



Briefing Note 2: Bill C-81 – *Accessible Canada Act* Requiring Action to Improve Accessibility

How does Bill C-81 currently address this issue?

Bill C-81 uses language that gives the Government of Canada and federal agencies powers to improve accessibility, but does not require them to use these powers. Bill C-81 uses the permissive language “may” rather than the directive language “shall”.

Why is this concerning?

Since there is no requirement to actually use these new powers, there is no assurance that the Government of Canada and federal agencies will do so. This means there is no guarantee that Bill C-81 will advance accessibility in Canada.

How should Bill C-81 be changed?

The word “may” must be changed to “shall”. Using the word shall will require the Government of Canada and federal agencies to take action to improve accessibility. In particular:

- Bill C-81 must require accessibility standards to be made in employment, the built environment, information and communication technologies, communication, the procurement of goods, services and facilities, the design and delivery of programs and services, and transportation.
- It must require the Governor in Council to designate a Minister responsible for the legislation.
- It must require the appointment of a Chief Accessibility Officer.
- It must require the federal Minister to coordinate accessibility efforts with the provinces and territories.
- It must require the Accessibility Commissioner to investigate all complaints that fall within its purview.
- It must require the Accessibility Commissioner to make a compliance order every time there are reasonable grounds to believe that an organization is not complying with the *Accessible Canada Act*
- It must require the Accessibility Commissioner to publicize information about violations of the Act. Publicity, together with penalties, will create stronger enforcement and deterrence.

Additional Advocacy Points:

We are asking for changes that would impose a duty on the Government of Canada and federal agencies to use the powers given to them by the *Accessible Canada Act*. Currently, Bill C-81 uses the permissive language “may”, which means that there is no assurance that the law will advance accessibility in Canada. The permissive language “may” needs to be changed to “shall”. This change will significantly strengthen Bill C-81 by making elements that are critical to its success mandatory, not optional.