PRINT PAGE 1

# AEBC

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Alliance for Equality of Blind Canadians/

L’alliance pour l’Égalité des Personnes Aveugles du Canada

Brief to

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities/

Comité permanent des ressources humaines, du développement des compétences, du développement social et de la condition des personnes handicapées

Concerning

Review of Bill C-81: An Act to Ensure a Barrier-Free Canada

PRINT PAGE 2

The Alliance for Equality of Blind Canadians (AEBC) respectfully submits the following position concerning Bill C-81, An Act to Ensure a Barrier-Free Canada (the Accessible Canada Act). AEBC commends the government for putting forward such an historic piece of legislation. It has the potential to truly change the lives of not only people with disabilities but also the people who care for them. This being said, in reviewing the legislation, AEBC noted several areas wherein the Act does not seem to fulfill its stated intention, thus not meeting the will of Parliament to empower people with disabilities. AEBC believes the recommendations below, if supported, will improve the lives of blind, deafblind and partially sighted Canadians.

AEBC Recommendations

Amend the Act to add a Disability Lens, which shall be applied prior to the development of any new policy, program and legislation. It should be an integral factor in the distribution of transfer payments and the awarding of all contracts, grants and contributions, such that no federal funds of any type will be used to create or perpetuate barriers to the full participation of persons with disabilities in Canadian society. Many departments administer legislation that is, in and of itself, a barrier for blind, deafblind or partially sighted individuals who wish to interact with these departments. A prime example of this is the Canada Revenue Agency and its administration of the Canadian Income Tax Act. The requirement of a disability lens would ensure that current legislation is amended to remove such barriers and future legislation is created without adding new ones. The current draft document concerning regulations in accessible

PRINT PAGE 3

transportation would clearly have benefited from the application of a disability lens, to ensure they were based on principles of inclusion and human rights, instead of being a continuation of the old medical accommodation model, which continues to create Barriers for individuals with disabilities when they try to travel.

The Accessible Canada Act needs to require that information from all obligated entities is always communicated in the preferred format of the individual with a disability who requests it. Preferred formats must include but are not limited to: Braille, large print, accessible electronic text, digital audio, etc. Each government department should have a dedicated employee who has the resources to ensure documents are web-ready and therefore easily converted into whatever format is requested.

The Act does not embrace integration of blind, deafblind and partially sighted Canadians in the design and development of digital communications. Nor at present does it allow blind, deafblind and partially sighted Canadians to participate in society as long as inaccessible processes, online tools, and hiring practices continue. For example, if the Act were to pass as written, the following barriers would remain: the lack of a disability lens being required as part of the procurement process; the implementation of inaccessible digital infrastructure and the continuation of inaccessible digital communications. The Act needs to be amended to require the federal government and all obligated entities to implement accessible processes and hiring practices, digital infrastructure and communications policies that will enable blind, deafblind and partially sighted Canadians to obtain meaningful employment.

The Act must make provision for enforcement other than by complaints, and must also make it possible for people with disabilities to get help without having to lodge a formal complaint and enter into the adversarial process. In order to file a complaint, blind, deafblind and partially sighted

PRINT PAGE 4

individuals will require human resources as well as legal and financial support. A legal aid support system or advisory group must be made available for people with disabilities to support them in filing their complaints. In addition, and to ensure complete understanding of each complaint, all formal complaints must have a temporary adjudicator with a similar disability. The Accessibility Commissioner must be required to track all complaints, so that a permanent record of time periods and outcomes can exist to inform future actions. By following these recommendations, the government can truly keep its promises to embrace the "nothing about us, without us" principle.

Consolidate all of the Act's enforcement in the Accessibility Commissioner, rather than empowering several federal regulatory agencies. Neither the CRTC nor the CTA have proven their ability to consider the needs of people with disabilities seriously in the past and there is no reason to believe that granting these agencies additional powers will improve their track record.

The Act must also ensure that funding is available to the blind, deafblind and partially sighted community to permit us to participate in any and all the consultations required therein.

The Act must deal with the cost of Disability by overhauling payment mechanisms such as the Canada Pension Plan. The Act should include the launch of a Guaranteed Basic Income Program which would succeed in raising people with disabilities out of poverty. Too many people with disabilities are not able to find gainful employment either due to the level of their disability or to the lack of willingness of employers to hire people with those particular disabilities. In addition, the Act should establish a tax-free Disability Allowance, to cover the extra cost of disability including the purchase of adaptive devices and technology such as refreshable Braille displays, which can cost up to $7,000, as well as other disability supports and services, including but not limited to extra costs for accessible transportation, particularly in small towns and rural areas,

PRINT PAGE 5

interveners for people who are deafblind, readers for those not computer literate, guiding services, and assistance in filling out inaccessible forms.

