

What Employers Should Know About BC's New Accessibility Legislation



The B.C. Government is reviewing new accessibility legislation that will establish standards aimed at identifying, removing and preventing barriers to accessibility and inclusion. If passed, standards will be developed in a range of areas, such as employment, the delivery of services, the built environment, information and communication, and transportation.

There are more than 926,100 British Columbians over the age of 15 with some form of disability, which represents 24.7% of the population. As the population ages, the number of people with disabilities and the severity of their disabilities are likely to increase.

Employers in B.C. should know that the Government intends for the accessibility legislation to be distinct from existing legislation and programs that support persons with disabilities. The new legislation would not directly affect programs that fall under other pieces of legislation (e.g., Worker's Compensation Benefits) and is meant to complement the federal *Accessible Canada Act*, which came into effect June 2019. The B.C. Government will ensure its legislation is consistent with accessibility legislation in other provinces, such as Nova Scotia, Ontario, Manitoba and Quebec.

Purposes of the Accessibility Legislation

The accessibility legislation in British Columbia sets out the following purposes:

1. **To support** Canada's ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) by promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and by promoting respect for their inherent dignity.
2. **To identify**, remove, and prevent barriers encountered by people with disabilities in their daily lives through the development, implementation, and enforcement of accessibility standards.
3. **To allow** persons with disabilities and other impacted stakeholders in the public and private sectors to work collaboratively towards the timely development of accessibility standards.
4. **To ensure** there are adequate mechanisms in place to track progress on accessibility.
5. **To promote** compatibility with the *Accessible Canada Act* and between federal

and provincial accessibility standards.

The accessibility legislation will ideally allow for the creation of both voluntary accessibility standards as well as mandatory accessibility regulations. Accessibility legislation would allow the Government of British Columbia to adopt standards as binding regulations in part or in whole.

Incentives for Individuals and Organizations

British Columbia's accessibility legislation may allow for the creation of incentives to help individuals and organizations comply with legislation and standards.

Incentives may include:

- Creation of provincial accessibility awards program to share exemplary practices and celebrate the accomplishments of accessibility leaders
- Funding programs to help individuals and organizations become accessibility leaders
- Financial incentives for accessibility leaders
- Reduced reporting requirements for individuals and organizations that show accessibility leadership

Compliance Measures

Accessibility legislation would introduce measures to ensure individuals and public and private organizations are compliant with the legislation. Measures under consideration include:

- Accessibility plans and progress reports prepared in consultation with people with disabilities;
- Creation of new channels for employees, customers, or members of the public to provide feedback about accessibility; and/or,
- Creation of community hubs offering tools, resources and training to support accessibility.

Enforcement of Accessibility Legislation

Consistent with the approach taken elsewhere in Canada, the Government of British Columbia would look to ensure there are appropriate measures in place to enforce accessibility legislation. Primary focus would be on providing supports and incentives and building awareness. Enforcement measures could be available in case of non-compliance and could include:

- Accessibility inspections
- Mediation
- Publication of information about known barriers to accessibility
- Monetary penalties

For instance, the monetary penalties in other Canadian jurisdictions range from a maximum of \$7,000 to \$250,000. Additionally, other jurisdictions require periodic legislative reviews from an independent person outlining the progress that has been made to implement the legislation standards. The frequency of initial reviews range from 4-5 years and subsequent reviews from 3-10 years, in other jurisdictions.

Conclusion

If passed, employers in both public and private sectors can expect the accessibility legislation in British Columbia to affect their business. Employers may want to start

thinking about the creation of voluntary accessibility standards, such that they are in line with the mandatory accessibility regulations on the horizon.

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