

First Deadline For Compliance With Accessibility Legislation For Federally Regulated Employees Is Around The Corner



The first deadline for compliance with the *Accessible Canada Act* (ACA) and its regulations is only two and a half months away. By **June 1, 2023**, federally regulated employers¹ that had 100 or more employees in 2021 must comply.

Subsequent compliance deadlines are set out below:

- **By June 1, 2024**, federally regulated employers that had between 10 and 99 employees in 2021, or who were established or became federally regulated in 2022, must comply; and
- **By June 1, 2025**, federally regulated employers that are *established or become federally regulated in 2023* must comply.

Purpose of the ACA

The federal government passed the ACA in 2019 for the benefit of persons with disabilities. Its purpose is to remove existing barriers and to prevent new barriers in employment; the built environment; information and communication technologies; communication other than information and communication technologies; the procurement of goods, services and facilities; the design and delivery of programs and services; and transportation.

Key Definitions

The ACA defines a “barrier” as:

... anything ‘ including anything physical, architectural, technological or attitudinal, anything that is based on information or communications or anything that is the result of a policy or a practice ‘ that hinders the full and equal participation in society of persons with an impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment or a functional limitation.

The ACA defines a “disability” as:

... any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment ' or a functional limitation ' whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person's full and equal participation in society.

Principles of the ACA

The ACA provides that it is to be carried out in recognition of, and in accordance with, the following principles:

1. all persons must be treated with dignity regardless of their disabilities;
2. all persons must have the same opportunity to make for themselves the lives that they are able and wish to have regardless of their disabilities;
3. all persons must have barrier-free access to full and equal participation in society, regardless of their disabilities;
4. all persons must have meaningful options and be free to make their own choices, with support if they desire, regardless of their disabilities;
5. laws, policies, programs, services and structures must take into account the disabilities of persons, the different ways that persons interact with their environments and the multiple and intersecting forms of marginalization and discrimination faced by persons;
6. persons with disabilities must be involved in the development and design of laws, policies, programs, services and structures; and
7. the development and revision of accessibility standards and the making of regulations must be done with the objective of achieving the highest level of accessibility for persons with disabilities.

Accessibility Plan

An employer that is subject to the ACA is required to prepare and publish an initial accessibility plan and update it at least every three years. These tasks must be accomplished in consultation with persons with disabilities. The accessibility plan must explain how persons with disabilities were consulted in its preparation. When preparing or updating an accessibility plan, the employer must take the principles of the ACA into account.

An accessibility plan must address the employer's policies, programs, practices and services pertaining to the identification and removal of barriers, and the prevention of new barriers that would hinder the full and equal participation in society of persons with an impairment.

Employers must:

- make their accessibility plans available upon an appropriate request;
- establish and publish a description of a process for receiving and dealing with feedback about:
 - the manner in which they are implementing their accessibility plans, and
 - the barriers encountered by their employees and other persons that deal with them; and
- prepare and publish a progress report regarding their implementation of their accessibility plans and provide information about the feedback they received and how it was taken into consideration. Preparation of the

progress report must be in consultation with persons with disabilities, and the progress report must set out the manner of consultation.

Compliance with the ACA involves distinct requirements for employers that carry on a broadcasting undertaking,² are Canadian carriers³ or telecommunications service providers,⁴ or are in the transportation network.⁵

Bottom Line for Employers

Federally regulated employers that had 100 or more employees in 2021 should be mindful of their obligation to comply with the requirements of the ACA **by June 1, 2023**. If they have not already done so already, such employers should take all steps necessary to comply with this looming deadline. Other federally regulated employers should also keep in mind the additional June 1, 2024 and June 1, 2025 compliance deadlines noted above.

Footnotes

1. The Government of Canada provides a list of federally regulated industries and workplaces [here](#).

2. As per s. 2(1) of the *Broadcasting Act*.

3. As per s. 2(1) of the *Telecommunications Act*.

4. As per s. 2(1) of the *Telecommunications Act*.

5. *I.e.*, required to comply with the *Canada Transportation Act*.

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