



What's New in HR Law

The *Accessible Canada Act* Creates Federal Accessibility Standards Regime

July 24, 2019

Bottom Line

The federal government's *Accessible Canada Act* (the "ACA"), which came into effect on July 11, 2019, creates a new regulatory regime for establishing and enforcing accessibility standards for federally regulated organizations.

Purpose of the New Act

Similar to the *Accessibility for Ontarians with Disabilities Act* and other provincial accessibility standards legislation, the ACA's purpose is to eliminate barriers to accessibility and inclusion experienced by persons with disabilities. Under the ACA, the federal government is empowered to enact regulations that establish accessibility standards, and set out how federally regulated organizations must identify, remove and prevent barriers to inclusion in the areas of:

- Employment;
- The built environment;
- Information and communication technologies;
- Communication, other than information and communication technologies;

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- The procurement of goods, services and facilities;
- The design and delivery of programs and services;
- Transportation; and
- Other areas designated by regulation.

The ACA also creates a new government agency, the Canadian Accessibility Standards Development Organization, which will be responsible for developing and promoting federal accessibility standards. Accessibility standards will be established by regulation and will be phased in over time. The stated goal is the elimination of all barriers to accessibility in the federal sector by 2040.

Duties of Employers

Federally regulated employers have three primary duties under the ACA, namely:

1. **Accessibility Plans:** Prepare, publish and periodically update an Accessibility Plan, in consultation with persons with disabilities.
2. **Feedback Processes:** Establish processes to receive and address feedback from employees and other persons regarding:
 - i) the employer's implementation of its Accessibility Plan, and
 - ii) any barriers to accessibility encountered by its employees and other persons.
3. **Progress Reports:** Prepare and publish Progress Reports, in consultation with persons with disabilities, regarding the implementation of the employer's Accessibility Plan.

Accessibility Plans and Progress Reports must be published and made available to persons upon request.

The Canadian Radio-television and Telecommunications Commission and the Canadian Transportation Agency may enact regulations governing how Accessibility Plans, Feedback Processes and Progress Reports are to be prepared and/or published by organizations that operate in the broadcasting, telecommunications and transportation industries. No regulations have yet been enacted by these entities.

Complaints and Enforcement

The ACA provides for a formal complaints process and enforcement mechanisms for violations of the ACA. The newly created Accessibility Commissioner has the authority to:

- Conduct investigations, including the power to enter onto private property and order production of documents;
- Issue compliance orders; and
- Impose monetary penalties of up to \$250,000 for contraventions of the ACA.

Individuals who have suffered physical or psychological harm, property damage or economic loss as a result of a contravention of the ACA or its regulations may also be able to claim compensation.

Check the Box

The ACA is now in force. Employers in the federal sector should familiarize themselves with their duties under the ACA. Additionally, employers should keep informed about new accessibility standards as they are developed and issued to ensure they are prepared to adapt to these new requirements.

We will continue to monitor regulatory developments under the ACA and provide further updates as they become available.

Need more information?

For more information, please contact [James Jennings](#) at 416-408-3221, or speak to your regular lawyer at the firm.



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