



FINAL REPORT

Legal Analysis of Bill C-81

An Act to ensure a barrier-free Canada

October 1, 2018

PLAIN LANGUAGE SUMMARY

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What is the *Accessible Canada Act*?

The Canadian government is working on a new law to help people with disabilities. The government has released a 'Bill,' which is a written idea for a new law. If the Bill becomes a law, the law will be called the *Accessible Canada Act*. In this plain language summary, we will call it the '**Act.**' We have written a report about the *Accessible Canada Act* to help people with disabilities understand what the Act says and what changes they may want to ask for.

The Act only applies to things that the federal government takes care of. For example, the federal government controls transportation on trains and airplanes. It controls broadcasting on television and radio. It also controls the military, voting, and immigration. These are just some examples of where the Act could apply.

What will the *Accessible Canada Act* do?

The Act will help to get rid of barriers that make life harder for people with disabilities.

Many different kinds of barriers affect people with disabilities. Barriers can be physical. An example of a physical barrier is a building that has stairs and no ramp or elevator.

Barriers can be technological. An example of a technological barrier is not having closed captioning for a television show.

Barriers can include negative attitudes that people have about people with disabilities. Negative thoughts or stereotypes about people with disabilities can make other people treat them badly.

The Act will work with current laws protecting people with disabilities against discrimination. Laws that protect against discrimination include the *Charter of Rights and Freedoms* and the *Canadian Human Rights Act*. The *Accessible Canada Act* will not replace these other laws. The Act is being made to give more protection to people with disabilities.

How will the *Accessible Canada Act* work?

The Act will work to get rid of barriers that make life harder for people with disabilities by doing three things.

1. Certain organizations will have to make accessibility plans. These organizations will also have to submit progress reports. That way, the government can make sure the organizations are following their plans.

Plans and progress reports will have to be made public. Organizations will also have to get feedback on their plans and progress reports from people with disabilities.

2. Making accessibility standards that organizations have to follow.

The Act creates a new group called the Canadian Accessibility Standards Development Organization (CASDO). CASDO will make accessibility standards for most organizations. Accessibility standards will tell organizations what they need to do to get rid of barriers.

For transportation, the Canadian Transportation Agency will make accessibility standards. For telecommunications, the Canadian Radio-television and Telecommunications Commission will make accessibility standards.

3. Creating a system to monitor the Act and make sure that it is working to help people with disabilities.

People can make complaints to a special human rights commissioner, called the Accessibility Commissioner. The Accessibility Commissioner will hear complaints about most organizations.

Some complaints cannot be made to the Accessibility Commissioner. These complaints will have to be made to the Canadian Transportation Agency or the Canadian Radio-television and Telecommunications Commission.

Monitoring will help Canada to make changes so it matches what the United Nations says the Government must do for persons with disabilities under the *Convention on the Rights of Persons with Disabilities*.

How can the *Accessible Canada Act* be made better?

ARCH and the people with disabilities we consulted with think that the Act could be made better with the following changes.

- Putting a deadline on when changes need to be made and reported. Without deadlines, people may try to get out of doing what the law says. Deadlines can also help the government to check that the Act is working.
- Using the word 'shall' instead of the word 'may.' 'Shall' means that a person has to do something. 'May' means that a person can do something, but they don't have to. Using 'shall' will make the law stronger and give better protection to people with disabilities.
- Using the words 'persons in Canada' instead of the word 'Canadians.' The word 'Canadians' does not include people who live in Canada, but who are not Canadian citizens. Using 'persons in Canada' will make the law better by including everyone living in Canada.
- Including persons with disabilities in groups that will lead to the creation of accessibility standards. Some groups in CASDO are the leaders in charge of creating standards. The law would be better if it required these groups to include people with disabilities.
- Making sure that the law is the same in all areas. A few organizations are being given the power to make their own rules. This may be confusing.
- Making one place for people to go if they want to complain that an organization is not doing what it is supposed to do to be accessible. Now, the Act creates different ways to make complaints based on the organization a person is complaining about. This means that there would be more than one place to make complaints when a rule is not followed. This can be confusing.

- Include persons with disabilities in monitoring the Government to make sure it makes changes based on what the United Nations says it must do for persons with disabilities. This will help to speed up how quickly changes are made.

What still needs to be done?

Not everyone agrees on what needs to be done to make the Act better.

A committee of Parliament, called HUMA, is now studying the Act. HUMA can tell the government what changes it thinks should be made to the Act.

If you want to tell HUMA what you think about the Act and what changes you would like to see, you can write to:

HUMA@parl.gc.ca

If you cannot write or you need another more accessible way to tell HUMA what you think, you can call the Clerk of the Committee at: 613-996-1542

The deadline for telling HUMA what you think is October 25, 2018.

For more information about HUMA and how to get involved go to:

<http://www.ourcommons.ca/Committees/en/HUMA/StudyActivity?studyActivityId=10268658>