Everyone's Business:

Accessibility in Canada

Report from the Chief Accessibility Officer – 2023

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Table of contents

Message from the Chief Accessibility Officer

Stephanie Cadieux

It's my pleasure to present this first report on the progress being made under the _Accessible Canada Act_ (ACA). As Chief Accessibility Officer, I'm responsible for monitoring and reporting on that progress, and any emerging issues or challenges faced along the way. Accessibility is a vast and complex subject, so knowing where to begin was a task in itself. After 18 months in the role, having engaged in hundreds of conversations and much learning and listening, that starting point has emerged. I thank my team in the Office of the Chief Accessibility Officer for their dedicated work in helping to analyze, interpret, and bring together the insights we've gleaned.

It's critical that we change attitudes and perceptions of people with disabilities, and make accessibility a key societal value, not just a nice-to-have.

Our goal in these first months has been to build an understanding of the overall progress being made on accessibility in Canada. Many organisations are already reporting on various aspects of accessibility. This report constitutes a first attempt to bring together everything that is happening across sectors and across the disability community, and to look at it as a whole. To do that we needed to consult widely with partners throughout the country, as well as with international advocates and experts. I thank all the partners, organisations, and individuals who have taken time to speak with us.

It's been heartening to see the progress being made on accessibility in Canada. The ACA builds on years of advocacy and existing human rights laws. The desire and intent to create a barrier-free Canada by 2040 is there, but more action is needed now. The COVID-19 pandemic showed us that change can happen quickly when necessity calls for it. We watched barriers fall, businesses shift their focus and offerings, and remote and hybrid work become a reality. There's no reason the

changes needed to become a more accessible country can't happen just as quickly. We must view these changes as urgent necessities, and the fact that many still don't is one of the biggest challenges we face and one of the biggest threats to our success. It's critical that we change attitudes and perceptions of people with disabilities, and make accessibility a key societal value, not just a nice-to-have.

Many people are committed to changing the culture and we will get there. In the meantime, we need mandatory accessibility education and training for all employees working in the public sector and in federally regulated industries. We need conversations about accessibility to become organisational priorities.

Culture change and training will make a difference, but we also need more regulations, right away, in the ACA's priority areas. We cannot simply leave it up to people to do the right thing. We have already tried that, waiting years for the right things to happen, for barriers to be removed. But the barriers remain. We need regulations to ensure that change happens.

Organisations also need to start investing in accessibility through dedicated funding. Time and again, we are given the excuse that the changes needed aren't in the budget. The need for accessibility is poorly understood and it isn't prioritized. This has to stop. Accessibility is as necessary as heat and lights. If your building, service, or program isn't accessible, then you are excluding more than a quarter of the Canadian population. Accessibility is not "only for the few," it is for everyone.

At this point, no one—no nation, government, or private company—has gotten accessibility all right or all wrong. Leaders and advocates within the disability community continue to learn from one another. Getting to 2040 is going to take sustained effort and funding. Organisations need to give it the time and dedicated resources it needs to take root and become an integral part of the way they operate.

I'm going to keep championing and challenging on these issues and others. My hope is that this report will encourage you to do the same. Start today. Accessibility is everyone's business.

Stephanie Cadieux
Chief Accessibility Officer (CAO)

Report summary

Too often, throughout history, people with disabilities (PwDs) have carried the load of advocating for their own inclusion and equal participation in society. The 2019 *Accessible Canada Act* (ACA) is about fundamentally changing the culture around disability.

The purpose of the ACA is to create a barrier-free Canada by 2040. To reach this goal, the ACA gives major responsibilities to federally regulated entities (FREs) in the public and private sectors. Under this law, FREs must proactively identify, remove, and prevent barriers affecting many aspects of the lives of PwDs. These barriers deny PwDs their right to participate fully and equally in Canadian society.

The ACA created several new federal functions to meet its goal, including my role as Chief Accessibility Officer. Other levels of government also have important parts in advancing accessibility. To create a barrier-free Canada, collective and harmonised efforts are needed to address current pressing issues. In my view, some of these efforts are the following:

- **Mandatory Training**

- **Regulations**

- **Dedicated Accessibility Funding**

- **Data**

Mandatory Training

Most people, disabled or not, do not have the opportunity to experience or understand all existing or potential barriers in society. This is why building awareness of disability inclusion, particularly through mandatory training, is a crucial first step in any organisation to jump-start commitments to identify barriers and take action to remove them.

Regulations

Commitment can come in the form of laws and regulations. In the ACA context, regulations are essential, as they clarify FREs' legal obligations. Currently, there is only one legal obligation outlined in Accessible Canada regulations: that FREs must publish accessibility plans and progress reports. This requirement is essential but not enough alone to achieve the goals of the ACA.

Dedicated Accessibility Funding

To make accessibility a reality, commitments must lead to meaningful action, that is, the removal or prevention of barriers. To turn commitments into action, organisations must have dedicated, ongoing resources. Accessibility is not a short-term or optional investment. It is a must-have that benefits all.

Data

All actions need to be tracked by objective measures. Meaningful measures can produce high-quality data. Data provides evidence to pinpoint issues, progress, and what remains unknown. That evidence is critical to guide future action. FREs must use, collect and share high-quality data in all their initiatives to improve accessibility, in consultation with PwDs.

The vision of the ACA is big. But that vision is possible, with everyone working together and accepting that accessibility is everyone's business and that the time to make change is now. Yes, there is much to do. But there are promising efforts in many places. I am pleased to share some of them in this report.

Introduction

Eight million Canadians aged 15 and over live with a disability.

All Canadians have the right to participate fully and equally in society. But the struggle of persons with disabilities (PwDs) to exercise that right has been long and difficult.

