

# [New Requirements And Standards Under The Federal Accessible Canada Act](#)



In late 2023, Accessibility Standards Canada, the governmental entity created under the federal *Accessible Canada Act* (“ACA”), published the first edition of a standard on accessible employment (the “Draft Employment Standard”) for public review and feedback. We previously wrote about the [Draft Employment Standard](#) at the time of its publication. On December 3, 2024, Accessibility Standards Canada incorporated the feedback received from its public review and published the final standard, “[CAN/ASC-1.1:2024 – Employment](#)” (the “Employment Standard”).

On December 21, 2024, the Federal Government also published draft amendments to the *Accessible Canada Regulations* under the ACA (the “Draft Regulations”).<sup>[1]</sup>

We have highlighted key features of the Employment Standard and the Draft Regulations below.

## **The Employment Standard**

The Employment Standard is not in itself a legal requirement; it merely establishes voluntary standards as best practices. However, Accessibility Standards Canada may recommend to the Minister responsible for the ACA to adopt the standards as regulations at which point they would become mandatory for federally regulated organizations.<sup>[2]</sup> That said, the Employment Standard uses mandatory language which is indicative of what Accessibility Standards Canada thinks is necessary to achieve its accessibility mandate. These requirements are likely to appear in future regulations, including new policies and procedural requirements impacting the “seven phases of the employment life cycle,” namely recruitment, hiring, onboarding, retention, promotion and career development, performance management, and job separation.

The fundamental goal of the Employment Standard is for workplaces to be accessible, inclusive, barrier-free, and discrimination-free for all workers. The Employment Standard is intended to align with other relevant standards like the “Work disability management system” of the Canadian Standards Association,<sup>[3]</sup> the accessibility planning framework for federally regulated entities under the ACA, and relevant human rights and employment legislation.

Notable standards in the finalized Employment Standard include:

## ***Clause 10: Structural Support, Policy and Leadership***

- **Accessibility Strategy:** Organizations should develop, implement and monitor an accessibility strategy, which includes (a) measurable objectives, (b) supporting policies, (c) clear roles and responsibilities of key workplace parties; and (d) evaluation plans.
- **Roles and Responsibilities:** The roles and responsibilities of key workplace parties should be established, and organizations should require commitment from all levels and functions.
- **Organizational Policies:** An organization's policies reflect its commitment to achieving a barrier-free workplace. The organization should develop an accessibility policy that is appropriate for the organization's purpose and size.
- **Access to Information:** The organization should identify, remove, and prevent barriers to accessing information and communications, including by providing documents and communications in an accessible format (such as a format that meets the standards under CAN/ASC – EN 301 549:2024 Accessibility requirements for information and communications technology products and services).
- **Information Technology:** The organization should identify, remove and prevent barriers to accessibility in information technology tools, solutions and equipment. The Employment Standard includes commitments specific to human resource information systems and applicant tracking systems.

## ***Clause 11: Culture, Engagement and Education***

- This section has been left blank in the Employment Standard and will be added in a future revision.

## ***Clause 12: Recruitment, Hiring and Onboarding***

- **Recruitment:** The organization should develop and publicly post a recruitment commitment statement and ensure inclusion in recruitment procedures and job postings. Clause 12 includes standards that specifically address applicant tracking systems and the use of artificial intelligence in hiring.
- **Interviews and Assessment Process:** The organization should provide the necessary accommodations and remove barriers to sufficiently enable candidates to participate and perform in interviews and assessment processes in an equal and inclusive manner.
- **Hiring and Onboarding:** The organization should ensure the hiring and onboarding processes are accessible, including by notifying new employees of the organization's policies for accommodating workers, providing the employee with a support person, if necessary, providing essential work-related information in an accessible format, and providing successful applicants with pay equity.
- **Ongoing Employment Support:** The organization should provide workers with training, follow-up services, review of accommodations and provide consultation with service providers where accommodation cannot be provided directly.

## ***Clause 13: Retention and Career Development***

- **Retention:** The organization should support the retention of workers, including persons with disabilities, and provide incentives to remain in the organization, by designing policies and practices that improve the representation of persons with disabilities, setting and communicating representation targets, and reviewing the organization's policies at least every three years in consultation with persons with disabilities.
- **Promotion and Career Development:** The organization should encourage promotion and career development and remove barriers, including ensuring that the criteria

for career development and promotions do not disadvantage persons with disabilities.

- Performance Management: The organization should use a performance management system which accounts for workers with disabilities, adjusts accommodations as requested, and supports the movement of accommodations to new roles.
- Compensation: The organization should apply objective criteria to prevent discrepancies between persons with disabilities and other workers, and apply the equal wage provisions in the *Canadian Human Rights Act* to workers with disabilities.
- Job Exit: The organization should ensure the job exit policies and process are accessible, and gather and use information about exiting employees to identify barriers and trends to improve retention of workers with disabilities.

## **Annexes**

- The Employment Standard also contains a number of annexes which have been provided for informative purposes, including: Intersectional accessibility lens; anti-ableism policies; and stand-alone accessibility policies and accessibility elements integrated into existing policies.

## **Work Disability Management, Accommodation, Stay at Work and Return to Work**

- The finalized Employment Standard does not include specific clauses for work disability management systems, individual accommodation policies, and return to work policies (as were originally proposed in the Draft Employment Standard).

## **The Draft Regulations**

The Draft Regulations propose to add a new part to the *Accessible Canada Regulations* entitled, "Information and Communication Technologies".

The new part would require organizations to conform to the requirements of the most recent version of the CAN/ASC-EN Standard[4] from Accessibility Standards Canada for the following three key areas of information and communication technologies (referred to as "digital technologies") that are essential for people with disabilities. These areas include: (1) websites, including web applications; (2) mobile applications; and (3) non-web documents (referred to as "digital documents").

Additionally, federally-regulated employers would be required to train their employees involved in the development, maintenance, or procurement of digital technologies on accessibility. They would also need to publish accessibility statements for their websites, mobile apps, and digital documents, and evaluate the accessibility of certain digital technology products and services they acquire.

Web page and related accessibility statement requirements would come into force on June 1, 2027 for entities in the public sector, and on June 1, 2028 for private sector entities. All other requirements would come into force on June 1, 2028. The Draft Regulations would not apply to the public or consumer-facing digital technologies of Transportation Service Providers and Broadcasting and Telecommunications Organizations, as those areas are regulated by the CTA or CRTC.

## **Next Steps**

We will continue to monitor the progress of any standards (more details of which are available on the Accessibility Standards Canada [website](#)) or amendments to the ACA and its regulations.

For anyone catching up on federal accessibility legislation, we previously wrote about the [ACA](#), the [Accessible Canada Regulations](#) and the requirement to publish [Accessibility Plans](#).

*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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