accessibility Legislation” (“the Framework”), the SFSS would like to make the following comments:

IMPORTANCE OF ACCESSIBILITY LEGISLATION FOR B.C.

The SFSS seeks legislation that promotes a culture of accessibility within the province of British Columbia. Creating a more inclusive society means upholding the principles of universal design through legislation, but also promoting a culture of accessibility and inclusion where all citizens have a greater awareness and understanding of disabilities. Examining the unintended barriers to accessibility created by other pieces of legislation will be another important task for the province. Supporting organisations that may have difficulty with the financial ramifications of creating accessible spaces, communications, employment practices, and services is also important to our organisation, to ensure every organisation and individual in the province is able to move together towards a more accessible future. British Columbia may not be a leader in accessibility legislation in Canada, but by examining best practices and success stories in other jurisdictions, we can become an innovator.

MODEL FOR LEGISLATION AND SCOPE OF LEGISLATION

The SFSS appreciates the broad scope of the proposed legislation. Maintaining a broad scope will allow for greater inclusion of a range of disabilities, particularly mental health disabilities, which affect 7% of people with disabilities in Canada¹. Furthermore, among youth 15 to 25 with disabilities, 60% identify as having a mental health disability, making the inclusion of these disabilities of particular importance to our membership. For example, currently the only legislation in B.C. that covers service animals is the *Guide Dog and Service Dog Act*, and therapy and emotional support animals that can provide assistance to those with mental health disabilities

¹ Statistics Canada. (2018). New data on disability in Canada, 2017. Retrieved from: <https://www150.statcan.gc.ca/n1/pub/11-627-m/11-627-m2018035-eng.htm>

such as anxiety, are not included². Expanding the definition of accessibility, and further reviewing other pieces of legislation that may hinder accessibility for individuals with disabilities, should be undertaken.

The SFSS would like the province to ensure the scope of the legislation is broad enough to apply to every person or organisation in the public and private sector in the province. Private organisations should be subject to legislation, similar to the *Accessibility for Ontarians with Disabilities Act* (AODA) in Ontario.

PURPOSES AND PRINCIPLES FOR LEGISLATION

The suggested purposes and principles are in line with what is captured in other pieces of accessibility legislation across Canada, which the SFSS supports. We recommend adding language regarding “furthering universal design” to recognize that disabilities are ever-changing, and that universal design is a forward-thinking concept that can help create spaces that work for everyone. For example, universal design can also benefit those on crutches, new parents with strollers, and citizens or visitors with luggage and suitcases. According to a July 2018 National Educational Association of Disabled Students (NEADS) report, few academic institutions across Canada have policies that promote awareness and acceptance of disabilities issues and persons. The report highlights the concern with the current “accommodation model” in which students with disabilities must self-advocate and disclose their needs in order to have accommodations made for them. These concerns extend beyond academic environments. Rejecting the accommodation model in favour of principles of inclusion and universal design will benefit all British Columbians with accessibility needs.

ACCESSIBILITY STANDARD AND TIMELINES FOR ACCESSIBILITY STANDARDS

The SFSS supports the implementation of an accessibility standards regulation or regulations. We recommend clarifying the term “service delivery” – it should have the same definition as “customer service”, as outlined in Ontario’s *Integrated Accessibility Standards* (IASR). Furthermore, we recommend that standards apply to private businesses and non-profit organisations, not solely provincially-regulated organisations. The SFSS supports having both voluntary accessibility standards as well as mandatory accessibility regulations, similar to the IASR that establishes different mandatory standards for public sector bodies or organisations, large organisations and small organisations.

Timelines for implementation should be established through consultation with all proposed obligated organisations to allow adequate time for organisations to transition, and can be built into the purpose of the Act and the schedules of any regulations. Timelines should be different for different organisations – for example, public sector organisations should have earlier compliance deadlines than large organisations, which in turn should have earlier compliance deadlines than small organisations.

