

It's time...  
for a barrier-free Manitoba.

Report of the Second Review of  
The Accessibility for Manitobans Act

Sarah Lugtig Riezebos

Reviewer

July 2023

This document is available in alternate formats, by request.

Please contact the Manitoba Accessibility Office at [mao@gov.mb.ca](mailto:mao@gov.mb.ca) or 204-945-7613.

## Land Acknowledgement

I would like to acknowledge that this review was conducted in the province of Manitoba on the territories of Treaties 1 through 10 --- which were made more than a century ago as a foundation for ongoing relationships among sovereign peoples. Manitoba is also located on the ancestral lands of the Ojibway, Cree, Ojibway-Cree, Dakota, Dene, and Inuit and on the homeland of the Red River Métis. In light of this history and an understanding of our rights, roles and responsibilities under the treaties, may we dedicate ourselves to moving forward in the spirit of partnership, collaboration, and reconciliation, as we learn together and contemplate the possibilities that lay ahead.<sup>1</sup>

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<sup>1</sup> This acknowledgement was inspired by the guidance on Trent University's webpage: [How to do a Land Acknowledgment - Teaching & Learning - Trent University](#).

July 2023

The Honourable Rochelle Squires  
Minister responsible for Accessibility  
Legislative Building  
Winnipeg, MB R3C 0V8

Dear Minister,

I am pleased to provide you with my report of the findings and recommendations from the second review of The Accessibility for Manitobans Act, as required under section 39 of the Act and the Terms of Reference for the review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'SJR', is placed on a light grey rectangular background.

Sarah Lugtig Riezebos  
Reviewer

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## Introduction

The Honourable Rochelle Squires, Manitoba's Minister responsible for Accessibility (the minister), selected me earlier this year to lead a review of The Accessibility for Manitobans Act (the Act). The Act requires a review of its effectiveness every five years. I consider it an honour to lead the review and hope it supports the work many people are already doing to make Manitoba more accessible.

The Act became law in December 2013. It provides a process to prevent and remove barriers that prevent people with disabilities (referred to in this report as people disabled by barriers) from participating on an equal basis in our society. Preventing and removing barriers also improves experiences for many other Manitobans and visitors to our province.

Barriers can take many forms. They can relate to how a building or outdoor place is designed, like when stairs block an entrance to you if you use a wheelchair or walker. They can be attitude-related, like when a supervisor reacts negatively or requires irrelevant health information before addressing a barrier in your workplace. Barriers can affect how we use a computer or obtain information and they can be found in, or supported by, a law or a policy.

In the pages that follow, I will cover the following topics:

- The purpose or goal of the Act
- How the Act accomplishes its purpose
- My perspective as a reviewer
- Activities to review the Act's effectiveness
- Findings from the review
- Recommendations from the review
- Suggestions when planning the next review

If you are not aware of the Act or are unsure what your rights or responsibilities are under it, you are not alone. I find that progress has been made on setting up the regulatory scheme that the Act envisions, but the scheme is not reaching its potential and its impact has been limited. Government leadership from the top, long-term planning and a lot more resources are needed in order for Manitobans to know about their rights and responsibilities under the Act and to exercise them or carry them out.

Accessibility matters to all of us. We and our loved ones either face disabling barriers now or can expect to later in life. Recent surveys show that we care about accessibility and want an accessible Manitoba. We understand that it is essential to our economy and our quality of life. It's time to equip Manitoba's accessibility scheme for success!

The purpose or goal of the Act

To assess the Act's effectiveness requires understanding its purpose or goal.

Removing barriers, achieving accessibility

In section 2<sup>2</sup>, the Act describes its purpose as “to achieve accessibility” by “preventing and removing barriers that disable people” with respect to the following areas:

- employment;
- accommodation;
- the built environment, including facilities, buildings, structures and premises, and public transportation and transportation infrastructure;
- the delivery and receipt of goods, services and information;
- any other activity or undertaking set out in the regulations made under the Act.

A barrier is defined in section 1 of the Act as anything that, “for a person who has a physical, mental, intellectual or sensory disability...interacts with that disability in a way that may hinder the person's full and effective participation in society on an equal basis.”

Significant progress by 2023

Not only does the Act require that Manitoba become accessible, it intended that significant progress be made within the first ten years after the Act became a law. Subsection 8(4) requires that the terms of reference for standards made under the Act enable “significant progress towards achieving accessibility” by 2023.

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<sup>2</sup> When talking about a law like The Accessibility for Manitobans Act, the word “section” means a numbered paragraph in the law that set out the rule or rules on a topic. If a section contains more than one sentence, each sentence will usually be split out on its own and called a subsection. I have copied section 23 of the Act below to show what I mean. All of the sentences together are section 23. The sentences making it up are subsection 23(1) and subsection 23 (2).

### **Appointment of inspectors**

**23(1)** The minister may appoint any person as an inspector for the purpose of this Act.

### **Designation**

**23(2)** The minister may designate a person or class of persons to act as an inspector in relation to any matter referred to in the designation, on such terms as the minister may specify.