In Canada, the 1950s and 1960s marked the beginning of grassroots advocacy to include PwDs in society rather than having them live separately in institutions. By the 1970s, several provincial laws recognised PwDs' autonomy:

- Ontario granted blind people the right to access public places with their guide dogs

- Alberta and British Columbia cancelled laws that previously allowed for the sexual sterilisation of PwDs

- Quebec became the first province to pass a law dedicated to the rights of PwDs

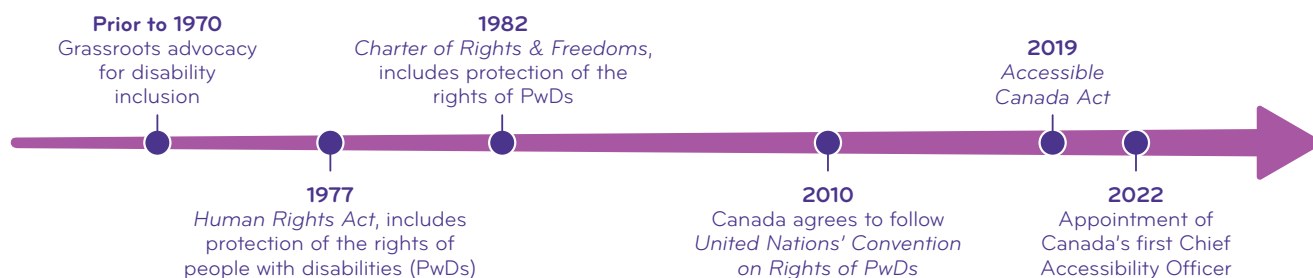The first federal laws protecting PwDs from discrimination were the:

- 1977 *Human Rights Act* (last updated in 1985) and
- 1982 Canadian Charter of Rights and Freedoms

More legal protection for disability rights followed, in areas such as communications, employment, and transportation.

At the international level, Canada committed to follow the <u>United Nations' Convention on the Rights of People with Disabilities</u> (UNCRPD) in 2010. Under the UNCRPD, Canada committed to eliminate discrimination against PwDs by applying the principles of the Convention and reporting regularly on its progress to the international community.

Canada's commitments under the UNCRPD paved the way for its first federal legislation on disability inclusion and accessibility: the *Accessible Canada Act* (ACA), which came into effect in 2019. The ACA requires organisations to proactively identify, remove, and prevent barriers facing PwDs to make Canada a barrier-free country by 2040.

Figure 1: Highlights of Canadian federal accessibility legislation timeline

Prior to 1970
Grassroots advocacy for disability inclusion

1977
Human Rights Act, includes protection of the rights of people with disabilities (PwDs)

1982
Charter of Rights & Freedoms, includes protection of the rights of PwDs

2010
Canada agrees to follow *United Nations' Convention on Rights of PwDs*

2019
Accessible Canada Act

2022
Appointment of Canada's first Chief Accessibility Officer

I was appointed as Chief Accessibility Officer (CAO) in May 2022. I am a special advisor to the Minister responsible for the ACA. My mandate is to monitor and report on outcomes under the *Act*, as well as emerging issues. In this role, I serve as a bridge between PwD communities and the Government of Canada. I will help move decision-makers from intent to action on accessibility. To do this, I will listen to what matters to PwDs across the country and keep the spotlight on those issues. I will collaborate with and connect partners and stakeholders, positively challenge their ideas and practices, and press for more risk-taking to find solutions for accessibility and disability inclusion.

Since my appointment, my team and I have built the foundations for our work and have:

- Collaborated with organisations that have similar mandates, within and beyond the Government of Canada, and across sectors and jurisdictions
- Participated in numerous conferences and events to build awareness of the *Act* and of my role
- Convened the leads of key federal organisations identified under the *Act* to meet regularly, and to ensure ongoing collaboration towards a barrier-free Canada
- Challenged organisations, in both the private and public sector, to be concrete, transparent, and accountable as they publish their first accessibility plans
- Championed the *Act* and disability inclusion by engaging with over 350 stakeholders from public and private sectors, in five provinces, and internationally

We have accomplished a lot, but I know we are still at the beginning.

The first year on the job has shown me that more must be done to raise the awareness of all Canadians about the *Accessible Canada Act* and of the roles of all those involved in making Canada barrier-free. What I have heard and learned so far is shaping my next steps as CAO and helping me determine where I think attention is needed sooner than later.

The following sections aim to help increase awareness about the accessibility landscape in Canada and share my early observations on important areas of action we need to take together to advance accessibility and disability inclusion.

Accessibility in Canada

The *Accessible Canada Act* (ACA)

To create a barrier-free Canada, we need to bring together the efforts of many people and organisations, tackling a wide range of accessibility issues. The ACA serves to put thousands of organisations on a common path to achieve that goal.

The *Accessible Canada Act* establishes a legislative framework and principles that support the proactive identification, removal, and prevention of barriers to accessibility. The ACA expands the definition of disability. In addition to physical, mental, and functional disabilities, this definition now includes non-visible, temporary, and episodic disabilities. The ACA also recognises that disabilities by themselves do not hinder a person's full and equal participation in society. Instead, it is the interaction of that disability with a barrier that affects their full participation. This shift puts the responsibility on society to be barrier-free. To that effect, the *Act* requires federally regulated entities (FREs) to take the initiative to identify, remove, and prevent barriers facing people with disabilities, rather than wait for PwDs to ask for barriers to be removed. The *Act* introduces new structures and roles, including mine, to support its goal of a barrier-free Canada by 2040.

About federally regulated entities (FREs)

Federally regulated entities are organisations that are under federal jurisdiction, for specific activities. Three categories of FREs have the obligation to follow regulations of the ACA:

- Federal government organisations such as departments and agencies and including the Canadian Armed Forces and RCMP

- Parliament (Senate, House of Commons, Library of Parliament)

- Private businesses with at least 10 employees in sectors like banking, transportation, broadcasting and telecommunications, and

- First Nations band councils (the Accessible Canada Regulations currently exempt First Nations band councils until December 2026; during this time, the Government of Canada has committed to carry out additional engagement regarding a more tailored approach to ACA implementation on reserve).