GOVERNANCE FOR ACCESSIBILITY LEGISLATION

The SFSS supports the proposed governance structure, which is in line with the Canadian governance structure established in the *Accessible Canada Act*. We recommend that the Accessibility Directorate and the Standards Development Board employ persons with disabilities, and that the Accessibility Commissioner should also be a person with a disability or disabilities. The United Nations Convention on the Rights of Persons with Disabilities (CRPD) reinforces that persons with disabilities have the right to participate in policy and decision-

² Government of British Columbia. (n.d.). Guide Dog & Service Dog Certification. Retrieved from: <https://www2.gov.bc.ca/gov/content/justice/human-rights/guide-and-service-dog>

making that can impact them, particularly in policies and programs that impact them directly³. People with disabilities should be recognized as “experts-by-experience”⁴. This employment would aid in fulfilling B.C.’s Accessibility 2024 goal – becoming the most accessible province in Canada.

INCENTIVES, COMPLIANCE, AND ENFORCEMENT FOR ACCESSIBILITY LEGISLATION

The SFSS supports all four proposed incentive categories proposed in the Framework. Incentives, particularly additional funding, to assist individuals and organisations in complying with legislation is very important, especially for individuals and small businesses that may face financial barriers to meeting the requirements of the legislation. Additionally, many small businesses will lack the capacity and expertise to adequately address accessibility standards. Reduced reporting requirements, as seen in Ontario for small organisations with under 50 employees, could help address this challenge.

The SFSS is very supportive of all of the proposed compliance measures through having organisations create accessibility plans and progress reports, similar to those produced in Ontario, with differing requirements for different organisations. Ideally, these plans and reports, if applicable, should be publicly available. Feedback channels and community hubs would be very beneficial for small businesses who lack expertise in preparing accessibility plans, and would be very useful during legislative reviews.

The SFSS supports the enforcement measures outlined in the Framework; however, disciplinary schedules should be laid out in the legislation and include warning stages. The province should ensure that legislation does not create a culture that views accessibility measures as expensive and an impediment to economic success. Nova Scotia’s penalty approach is ideal, as the maximum is not per day and thus does not force a quick accessibility solution that is not long-term. The reinvestment of the money obtained from penalties back into accessibility initiatives, education and awareness helps to achieve the ultimate goal of the legislation.

LEGISLATIVE REVIEWS OF ACCESSIBILITY LEGISLATION

The SFSS supports legislative reviews, particularly at the frequency used in Ontario – initial reviews within 4 years of creation, and every 3 years thereafter. This timeline provides adequate time for consultation prior to the review process, while still providing time to conduct a comprehensive review of the effectiveness of the accessibility legislation.

RECOMMENDED INITIATIVES OR ACTIONS TO PROMOTE A CULTURE OF ACCESSIBILITY

Promotion of the concept and benefits of accessibility is integral to the success of the legislation, which may include the Act, regulations and standards. Many times accessibility can be achieved through simple, innovative measures – for example, if an organisation has meeting rooms on an upper floor only accessible by stairs, they could create a space in the main floor reception area to meet with potential clients or staff with disabilities. Having an information campaign to spread awareness, ahead of more formal training requirements to be introduced in legislation, can help all organisations in B.C. think about how they can improve their own spaces and resources to better accommodate persons with disabilities. Consistent consultation with persons with disabilities, even outside the legislative review process, is integral to the success of the legislation and furthering a culture of accessibility.

³ Löve, L., Traustadóttir, R., Quinn, G., & Rice, J. (2017). The inclusion of the lived experience of disability in policymaking. *Laws*, 6(33), pp. 1-16. doi:10.3390/laws6040033

⁴ Gona, J.K., Newton, C.R., Hartley, S. & Bunning, K. (2018). Persons with disabilities as experts-by-experience: Using personal narratives to affect community attitudes in Kilifi, Kenya. *BMC Int Health Hum Rights*, 18(18). doi:10.1186/s12914-018-0158-2

CONCLUSION

We thank the Government of B.C. for taking the time to consider these recommendations. We look forward to the results of this public consultation and future accessibility legislation in B.C.