



What's New in HR Law

Preparing for the *Accessible Canada Act's* Compliance Deadlines

January 30, 2023 | By [Micah Fysh](#)

Bottom Line

Although the Government of Canada passed the *Accessible Canada Act* (the “Act”) in 2019, it did not establish the dates by when federally regulated employers would be required to comply with the new accessibility requirements until 2021.

These compliance deadlines are now approaching for some employers:

- By **June 1, 2023**, federally regulated employers who had 100 or more employees in 2021 must comply with the new requirements of the *Act* and its regulations.
- Federally regulated employers who had between 10 and 99 employees in 2021, or who were established or became federally regulated in 2022, have until **June 1, 2024**, to comply with the *Act's* requirements.
- Federally regulated employers who are established or become federally regulated in 2023 have until **June 1, 2025**, to comply with the *Act*.

This article is for the purposes of only general information and does not constitute legal advice or opinion.

Creating an Accessibility Plan

Employers who are subject to the *Act* must prepare and publish accessibility plans to identify, remove, and prevent barriers in their operations. The *Act* focuses on barriers in employment, the built environment, communication, information and communication technologies, procurement, programs and services, and transportation. The accessibility plan must be consistent with the principles of dignity, access to opportunity, equal participation in society, free choice, and intersectionality.

The accessibility plan must describe the employer's policies, programs, practices, and services in relation to the identification and removal of anything that would hinder the full and equal participation in society of anyone with an impairment (including but not limited to employees, customers, and clients). The accessibility plan must also describe how the employer will prevent new accessibility barriers from arising in the future.

Employers must consult persons with disabilities when creating and updating their accessibility plans. Information about the consultation process must be recorded by the employer in its accessibility plan.

Special requirements apply to broadcasters, Canadian carriers, telecommunications service providers, and employers subject to the *Canada Transportation Act*.

After Creating the Accessibility Plan

Employers must update their accessibility plans at least every three years, in consultation with persons with disabilities.

The *Act* also sets out rules in respect of how members of the public may review and comment on accessibility plans. Employers must make their accessibility plans available to any person on request. Furthermore, employers must create a process for receiving feedback about the implementation of the accessibility plan and the barriers encountered by persons who deal with the employer.

Employers, in consultation with persons with disabilities, must also publish progress reports regarding the implementation of their accessibility plans. These progress reports must be published annually, unless the employer has published a new or updated accessibility plan in that year. The progress report should explain the steps that the employer has taken to implement its accessibility plan, including the feedback received and how it was considered by the employer.

Check the Box

Affected employers should review the new statutory requirements to ensure they understand what is necessary for compliance starting June 2023 (for larger employers) and June 2024 (for other employers).

Larger federally regulated employers should now consider designing their accessibility plans, if they have not already begun this process. Because the *Act* mandates consultation with persons with disabilities, the creation of an accessibility plan may take longer than the creation of other types of policies.

Need More Information?

For more information or assistance with accessibility at the workplace and other workplace human rights issues, contact [Micah Fysh](mailto:mfysh@filion.on.ca) at mfysh@filion.on.ca or your regular lawyer at the firm.



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