

New Accessibility Requirements For The B.C. Public Sector



Is your organization on the right track toward accessibility, diversity and inclusion? As of June 2021, the *Accessible British Columbia Act* (the “Act”) is law in British Columbia. The Act’s intent is to make the province more inclusive, including for persons with disabilities.

Earlier this year, the government released the first regulation under the Act, the [Accessible British Columbia Regulation](#) (the “Regulation”). The Regulation identifies the public sector organizations that have to comply with the Act’s accessibility requirements. As of September 1, 2022, certain accessibility requirements in the Act will apply to these covered organizations.¹

WHICH PUBLIC SECTOR ORGANIZATIONS?

The Act currently has a limited scope because the B.C. government is implementing the Act by way of a phased approach. For now, the Act only applies to certain public sector organizations (“accessible organizations”) such as school districts, municipalities, municipal police departments, post-secondary education institutions, regional districts, and health authorities. A full list of the accessible organizations is set out in the [Accessible British Columbia Regulation](#).

The B.C. government has stated that other organizations will be covered by this law in the future, to be determined based on their size and their impact on people with disabilities. This could eventually include private sector organizations.

WHAT ARE THE ACCESSIBILITY REQUIREMENTS?

Accessible organizations need to be aware of the three requirements coming into force on September 1:

1. Establish an accessibility committee;
2. Develop an accessibility plan; and
3. Establish a process for receiving public feedback.

We have suggested some initial guidance for each below.

Accessibility Committees

Accessibility committees are intended to help accessible organizations identify

barriers to individuals in or interacting with the organization, and to advise the organizations on how to remove and prevent these barriers. To the extent possible, these committees should:

- have at least half of their members be persons with disabilities or individuals who represent a disability-serving organization;
- have a membership which reflects the diversity of persons with disabilities in British Columbia; and
- have at least one member who is an Indigenous person.

Members can be from inside or outside of the organization. The B.C. government has said that the intent is to avoid potential duplication of work, and so organizations can use existing accessibility committees (although they may need to be adapted to comply with the Act). Organizations that do not have existing committees can use this as an engagement opportunity for employees and the public they serve. The public sector organization's mandate will likely be a significant factor in determining the optimal constituency of the committee.

Accessibility Plans

Accessibility plans must outline how accessible organizations will identify, remove and prevent barriers to individuals in the organization or interacting with it. An accessibility plan does not need to be complete or comprehensive at the start. It is intended to be a developing and evolving plan. Accessible organizations must review and update these plans at least once every three years.

In developing and updating an accessibility plan, accessible organizations must consult with their accessibility committee and consider the following principles:

- a. inclusion;
- b. adaptability;
- c. diversity;
- d. collaboration;
- e. self-determination; and
- f. universal design.

The plan, and its focus, will likely be relatively unique to the organization and dependent on its mandate. Accessible organizations do not have to submit their accessibility plans to the provincial government for review or approval, but organizations should make their plans available to the public (i.e. by publishing it on their website).

Feedback Tool

Accessible organizations are also required to establish a process for receiving public comments on their accessibility plan, as well as barriers to people in or interacting with the organizations. Feedback received through this tool should be used in reviewing and updating accessibility plans in the future.

WHEN IS THE DEADLINE TO COMPLY?

Organizations will have at least one year from when they are listed in the Regulation to when they must comply with the Act. For the accessible organizations currently listed in the Regulation, this means they have to comply between September 1, 2023 and September 1, 2024 (the date varies by organization).

Accessible organizations will not be expected to have completed their plans by this time but should at least be poised to take substantive steps to implement them. As

with other planning processes, organizations should be considering resource allocation as a matter of overall policy and, where appropriate, address phases and timelines into the plan.

WHAT COMES NEXT?

The compliance and enforcement mechanisms in the Act are not yet in force. As with the organizations covered by the Act, the government intends to introduce the compliance and enforcement provisions of the Act with a phased approach. Once the compliance and enforcement mechanisms are in force, then inspectors will be able to conduct inspections to investigate non-compliance with the Act. Non-compliant organizations will be subject to fines of up to \$250,000.

Accessibility standards are currently being developed in areas such as employment, transportation, health, and education. Earlier this year, members of the Provincial Accessibility Committee discussed how to decide which accessibility standards to develop first and provided their advice to the Minister of Social Development and Poverty Reduction. The Minister will make the final decision about which accessibility standards to implement, and these standards will be introduced by regulation. The priorities articulated by the Minister will provide important guidance for accessible organizations as they develop their plans.

Footnote

1. https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0218_2022

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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