Ministerial and departmental responsibilities

The Minister responsible for the ACA is the Minister for Diversity, Inclusion and Persons with Disabilities at Employment and Social Development Canada (ESDC). The Minister is mandated to implement the ACA.

The Accessible Canada Directorate (ACD) within ESDC supports the Minister responsible for the ACA.

ACD's responsibilities include:

- developing policies, strategies and frameworks that advance accessibility
- promoting awareness and sharing knowledge, and
- measuring progress in identifying and removing barriers to accessibility in Canada

ACD also makes regulations for areas outside the responsibilities of the Canadian Transportation Agency and the Canadian Radio-television and Telecommunications Commission.

Others outside ESDC also play important roles under the ACA:

Accessibility Commissioner

The Accessibility Commissioner is responsible for promoting and enforcing compliance with the *Accessible Canada Regulations* and addressing complaints that fall within the Accessibility Commissioner's jurisdiction. There is currently only one legal obligation outlined in regulation: that federally regulated entities must publish accessibility plans and progress reports, including feedback mechanisms.

Canadian Human Rights Tribunal

Certain decisions made by the Accessibility Commissioner to an ACA complaint can be appealed. In most cases appeals on those decisions will be made to the Canadian Human Rights Tribunal.

Federal Public Sector Labour Relations and Employment Board

If the Accessibility Commissioner's decision relates to a parliamentary entity, the appeal will be dealt with by the Federal Public Sector Labour Relations and Employment Board. The Board also interprets and applies the ACA in addressing staffing complaints and grievances related to Canada's federal public service, the Royal Canadian Mounted Police, and Parliament.

Broadcasting, telecommunications and transportation sectors

Federally regulated broadcasting, telecommunications and transportation sectors have their own regulatory organisations who are responsible for promoting and enforcing compliance and addressing complaints for client-facing services. These are the Canadian Radio-television and Telecommunications Commission and the Canadian Transportation Agency.

Accessibility Standards Canada (ASC)

Accessibility Standards Canada is an accredited standards development organisation that develops and revises accessibility standards, supports, and conducts research on accessibility, and recommends standards to the Minister.

Other Laws Supporting Accessibility in Canada

While the ACA is the focus of my work, all levels of government in Canada play important parts in advancing accessibility and disability inclusion. Federal, provincial/territorial, municipal, and First Nations band councils all have roles to play in ensuring we get to a barrier-free Canada. This creates unique opportunities and challenges to protecting the rights of PwDs and removing barriers.

The federal government oversees national and international matters, creates laws, and manages programs and services that affect the whole country. Federal laws, such as the *Charter of Rights and Freedoms*, the *Human Rights Act*, and the E*mployment Equity Act* protect rights of PwDs against discrimination. The *Canada Disability Benefit Act*, as well as the ACA, support economic and social inclusion of PwDs.

Figure 2: Federal laws supporting accessibility in Canada

Provincial and Territorial governments have their own areas of responsibility, for example education and health care, which have direct impacts on PwDs' participation in Canadian society. All provinces and territories have human rights laws that protect PwDs, but currently only seven have accessibility legislation in place. Work is underway in New Brunswick that may lead to provincial legislation.

Figure 3: Provincial and Territorial laws supporting accessibility

Y.T.

N.W.T.

Nvt.

N.L.
2021

B.C.
2021

Alta.

Sask.
2023

Man.
2013

Ont.
2005

Que.
1978

P.E.I.

N.B.

N.S
2017

Legend:

● Provinces with accessibility legislation and date legislation was established

● Provinces in the process of developing accessibility legislation

● Provinces/territories without accessibility legislation
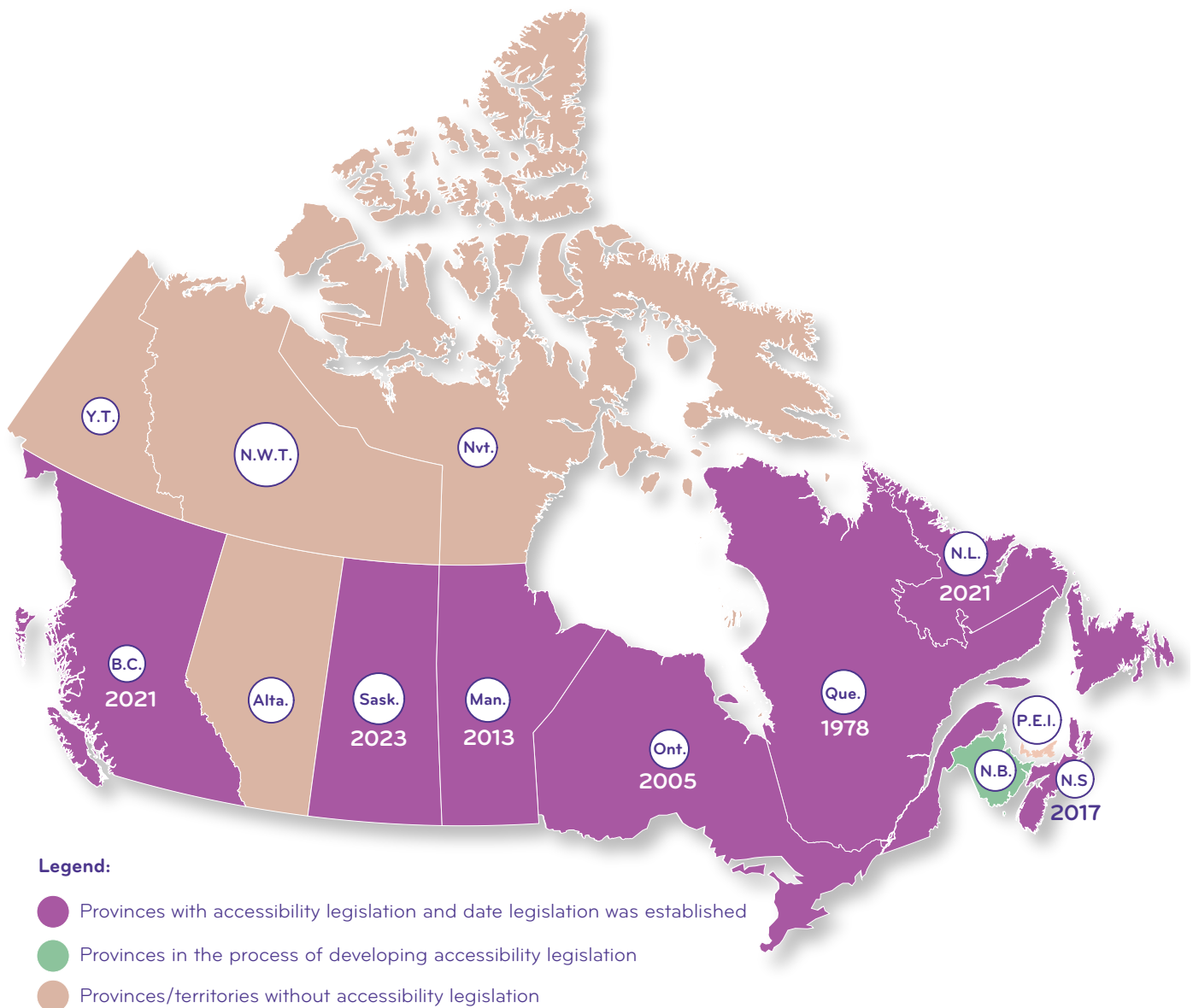
Municipal governments follow the laws of their province or territory and share important roles on managing local issues that impact day-to-day life, such as public transit in cities, towns, and districts. This includes local accessibility by-laws.

