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# QUÉBEC ACCESSIBLE

## Brief on Bill C-81: An Act to ensure a Barrier-free Canada

**Submitted to the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (HUMA)**

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### About Québec Accessible

Founded in 2015, Quebec Accessible is a grassroots initiative advocating for a strong provincial accessibility law in Quebec to remove and prevent barriers facing people with disabilities.

### Recommendations to Strengthen Bill C-81

Québec Accessible commends the federal government for proposing Bill C-81, An *Act to ensure a Barrier-free Canada*. This bill represents a significant step forward for the disability community in Canada. If adopted, Bill C-81 could go a long way in reducing and preventing barriers facing people with disabilities throughout the country.

However, Québec Accessible is concerned about certain aspects of the bill. In particular, we are concerned about: 1) the bill’s lack of timelines; 2) the use of permissive language; 3) the splintering of the complaints process; 4) the inclusion of broad exemptions powers; 5) the failure to recognize sign languages; and 6) the failure to address barriers facing Indigenous people with disabilities. These issues could be resolved by adhering to [Québec Accessible’s Twelve Principles for the Development of Strong Accessibility Legislation](http://www.quebec-accessible.ca/en/index.php/about-us/principles/), which are included in the Appendix.

#### 1. Timelines

As written, Bill C-81 does not include dates or timelines for achieving a barrier-free Canada, or for implementing key requirements such as adopting accessibility standards. Timelines are essential to ensure that progress in improving accessibility can be measured against specific benchmarks.

#### Recommendations:

Bill C-81 should be amended to include a timeline for achieving its purpose of creating a barrier-free Canada. Timelines should also be added for the development and adoption of accessibility standards in the areas of employment, the built environment, information and communication technologies, the procurement of goods and services, the delivery of programs and services, and transportation.

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#### 2. Permissive Language

Bill C-81 gives certain bodies the power to do certain things to improve accessibility, but it doesn’t *require* them to do those things. This is because many provisions in the bill use permissive language (“may”) instead of using the word “shall”. For example, the bill gives the government the power to make accessibility standards into regulations (s.117), but it doesn’t oblige the government to do so. Without stronger language, there’s a risk that the government may never use this power.

#### Recommendations:

The permissive language in key sections of the bill should be amended to replace the word “may” with “shall”. Key sections include: ss.4; 16; 75(1); 93; 95; 111(1) and 117. It is particularly important to replace the permissive language in section 16 to ensure that the federal Minister coordinates accessibility efforts with the provinces and territories.

#### 3. Complaints Process

Instead of designating one central agency to oversee compliance and adjudicate accessibility complaints, Bill C-81 designates multiple agencies: the Canadian Human Rights Commission (CHRC), the Canadian Radio-television and Telecommunications Commission (CTRC), the Canadian Transportation Agency (CTA), and the Federal Public Sector Labour Relations and Employment Board. This splintered approach will create confusion since people with disabilities won’t know where to turn to have their accessibility complaints addressed. It could also lead to uneven enforcement since different agencies may adopt different approaches to adjudicating complaints.

#### Recommendations:

Bill C-81 should designate one central, independent agency (such as the Canadian Human Rights Commission) to handle all accessibility complaints. If the current splintered approach to complaints is maintained, the bill should be amended to ensure that all agencies involved in handling complaints have equivalent powers to investigate potential violations and issue strong remedies. These agencies should be required to adopt identical and straightforward complaints procedures written in plain language.

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#### 4. Exemptions

Bill-81 allows the Minister, the CRTC and the CTA to exempt regulated entities from complying with accessibility requirements. For example, regulated entities can be exempted from having to prepare and publish accessibility plans, feedback processes, and progress reports. These broad exemption powers significantly weaken the bill.

#### Recommendations:

The exemptions in the bill should be removed. If the exemptions are maintained, the bill should be amended to ensure that they are limited in their scope and duration and are periodically reviewed to determine whether they are still justified. The exemption process must be transparent; the reasons for the exemptions must be made public, and the public must have the opportunity to give their feedback.