## Comprehensive human rights protection

The goal underneath the Act's purpose is to provide comprehensive protection for the rights of people disabled by barriers to equality and to be free from discrimination. Both the Canadian Charter of Rights and Freedoms (the Charter), which is part of Canada's Constitution, and the Manitoba Human Rights Code protect this basic human right. These laws take precedence over other laws because human rights are universal and come with being a human being. We are born with our human rights and they cannot be taken away. We also all benefit equally from our human rights, regardless of personal characteristics such as ancestry, gender or disability.

The definition of barrier reflects the human rights purpose of the Act. It covers things, policies and practices that discriminate against people on the basis of disability. The preamble or opening statement of the Act also points to the human rights purpose. It recognizes the existing protections for people disabled by barriers in the United Nations Convention on the Rights of Persons with Disabilities (the convention) and section 15 of the Charter. It further states that

ensuring accessibility for Manitobans requires a comprehensive and active approach that complements The Human Rights Code.

## A human rights approach to understanding disability

Because the Act is a human rights law, it requires a human rights approach to understanding disability. The people who worked on and wrote the convention adopted this approach and both the United Nations and Canadian courts and human rights tribunals apply it. It views physical or mental impairment as an inescapable part of being human and notes that the problems people with impairments face are not caused by their impairments. They are caused by designing our world mostly to meet the needs of those who do not have impairments, which results in obstacles for those who do. These obstacles result in unequal treatment and outcomes for the people disabled by them. This is a human rights violation.<sup>4</sup>

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<sup>3</sup> For a discussion of the legal approach to identifying discrimination under the Constitution and under provincial human rights laws, please refer to the following cases: *Fraser v. Canada (Attorney General)*, 2020 SCC 28 (CanLII) at paragraph 27 and *Stewart v. Elk Valley Coal Corp.*, 2017 SCC 30 (CanLII), [2017] 1 SCR 591 at paragraph 24.

<sup>4</sup>For further information about the United Nations' application of the human rights approach, please go to the following website: [OHCHR and the rights of persons with disabilities | OHCHR](#).

The human rights approach rejects the “medical” and “charitable” models of disability. The medical model of disability “views disability as a health condition that needs to be fixed or cured. Under this model, persons with disabilities are not seen as rights holders.” In a related way, the charity model of disability “views disability as a burden or a ‘problem’ that persons without disabilities must solve. This approach depicts persons with disabilities as being objects of charity and pity, perpetuating negative attitudes and stereotypes.”<sup>5</sup>

The medical and charitable models of disability have their roots in the treatment of people disabled by barriers throughout history. People disabled by barriers have for centuries, at least in European and colonial societies, experienced abuse, neglect, exclusion, marginalization and discrimination. People disabled by barriers have been forced to live in institutions, sterilized without their consent and blocked from entering our country. Barriers have prevented the people disabled by them from getting an education or a good job or participating in many activities that others take for granted.<sup>6</sup>

The impact of this history and resulting beliefs and attitudes persist today. Manitobans who are disabled by barriers continue to get less education, face higher unemployment rates, have lower incomes and live in poorer quality and less affordable housing. In fact, “disability” continues to be the most frequently cited ground of discrimination in complaints made to the Manitoba Human Rights Commission under the Manitoba Human Rights Code. In addition, Manitobans disabled by barriers often experience discrimination based on other characteristics protected under the Human Rights Code, such race, sex, sexual orientation or age.<sup>7</sup>

The attitudes and behaviours that have grown from the medical and charitable models and the resulting discrimination that the Act addresses are often called “ableism”. As Inclusion Canada explains as part of its campaign “This is Ableism”, “[a]bleism is the belief that it is ‘normal’ to not have a disability and that ‘normal’ is preferred. It’s discrimination on the basis of disability.”<sup>8</sup>

The website for the Government of Canada’s accessibility scheme explains that ableism can be “both intentional and unintentional”. An example of intentional ableism is “treating a person with a disability as if they are incapable or unintelligent”. Unintentional ableism “can be just as harmful” and includes things like “creating documents or other

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<sup>5</sup>[Quoted from the following document, at page 3: Disability-Inclusive Language Guidelines - UN Geneva.](#)

<sup>6</sup> Please refer to page 3 of the following document: [Policy on ableism and discrimination based on disability \(ohrc.on.ca\)](#)

<sup>7</sup> These observations are supported by the written comments from the Manitoba Human Rights Commission for this review, which will be posed online on the commission’s website shortly.

<sup>8</sup> [This is Ableism – Inclusion Canada](#)

materials that look nice but are inaccessible to persons with seeing disabilities” and “planning events where some persons with disabilities cannot participate comfortably or safely”.<sup>9</sup>

A human rights approach is vital to understanding the Act’s purpose and ensuring that it has its intended impact. It helps us remain focused on a better future where accessibility is the norm. As the accessibility principles in subsection 2(2) of the Act state, an accessible Manitoba provides barrier-free access to places, events, functions, opportunity and outcomes. It does this in a manner that does not establish or perpetuate differences based on a person's disability. In an accessible Manitoba, people and organizations that are responsible for creating barriers or causing them to continue are responsible for actively identifying, removing and preventing them.