First Nations band councils are the elected governments in First Nations communities that have not pursued self-government. They are considered federally regulated entities under the ACA but do not have to comply with the *Accessible Canada Regulations* until December 2026. The federal government has recently engaged with national Indigenous organisations to better understand barriers and how best to advance accessibility in communities on reserve.

Although the ACA only applies to organisations regulated by the federal government, people with disabilities face barriers in all aspects of their lives. Provinces, territories, and by extension municipalities, need to act now. A barrier-free Canada cannot be achieved without laws in place in all parts of the country. I am pleased to see initiatives underway that support this harmonisation, such as the agreements recently signed between Accessibility Standards Canada and four provincial governments. These agreements show a commitment to align work on accessibility standards, so that PwDs can expect the same level of accessibility wherever they go.

All levels of government must work together to harmonise change across the country.

Concrete progress towards 2040:
what is needed to make change

The ACA was developed through consultations with Canadians across the country in 2016-2017. Based on those consultations, the ACA names seven priority areas and principles that expand from the "Nothing Without Us" concept. This concept reflects the need for a culture that includes PwDs in the work of identifying, removing, and preventing barriers in current and future priority areas.

The seven priority areas of the *Accessible Canada Act* are:

1. **Employment**

2. **The built environment**

3. **Information and communication technologies (ICT)**

4. **Communication other than ICT**

5. **The design and delivery of programs and services**

6. **The procurement of goods, services and facilities**

7. **Transportation**

I will monitor the progress federally regulated entities (FREs) make on each of these priorities. To determine the best way to do that, I have been listening and learning about what matters most to PwDs when it comes to making progress on ACA goals. Further, I have been engaging with Canadians across the country, reading the first accessibility plans that FREs have published and talking to some of these organisations about their plans.

This report highlights some examples of FRE initiatives that were included in published accessibility plans or that were shared with me. The examples do not reflect all aspects of each initiative, and their inclusion in this report is not an endorsement of any organisation over others.

Building Awareness

To fix a problem, you first must realize there is one and then understand what it is. This is awareness. It is a key part of culture change and is critical to removing barriers.

Barriers keep people with disabilities from equal and full participation in everyday life activities, including in ACA priority areas. A lack of awareness makes it difficult to identify barriers, and to understand their impact.

For example, a sighted person attending a theatre event may not be aware that the event has barriers for PwDs. That person could learn about barriers if a friend who is blind joins them. If there is no live audio description provided for the audience, then the event is inaccessible for their friend and other audience members who are blind or have low vision.

A lack of understanding of barriers may make solutions ineffective. For example, an organisation may take steps to identify barriers based on consultations with PwDs. But if the representatives they consult are only familiar with visible disabilities, they may not consider non-visible disabilities, and the result may still be inaccessible. For example, PwDs with physical mobility limitations may not represent the perspectives of PwDs who have cognitive challenges following a brain injury.

Building awareness is a first step in making Canada barrier-free. The ACA definition of disability is broader than in previous laws. Most people, disabled or not, do not have the opportunity to experience or understand all the existing barriers in society.

Building awareness starts with listening and asking questions, from a place of genuine curiosity. This is one reason why ACA regulations make it mandatory for FREs to consult with PwDs in developing their accessibility plans. Such consultations can help influence meaningful action.

Communications

To create their first accessibility plan, the Bank of Montreal consulted with their employees by asking them about barriers they faced in the workplace. They learned that Deaf, deafened, or hard of hearing employees found it challenging to take part in some meetings and events. This was especially true when sign language interpreters were not made available. Now that the Bank is aware of the barrier, they have committed to taking action to address it.

Built Environment

Employment and Social Development Canada (ESDC) oversees Service Canada Centres (SCC) for the federal government. These centres offer information and support to Canadians accessing benefits and programs across the country such as employment insurance, old age security, passports, and social insurance numbers.

In 2019, ESDC launched their Flagship SCC in Toronto, Ontario. Their intent was to improve federal government services to Canadians, including PwDs. The project started with consultations with

clients, employees, and an advisory network on inclusive services. These consultations helped identify barriers and solutions. The project leads became aware of areas where they could improve accessibility which resulted in new features at the SCC. For example:

- Adding tactile flooring and BlindSquare beacons to help people with vision loss find their way through the office (the beacons connect to the BlindSquare app on users' phone to support navigation in the nearby area)
- Equipping workstations with Video Remote Interpretation to provide on-demand access to sign language interpreters for Deaf and hard of hearing clients
- Installing seats in the waiting room that can be lifted to make room for mobility devices

As of 2020, ESDC had expanded some of these improvements to more than 100 SCCs across the country.