#### 5. Sign Languages

The bill doesn’t currently make any reference to the use of sign languages. American Sign Language (ASL), Quebec Sign Language (QSL) and Indigenous sign languages are the means by which Deaf people communicate. These languages are also an integral part of Deaf culture and identify. Bill C-81 must therefore recognize these languages as the official languages of the Deaf community.

#### Recommendations:

Bill C-81 should be amended to include a provision that explicitly recognizes ASL, QSL and Indigenous sign languages as the official languages of the Deaf community in Canada.

#### 6. Indigenous People with Disabilities

Bill C-81 does not specifically target the many barriers facing Indigenous people with disabilities. This glaring omission must be addressed.

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#### Recommendations:

The government must work with Indigenous communities to determine how best to address the barriers facing people with disabilities, and Bill C- 81 must be amended accordingly.

### Support for Briefs Submitted by Other Disability Organizations

Quebec Accessible supports the recommendations contained in the briefs submitted to this Committee by the ARCH Disability Law Centre, the AODA Alliance, and the Federal Accessibility Legislation Alliance (FALA).

### Conclusion

Quebec Accessible hopes the government will implement these recommendations in order to strengthen Bill C-81. We look forward to collaborating with the government to create a more inclusive and accessible Canada for all people with disabilities.

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### APPENDIX:

[Québec Accessible’s Twelve Principles for the Development of Strong Accessibility Legislation](http://www.quebec-accessible.ca/en/index.php/about-us/principles/)

#### 1) Goal and Deadline

The goal of the new law should be to create a fully accessible province by a specific deadline through the identification, removal and prevention of barriers facing people with disabilities.

#### 2) Scope

The law must apply to all public- and private-sector organizations, including not-for-profit organizations.

The law must cover all types of disabilities, including physical, sensory, cognitive, communicational and mental health disabilities, whether they are visible, invisible, permanent, temporary or episodic.

Barriers are anything that prevents people with disabilities from fully participating in all aspects of society, including physical, attitudinal, structural, legal, informational, communicational, technological and other obstacles.

#### 3) Standards

The law must include detailed accessibility standards in all areas where barriers exist, including transportation, the built environment (buildings), communications, employment, customer service, education, health and social services and housing. The standards must include timelines for their implementation.

#### 4) Enforcement

The law must be proactively enforced by an independent body. This body must conduct inspections and impose significant monetary penalties for non-compliance. It must be adequately resourced and include people with disabilities. Information about enforcement activities must be made public, including information about any penalties imposed.

Individuals must also be able to file complaints regarding non-compliance with the law.

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#### 5) Public Reviews

The law must require an independent person to be appointed to review the law’s effectiveness every four years. These reviews must entail public consultations, including consultations with people with disabilities.

#### 6) Participation of People with Disabilities

People with disabilities must participate in every stage of the law’s development and implementation. They must set the priorities and goals for accessibility standards.

#### 7) Municipal Accessibility Committees

The law must require each municipality to create an Accessibility Committee composed primarily of people with disabilities. City councils must consult their Accessibility Committees regarding the implementation of accessibility requirements.

#### 8) Other Laws and Policies

The law must require the government to review all existing laws and policies to identify and remove any barriers within a specified time.

The law must also require the government to review all future legislation and regulations before they are enacted to ensure they don’t create any new barriers.

The law must provide the maximum protection to people with disabilities. It must not reduce any rights they enjoy under other legislation, regulations or policies. The strongest provisions on accessibility must always prevail.

#### 9) Public Funding

The law must ensure that public money isn’t used to maintain or create barriers. Public funding (including transfer payments, subsidies, loan or grants) must only be available to organizations that comply with accessibility requirements.

#### 10) Public Education

The law must require the government to provide public education, information and resources to help organizations meet their accessibility requirements.

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#### 11) Convention on the Rights of Persons with Disabilities

The law must ensure that Quebec meets its obligations under the United Nations Convention on the Rights of Persons with Disabilities.

#### 12) Intersectional Discrimination

The law must target the multiple (intersectional) forms of discrimination experienced by certain groups of people with disabilities, such as women and members of racialized, Indigenous and LGBTQ communities.

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