Section 42 must be expanded to ensure that foreign broadcast entities, from the United States, Europe and elsewhere, who wish to distribute their content to Canadians, must be covered by the Act and therefore must adhere to Canadian accessibility requirements. Companies such as Netflix and Amazon Prime, as well as any company broadcasting over the internet, need to be held accountable for accessibility if they are broadcasting to Canadians. Therefore, the Act needs to include the ability to hold these entities accountable.

Finally, we would like to ask for clarification of the following: “Purpose of penalty: 78 The purpose of a penalty is to promote compliance with this Act and not to punish.” It appears to us that it is a commitment to not enforce the Act vigorously.

In addition to our own recommendations, we wish to endorse recommendations already put forward in other submissions. As noted by Arch Disability Law Centre, the word “may” is used throughout the Act as opposed to “shall” or “must” which weakens the aims and impact of the Act. AEBC believes that some obligated organizations will choose not to implement the Act fully, to the detriment of people with disabilities, including blind, deafblind and partially sighted Canadians. Furthermore, as the AODA Alliance has already pointed out, the Act is replete with ministerial and organizational exemptions which will preclude the achievement of a barrier-free Canada. No section of the Act provides a mechanism that allows the disability community to object to or challenge an exemption. Moreover, neither the Minister nor the sectoral bodies such as the Canadian Radio-television and Telecommunications Commission and the Canadian Transportation Agency are required to consult with interest groups or the Accessibility Commissioner to determine if the exemptions are appropriate. We are also of the view that

PRINT PAGE 6

there should be specific provisions for Aboriginal peoples with disabilities, as they are one of the most vulnerable communities in Canada who have continuously faced challenges in the provision of services and in employment. The [Federal Accessibility Legislation Alliance](https://www.include-me.ca/) have noted “Specific timelines for: (a) achieving a barrier-free Canada in areas of federal jurisdiction, and (b) the development, implementation, enforcement, and reporting on progress on implementing standards and regulations must be set in the new legislation.” The purpose of the Act must be made more explicit--areas such as banking, elections, health and immigration, at minimum, must be included in the list of priority areas. Their inclusion in the Act should not be left to chance as part of Section 117. The Act should specify that existing standards such as the Canadian Standards Association’s (CSA’s) CAN/CSA-B651-12 (R2017), Accessible Design for the Built Environment and CAN/CSA-B651.2-07 (R2017), Accessible design for selfservice interactive devices, and the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.1, as amended from time to time, should be given the effect of regulations by the Governor in Council. These resulting regulations could begin to make an immediate difference in the lives of people with disabilities. AEBC also supports the opinion that the Government of Canada must recognize Sign Languages in Canada, including American Sign Language (ASL), Langue des Signes Québécoise (LSQ) and the Indigenous Sign Languages (ISL) as official languages of the deaf community.

In conclusion, AEBC urges all Members of Parliament to work together to rapidly pass this important bill, so that it takes effect in the first half of 2019. We trust that, together, you will strengthen the bill and include recommendations made by persons with disabilities, such as those contained in our brief, as we will be the ones whose lives it affects every day. We thank you for your time and consideration.

PRINT PAGE 7

The Alliance for Equality of Blind Canadians/L’alliance pour L’égalité des Personnes Aveugles du Canada (AEBC) is a national grassroots, peer support organization whose members collaborate with all levels of government and businesses to level the playing field for Canadians who are blind, deafblind or partially sighted. Since 1992, AEBC members have been participating in working groups and committees at the national, provincial and municipal levels and continue to advocate for equality in the manner in which organizations and businesses deliver products, programs and services across Canada. For more information, please visit our website, http://www.blindcanadians.ca.

Summary of Recommendations

BEGIN LIST:

1. Add a Disability Lens.

2. Require provision of information in requested alternate formats.

3. Include accessibility in all digital infrastructure.

4. Provide enforcement mechanism other than complaints.

5. Consolidate enforcement in the office of the Accessibility Commissioner.

6. Provide funding to allow people with disabilities to participate in consultations.

7. Launch a guaranteed basic income program.

8. Establish a tax-free cost of disability allowance.

9. Require foreign broadcasters to be covered by the Act.

10. Replace the word “may” with stronger words such as “shall” or “must’ to ensure that the Act achieves its goals.

PRINT PAGE 8

11. Require consultation with persons with disabilities before an exemption can be granted.

12. Ensure that Aboriginal peoples with disabilities are included as beneficiaries of the Act.

13. Add specific timelines in all areas of the Act.

14. Expand the list of priority areas in the Purpose of the Act.

15. Incorporate existing accessibility standards into the Act.

16. Recognize sign languages in Canada as official languages of the deaf community.

END LIST.

END OF FILE 1 OF 1.