Consultations can take place not only with PwDs (employees and/or clients) but also with other stakeholders and partners.

Employment and Procurement

Scotiabank has committed to removing barriers at all levels of recruitment, retention, and development for employees with disabilities. Scotiabank has partnered with community organisations to learn how to make inclusive and accessible changes. For example:

- To train and equip managers with the right tools and resources to support employees with disabilities, Scotiabank has partnered with community organisations like Ready, Willing & Able, the Canadian National Institute for the Blind, and Canadian Hearing Services
- Recruitment and Talent Acquisition teams receive quarterly training on candidate accommodations, managers receive training for mental health support, and each department has specific training for best practices in accessibility
- To learn how to improve accessibility in procurement processes, Scotiabank has partnered with two non-profits working on disability inclusion: the Inclusive Workplace and Supply Council of Canada and Disability:IN

Becoming an ally to PwDs is another way individuals can help build awareness of barriers. Allyship can help amplify PwDs voices and experiences while championing a cultural shift that makes accessibility everyone's concern. Another critical piece for building awareness is representation of PwDs in all aspects of society.

Design and Delivery of Programs and Services

The Canadian Broadcasting Corporation (CBC/Radio-Canada) have committed to increase the representation of PwDs in their programing behind and in front of the camera and microphone. They dedicated funding to support programing that represents PwDs and to help make programming more accessible.

For example:
- Through the national pilot program AccessCBC, CBC/Radio-Canada provides development opportunities and support to Deaf and disabled creators
- CBC TV series "Push" and Radio-Canada's "Fred l'handicapé" address topics directly related to disabilities involving mobility
- CBC Kids show Silly Paws provides ASL content for Deaf children
- Educational material on CBC/Radio-Canada's Accessibility webpages explaining the benefits of accessibility features – like closed captioning and audio description – and how to use them

FREs must create opportunities for their organisation and employees to learn about barriers, their impact, and how to remove them. One way to do this is through formal training initiatives.

Training in the federal government

In 2019, the federal government published its first Accessibility Strategy for the Public Service of Canada. The Strategy recognised a lack of awareness of accessibility matters among federal public servants. In response, the Canada School of Public Service began adding accessibility specific training courses and videos to their Learning Catalogue. There are now dozens of learning tools available to employees in the federal public service. They cover topics such as disability inclusion, building accessible documents and virtual events, inclusive client service, procurement, inclusive hiring practices, inclusive design, and unconscious bias. Although most of it is voluntary, some of the courses are mandatory, particularly for managers.

Training in the private sector

Canadian Tire Bank introduced mandatory training for all its employees on accessibility awareness. They also developed targeted mandatory training for different internal groups. For example, the Digital Experience team has training on Web Content Accessibility Guidelines (WCAG) and user-experience accessibility. Marketing staff are given training in accessible writing and design and managers have training in accessible hiring practices. All employees also have access to 'Bias in a Box' which focuses on diversity, equity, and inclusion through presentations, resources, and facilitation guides.

The ACA makes it the responsibility of all federally regulated entities, public or private, big or small, to raise awareness of barriers affecting PwDs' full participation in society. I am glad to see organisations using different ways to do that. The end result that I want to see from any such initiative is acceptance of the truth that accessibility is everyone's business. It is a must-have, not a luxury. Mandatory accessibility training in organisations is critical, to enforce its importance and to build a sense of collective responsibility. Mandatory training requires thoughtful design to be successful. It should be diverse and cover multiple topics. It should involve PwDs and be customized to its audience because every priority area has unique challenges and opportunities. It should be offered across all business lines in an organisation and at all levels (executives, managers, front line staff, junior staff, etc). It should be offered repeatedly. Finally, FREs should reinforce the importance of training throughout their organisation. It's not enough to simply build a course – organisations must follow through and make sure that training is happening and is effective.

Committing to Action

While awareness is essential to identifying barriers, it alone does not guarantee accessibility for PwDs. Canada has shown awareness about accessibility issues for decades. Yet, as the federal government heard during ACA consultations, PwDs are still experiencing significant barriers in their daily lives.

Awareness must lead to a commitment for change to happen. A commitment is the expression of an intent to do something. It provides a framework for concrete action. Because of Canada's complex governance structure, commitments must be made at its various levels of government and by FREs to ensure consistency of accessibility practices across the country.

The ACA is an example of a legal commitment made by the federal government. It commits to action for all Canadians with disabilities and it states what that action should look like.

The federal government has also made specific commitments as an employer to be more inclusive of PwDs in their own practices. With over 350,000 federal public servants, the federal government is the largest employer in Canada. It has a unique opportunity to be a leader in advancing accessibility.

Employment

The Treasury Board of Canada Secretariat (TBS) is the federal agency that oversees the administration of federal public servants, including employee hiring.

In their 2019 Accessibility Strategy for the Public Service of Canada, TBS highlighted that the percentage of public servants who self-identified as PwDs (5.2% of total employees) was below the percentage of PwDs available for work in the country (9.0%).

To address the gap in the recruitment of persons with disabilities, TBS committed to hire 5,000 new employees with disabilities by 2025. As of 2022, 6.2% of federal public servants self-identified as PwDs.

Numeric targets like these make commitments clear and make monitoring easier. A change from 5.2% to 6.2% in three years indicates slow progress, so far. Since TBS publishes updates yearly, it is easy to check if they meet their target as planned, or if they should revise their commitments.

National strategies provide frameworks for concrete action too. Any national strategy committing to action for positive change for Canadians must include accessibility. I'm pleased to see some efforts to integrate accessibility in national strategies in areas such as housing (built environment) and transportation.

