



WHY AN ACCESSIBLE ALBERTA ACT?

Companion Brief

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What protections currently exist for Albertans with disabilities?

Alberta's current disability policy exists as a patchwork of legislation made up of...

- Acts addressing specific aspects of accessibility (e.g. the *Service Dogs Act*)
- Acts with a different focus, that contain clauses on how disability affects the administration of that focus (e.g. the *Student Financial Assistance Act*.)

In all, there are 30 current pieces of legislation in Alberta related to disability and accessibility, but no central principles ensuring a consistent approach to accessibility.

The only central principle in Alberta legislation comes from the *Alberta Human Rights Act*, which includes physical and mental disability in its list of prohibited grounds for various types of discrimination. This, however, does not establish an active duty to accommodate, which is quickly becoming the norm.

What is the Accessible Canada Act and what does it mean for Alberta?

2019's *Accessible Canada Act (ACA)* indicates areas in which the federal government plans to create the very unifying standards of accessibility that Alberta legislation currently lacks and creates bodies responsible for developing those standards.

What this means for Alberta is that, as parts of the Act come into effect, facilities and services in Alberta that fall under federal jurisdiction (i.e. radio, television, airports, Air Canada planes, etc.) will be governed by those standards, while areas of provincial jurisdiction and the private sector will not.

What have other provinces done?

Several provinces have enacted, or are in the process of developing, legislation similar to the ACA, but governing their provincial and private sectors.

Ontario was the first to pass provincial legislation. The *Accessibility for Ontarians with Disabilities Act (AODA)* has served as a model for both the ACA and all following provincial accessibility legislation.

Since the AODA passed in 2005, Manitoba and Nova Scotia have passed similar acts, and British Columbia recently finished a public consultation to inform development of its own act.

The federal government has voiced a hope that the remaining provinces will follow suit in legislating at least the same level of standards as those established under the ACA. Doing so would not only solidify protections for people with disabilities, and make them more permanent and dependable, but also ensure a consistent, predictable experience for the public across areas of private, provincial, and federal authority.

What standards have been set?

With very few exceptions, the ACA and existing provincial legislation largely agree on seven major areas of concern:

- Information and Communications
- Employment
- Transportation
- Design of Built Environments
- Customer Service / Access to Goods and Services
- Healthcare
- Education

While each act deals with the development of individual standards in these areas differently, it is widely agreed that these are areas accessibility legislation ought to address.

Are there other options?

There is a case to be made for reform to existing policy could provide similar levels of protection for Albertans with disabilities. However, as mentioned previously, there are many existing pieces of legislation that would need to be put through this (already lengthy) process.

A less costly, more efficient remedy is modelled in Nova Scotia's *Accessibility Act*, the preamble of which states that, in areas of perceived contradiction, this Accessibility Act supersedes all previous law, unless that law guarantees a higher standard of care and accommodation.

Employing a similar clause in a potential Alberta act could solve several problems, including...

- Avoiding confusion around how different laws interact (which has been an issue with the Ontario and Manitoba legislation.)
- Preserving "good" laws that deal with highly specific issues, or that satisfy modern standards, keeping them in effect.
- Overriding numerous outdated standards at once without having to change each individually.

So, What Now?

In the spring of 2020, a coalition between the Calgary Ability Network, Voice of Albertans with Disabilities, and the Alberta Human Rights Commission launched an *Accessibility Legislation Advisory Group* (ALAG) to determine the best path forward to advance the concept of Alberta having its own accessibility legislation. This document, and its larger companion, are the groundwork of that project. On August 21, 2020, the ALAG will be hosting an expert panel webinar to discuss the merits of a potential made in Alberta Accessible Alberta Act.

We encourage interested parties to attend the webinar and to engage their elected representatives in this conversation.