Built environment

The Federal Housing Advocate, a nonpartisan watchdog at the Canadian Human Rights Commission, was appointed in 2022 to address housing need and homelessness in Canada. Part of the Advocate's responsibility is to make recommendations to improve Canada's housing laws, policies, and programs so that Canadians have access to adequate, affordable, and safe housing. In her recent 2022-23 report, she calls on the federal government to build accessibility up front into its National Housing Strategy. In the Advocate's words: "The government must ensure that all new housing achieves the ACA's goal of creating a barrier-free Canada, and the human right to adequate housing enshrined in the *National Housing Strategy Act*."

As levels of government across Canada embark on massive commitments to build housing, it is imperative to ensure accessibility is embedded in those efforts now, from the beginning. The federal government has an opportunity to take a leadership role, to ensure accessibility is built into the National Strategy and housing policies and programs, so that PwDs have a range of housing options that meet their diverse needs. In Canada and elsewhere, air travel for passengers with disabilities is a long-standing problem. Examples of PwDs' unacceptable flight experiences are countless and are increasingly getting the attention of the public and media.

Transportation

In May 2023, the Minister of Employment, Workforce Development and Disability Inclusion met with the National Airlines Council of Canada (NACC). The NACC brings together large, federally regulated, air carriers. They discussed a shared commitment to do more for Canadian travelers with disabilities. The NACC then committed to improving passenger accessibility, with a focus on disability awareness. They also committed to improving mobility device transportation and care.

In 2023, the Minister of Employment, Workforce Development and Disability Inclusion and the Minister of Transport also issued a commitment to a fully accessible and inclusive Canada for all its citizens and visitors, including a safe, dignified, and reliable travel experience for passengers with disabilities. These commitments include the mandatory collection and sharing of better data about PwD complaints.

I will stay focussed on accessible air travel in the months ahead. I expect to see commitments from national strategies reflected in the accessibility plans and progress reports of large federally regulated air carriers. When and where any individual or organisation that plays a role in the air travel experience for PwDS can help make a change for the better, I call for that change to happen now.

Commitments don't always need to hinge on law or a national strategy. To build their own accessibility commitments, FREs can look to existing standards for recommended practices in accessibility. I am pleased to see standards being published and more on the way.

Built Environment

Accessibility Standards Canada and the CSA Group worked together and consulted with PwDs on three standards on accessible design published in 2023. These standards address design elements that create barriers for people with physical, sensory and/or cognitive disabilities in the built environment such as buildings, interactive devices like banking machines, and dwellings. The standard on accessible dwellings was developed with the additional support of the Canada Mortgage and Housing Corporation. These three standards are available guidelines that FREs can use now.

Accessibility Standards Canada (ASC) has 11 additional standards under development, in the areas of employment, built environment, programs and services, and emergency measures. Keeping with the principle of "Nothing Without Us", standards are developed by engaging the best knowledge from people with expertise in priority areas. This includes people with lived experience who know best the needs of

the groups they represent, as well as industry experts. Every step of the process is designed to be accessible and engage persons with disabilities.

Accessibility standards are guidelines to support organisations to find, prevent and remove barriers in all areas of the *Accessible Canada Act*. Standards also help ensure the same level of service or product quality across organisations. It is important to note that standards are voluntary. Organisations can choose whether to follow them or not. In contrast, accessibility regulations must be followed.

FREs do not have to wait for standards or regulations to be in place before identifying ways to remove barriers. They can learn from each other as well.

Design and Delivery of Programs and Services

The Canadian Museum of History, the Canadian War Museum, and the Canadian Children's Museum have identified ways other museums have successfully increased accessibility in their programing. They are committing to replicate these promising practices in their own program planning. For example, by the end of 2023 they commit to having noise cancelling headphones available for visitors and a scent-free policy in place. By 2024 (in consultation with PwDs) the museums will incorporate quiet and loud visiting hours for their guests. These seemingly simple changes will remove barriers for people that experience sensory-related disabilities (often an invisible disability). These changes will create a more accessible and inclusive museum experience for visitors of all ages.

Regardless of how FREs express their accessibility commitments, I strongly urge all organisations to make their commitments concrete and measurable and to be transparent about who will be responsible for them. I have read too many accessibility plans where commitments were unclear, and responsibility was not assigned. Vague commitments and a lack of clear responsibility are ways to avoid being held accountable. Transparency is key. FREs must get this part right to set the foundation for driving change in their organisations.

Clear commitments in all priority areas

Ingenium is the brand representing three Canadian museums dedicated to science, agriculture, and aviation. Their plan lists current barriers for their museums in all ACA priority areas. Each barrier is linked to a specific commitment and action. Each action is linked to a timeframe and a responsible person or group, who will be accountable for its implementation. By doing this, Ingenium sends a clear message of what they are committing to, when they will get it done and who is responsible to see that it gets done.

Committing to action – like building awareness – is essential. But the binding requirements of law are ultimately needed to spur concrete action. This means regulations are needed for all the priority areas under the ACA, and soon. Regulations will help ensure that legal and policy commitments for accessibility are met, and in a consistent way. Regulations are also important because they provide clarity on the requirements that FREs must follow to identify, remove, and prevent barriers for PwDs. Many FREs with whom I have spoken say they want this clarity. Right now, there is only one legal obligation outlined in regulation under the ACA: that all FREs must publish accessibility plans and progress reports annually, in consultation with PwDs. A second regulation is in development on Information and Communications Technology, led by ESDC and supported by ASC. More regulation to help achieve ACA objectives is a pressing a need.

Turning Commitment into Action

The ACA is a big commitment. It is being watched domestically and internationally. What everyone is waiting for is action. No matter what FREs do to raise awareness and how specific their commitments may be, actions speak louder than words. I am pleased to see FREs taking action to identify, remove and prevent barriers.

Transportation

As part of its Fleet Replacement Program, VIA Rail organized workshops with accessibility organisations to get input on the design of 32 new train cars. Participants' comments inspired accessibility features and processes to help remove and prevent barriers for PwD travelers:

- In the new trains, travelers with impaired vision can find their way using surface transitions, high-contrast signage, and text in Braille
- For those with mobility challenges, there are wheelchair lifts, and more space to maneuver wheelchairs or other mobility devices between seats and in the washrooms
- And Deaf and hard-of-hearing riders have access to travel-related announcements by reading text displayed on digital screens

In Information and Communication Technologies, there can be a wide range of barriers. Identifying, preventing, and removing them can be a challenge. However, when organisations listen to their employees, they can find ways to make easy fixes along the way. Solutions don't have to be elaborate or perfect. Avoid the trap of waiting for fail-proof solutions before making change. Getting started – even with simple steps – is how change starts to happen.

Information and Communication Technologies (ICT)

In preparing their accessibility plan, Women and Gender Equality Canada (WAGE) learned that their employees faced barriers with technology. They said they didn't have access to all accessibility features, they didn't know what features were available to them, or how they worked. To address this barrier, in 2023, WAGE made sure that all accessibility features were enabled on employees' work devices and committed to roll out training sessions for employees to learn about them. This is part of a larger action within WAGE to make information and communication technologies useable by all, including PwDs.

Sometimes a PwD just needs a short-term solution to support them. Lending libraries are a great example of how a dedicated centralized resource centre can make a difference in the transition of an employee with disabilities to a new job or if they have a short-term disability.

ICT and Employment

The Lending Library Service Pilot Project at Shared Services Canada provides hardware, software, and other resources to new federal public service employees. It can take time in government to ensure new employees have the equipment they need to start working. To address this issue, the library bridges the gap with short-term loans. In 2021–22, the Lending Library loaned 452 tools. Since its launch in 2020, it has supported 256 clients in 49 departments, loaning a total of 809 tools. Some departments have followed suit by building their own lending libraries. For example, Employment and Social Development Canada launched their own pilot program in 2020. Employees can use the service if they need resources due to a short or long-term disability.

Removing barriers isn't always straightforward and the solutions aren't one-size fits all. For example, some barriers like emergency response for PwDs, may rarely become an issue, yet can cause serious harm if not addressed in advance.

Built Environment

In TELUS Communications' accessibility plan, they state that they include PwDs in their emergency response procedures. Specifically, they have Emergency Response Information forms for employees who disclose a disability. With prior consent from these employees, TELUS develops an evacuation plan specific to each individual. TELUS shares these plans with the employee's manager and safety personnel, and reviews evacuation plans regularly for accessibility. TELUS would apply these plans in case of an emergency or disaster affecting the workplace.

Where possible, preventing barriers before they become an issue is more effective than removing them after the fact. This means that PwDs don't have to go through negative experiences before they receive the same support and opportunities as others around them. When accessibility is part of planning processes, PwDs' needs are considered up front, not as an afterthought. For example, TD Bank recognised and then took practical steps to prevent barriers in communicating with clients with diverse needs.

Communications

TD Bank has now made it a practice to have Video Remote Interpreting (VRI) in American Sign Language (ASL) available at all locations in Canada. VRI is an assistive technology communications service that uses webcams or videophones to provide interpretation virtually on demand. This service helps enable communication between people who use sign language and people who do not. There is currently a nation-wide shortage of ASL interpreters, so offering a service that allows TD to contract out VRI from other sources has been a way to fill this gap.

The practical reality of turning commitment to action, particularly to remove larger, more complex barriers, is that it requires resources. Organisations must have dedicated accessibility funding. Removing barriers to inclusion shouldn't be seen as an optional or a short-term investment. But I still see too many places where it is. I'm concerned that such decisions may be based on misperceptions about the cost of accessibility, how disability inclusion benefits only a few, or the amount of effort required to make change.

The federal government has invested many resources to remove barriers for persons with disabilities too, but not all of it is permanent. For example, in 2018, the government established the Office of Public Service Accessibility (OPSA) at the Treasury Board of Canada Secretariat, to support federal departments and agencies meet the requirements of the ACA and help make the public service accessible and inclusive. In 2019, the federal government gave the Canadian Human Rights Commission the mandate and funding to monitor Canada's implementation of the UNCRPD (as Canada's National Monitoring Mechanism) and the state of disability rights in this country. Funding for both organisations is set to end in March 2024.

I challenge all organisations to consider the possible costs of not dedicating funding to remove barriers for PwDs. These costs may include the loss of expertise and talent in workplaces, having to retrofit built environments, and resolving complaints or legal challenges when services, programs and/or information remains inaccessible. Investment should align more with what the ACA requires us to do. Creating a barrier-free Canada will take dedicated and sustained action and funding.

Monitoring progress towards a barrier-free Canada

The Importance of Data

In the context of accessibility and disability inclusion, data is information that we can collect, measure, and analyze to:

- increase awareness on diverse lived experiences
- identify and learn more about barriers and their causes
- challenge assumptions that may hinder progress, and
- see progress in efforts to identify, remove and prevent barriers

Data can come in many forms like text, numbers, or facts. It can come from many sources including surveys, public records, interviews, or stories.

What I have seen so far is that, too often, organisations' data do not include PwDs. For example, surveys that do not ask about disability status, organisations using different definitions for disability, or grouping PwDs experiences in with other diversity and equity groups. In some cases, people are not comfortable disclosing their PwD status.

We need data to learn about the unique and complex lived experiences of PwDs, especially when making decisions.

Data helps increase awareness of diverse lived experiences

A 2018 study by the Canadian Centre on Disability Studies confirmed that PwDs who also belong to minority groups based on race, ethnicity, sexual orientation, gender, and/or socioeconomic status are more often excluded from society. They also experience greater disadvantage and higher levels of discrimination. This kind of data shows that disability affects diverse groups in society. It provides the evidence to support targeted actions that account for multiple aspects of PwDs' identity.

Data can be used to determine the cause of a barrier

Through conducting a two-year benchmarking study, TBS gained important knowledge about employees' and supervisors' experiences with workplace accommodations and identified ways to improve their experiences. They learned that negative attitudes, long wait times to receive accommodations, and inconsistent knowledge of accommodations across the public sector create barriers to accessing workplace accommodations. The study has resulted in the recommendation of a centralized accommodation process and sensitivity training to help reduce workplace accommodation barriers.

Data helps correct false assumptions

Some organisations assume that building accessible spaces is too expensive. A private company, hcma Architecture + Design, challenged this assumption in a 2020 study. They estimated the cost of

building accessible environments, using requirements of Canada and Ontario's building codes as a reference. They found that the cost increase was only 1%, compared to costs for minimal requirements. This data creates opportunity for change by showing decision makers that accessible design is financially feasible.

Data helps measure progress

When the same data is measured repeatedly over time it can show trends in progress and confirm if a person or organisation is on track for change or if an adjustment is needed. For example, Statistics Canada learned during consultations for their Accessibility Plan that they had insufficient tools available to ensure the procurement (that is, purchase) of accessible goods, services, and facilities. Standard office items like printers or workstations had no accessibility features. Often this resulted in having to buy an accessible version separately or paying for the addition of an adaptive device.

Statistics Canada identified a need to increase staff's knowledge about accessibility in the procurement process. They committed to increase training on the purchasing of accessible items, with the goal to train 100% of procurement staff. They will be able to measure progress towards achieving their goal by simply tracking the number of employees that have completed the training.

The ACA regulations include a requirement for FREs to report on progress on commitments they made in their accessibility plans. This will allow for organisations and myself as Chief Accessibility Officer to measure progress over time.

Measuring Progress for the Accessible Canada Act

My mandate is to monitor and report on outcomes achieved under the ACA, as well as systemic and emerging issues. To do that, I need data.

As mentioned earlier in this report, the ACA created several roles within the federal government to support its goal of a barrier-free Canada. I will rely on them to share information about progress on ACA outcomes, and emerging and systemic issues.

My team and I will continue to collect information directly from FREs, PwDs, their allies, and other stakeholders. Each of these groups have their own data that will also help me monitor progress. We will also examine studies, research and reporting from organisations in the disability space. These reports, along with continuous engagement and dialogue, will support my work to build awareness about diverse lived experiences of PwDs, barriers and their causes, and build the case for accessibility.

Similarly, we will continue to review FREs' accessibility plans and progress reports. In these published documents we are able to learn more about the barriers and causes for barriers that have been identified. We will also monitor what commitments and progress are being made to address them.

Finally, we will be relying on partners who are building ways to measure progress. We will work closely with ESDC. ESDC is responsible for the Federal Data and Measurement Strategy for Accessibility (2022-2027). In collaboration with Statistics Canada, they have developed a publicly available accessibility data hub to share data related to accessibility at the national level. They are also defining ways to measure progress for each priority area under the *Act*. This includes building a measurement framework and reviewing the results of accessibility questions introduced in the 2022 Canadian Survey on Disability. I will look to their work to help monitor progress under the ACA.

Conclusion

The *Accessible Canada Act* has set us on a common path to a barrier-free Canada. If we are to stay on it and move forward, it'll be up to all of us to take concrete action on all priority fronts. Progress down the line means paying attention to certain areas now: mandatory accessibility training, more regulations under the ACA, dedicated accessibility funding and data.

Apart from the ACA, going forward, I will keep an eye on other issues that impact disability inclusion. This includes the *Canada Disability Benefit Act* which became law in 2023. Its purpose is to support the financial security of working-age PwDs. However, like with the ACA, the federal government needs to create regulations to specify how it will apply this law. I'll be following any concrete progress on these regulations in 2024.

I will also be watching what is happening in other jurisdictions and how organisations join forces to improve accessibility across Canada's regions and its many levels and areas of authority. PwDs' daily life activities (taking public transportation, going to a restaurant, running errands) involve responsibilities held by many public and private authorities. They all have responsibilities to ensure that PwDs in Canada can live, work, and play without barriers.

Whether it is in the sphere of the ACA or beyond, what I hope to see in the months ahead is more action, including imperfect attempts, that get measured and reported. That is what will drive change and help us reach our common goal of removing barriers for persons with disabilities. I look forward to where we go from here.

Glossary

Below are definitions of important terms used in this report.

Accessibility: Accessibility means that everyone can get to and use information and spaces and places, including people with disabilities.

Barrier: The *Accessible Canada Act* (ACA) defines a barrier as anything—including anything physical, architectural, technological or attitudinal, anything that is based on information or communications or anything that is the result of a policy or a practice—that hinders the full and equal participation in society of persons with an impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment or a functional limitation..

Disability: The ACA defines a disability 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.

Disability Inclusion: This is the concept that people with disabilities have the right to fully participate in all aspects of life. This includes equal opportunities, and economic autonomy. It also includes being involved in planning and decision-making in all areas that could have barriers to participation. This is reinforced in the guiding principles of the ACA.

Accessibility Standards: These are guidelines to support organisations to find, prevent and remove barriers in all ACA priority areas. Standards help ensure the same level of service or quality of products across organisations. They are voluntary – organisations can choose whether to follow them or not. Accessibility standards in Canada are developed by Accessibility Standards Canada.

Accessibility Regulations: These are rules made by the government that are mandatory for organisations to follow. The Minister responsible for the ACA makes accessibility regulations.

Abbreviations

AC   Accessibility Commissioner

ACA   *Accessible Canada Act*

ACD   Accessible Canada Directorate

ASC   Accessibility Standards Canada

CAO   Chief Accessibility Officer

CHRC   Canadian Human Rights Commission

CHRT   Canadian Human Rights Tribunal

CRTC   Canadian Radio-television and Telecommunications Commission

CTA   Canadian Transportation Agency

ESDC   Employment and Social Development Canada

FPSLREB   Federal Public Sector Labour Relations and Employment Board

FRE   Federally Regulated Entity

ICT   Information and communication technology

OCAO   Office of the Chief Accessibility Officer

PwD   Person with (a) Disability(ies)

UNCRPD   *United Nations' Convention on the Rights of Persons with Disabilities*