## How the Act achieves its purpose

As described in more detail in this section, the Act intends to achieve its purpose through setting up an enforceable and far-reaching regulatory scheme. This is similar to other provincial government schemes like the one for workplace safety and health.

In addition to adopting a human rights approach, it is important to remember what this scheme is and why it was chosen. The Act is intended to provide a comprehensive approach to achieving accessibility for people disabled by barriers. It is an approach that complements other systems for combatting discrimination. We need this regulatory scheme because discrimination based on disability, referred to in the Act as “barriers”, is so widespread and persistent. We also need it because people and organizations are not aware of the barriers they may be creating or causing to continue. They need help in identifying them and adopting solutions. Setting out standards under the Act is an effective way to identify key barriers in particular areas of activity. It also tells organizations what they need to do to prevent barriers or to remove and replace them.

## Obligation to have an accessibility plan

A key feature of the Act is its requirement for the provincial government and most government-related organizations to make and publish accessibility plans. The Act calls these organizations “public sector bodies”. Examples include municipalities and school divisions. They must update and publish their plans every two years and consult people disabled by barriers and organizations of people disabled by barriers when developing and updating their plans.

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<sup>9</sup> [Annex: Inclusive language considerations - Canada.ca](#)

An accessibility plan must report on the measures the public body has taken and will take to identify, prevent and remove barriers that disable people. It must also describe the measures in place to figure out if new actions and policies are accessible.

#### Process to create accessibility standards

The Act sets out a process to create regulations called accessibility standards. A regulation is a more detailed law that the government can make to carry out the goals of a law passed by the legislature (our elected politicians).

An accessibility standard (standard) identifies barriers that disable people in a particular area of activity, such as customer service, employment or transportation, and the solutions that must be put in place. Organizations that are covered by a standard are required to adopt these solutions.

Under the Act, the Accessibility Advisory Council (the council) is responsible for recommending what goes into a standard. The council's members include people disabled by barriers and people involved with affected organizations, like municipalities, private businesses and school divisions.

The starting point for a standard is its terms of reference. This is a document the minister gives to the council and posts online. It sets out in a general way who and what the standard must and must not cover.

The council usually appoints a special committee called a standard development committee to help it develop its recommendations. The committee's members know a lot about the area covered by the standard and the common barriers in that area.

In developing its recommendations, the council consults people disabled by barriers, affected organizations and many others. It then submits a final version of the recommendations to the minister.

The minister reviews the council's recommendations and decides what to include, change or leave out when creating the standard in the form of a regulation. The council's recommendations and a draft standard must then be posted online for feedback from the public. The minister reviews the public's comments with the council and prepares the final version of the standard to be passed by the government.

Until now, each standard has generally come into effect for different kinds of organizations at different times. It applies to the Manitoba government first, a year after the standard is made. Other public sector bodies except for smaller municipalities come

next the following year. All other affected organizations that have at least one employee, including smaller municipalities, follow a year later.

Following this pattern, there are now three standards in place:

- the Customer Services Standard, which has been in effect for all affected organizations since November 1, 2018;
- the Accessible Employment Standard, which has been in effect for all affected organizations since May 1, 2022; and
- the Accessible Information and Communication Standard, which came into effect for the Manitoba government on May 1, 2023. It will come to cover the other affected organizations over the upcoming two years.

A fourth standard, the Accessible Transportation Standard, is close to being presented to the government to be passed and will have a different timeline. The government is currently writing up a fifth standard based on recommendations provided by the council. It would cover the design of public spaces.

Minister's responsibilities and the Manitoba Accessibility Office

The minister is responsible under the Act for the following:

- raising awareness about barriers;
- promoting the removal and prevention of barriers;
- overseeing the development of standards and that they are followed;
- making sure people disabled by barriers and affected organizations are consulted when required.

Each year, the minister must also publish a plan and a report on the minister's and the council's activities under the Act.

The Manitoba Accessibility Office (the accessibility office) is the main government office that supports the minister with this work. A unit within the department of Families helps to prepare the standards to be passed by the government in the form of regulations. When the Act refers to the minister, it recognizes that the minister often acts through these and other government employees. Lawyers who work for the department of Manitoba Justice draft or write up the regulation that contains the standard, working closely with the minister's representatives.

## Application and enforcement of the Act

A director is appointed under the Act to administer the Act, exercise certain powers to ensure that organizations follow the Act and advise the minister about the administration of the Act. The Deputy Minister of Families (deputy minister) currently holds this position.

The Act also provides for enforcement measures that are common in other provincial government schemes. These include inspections, orders to organizations to follow the Act or standards, monetary penalties for failing to follow the Act or standards and prosecutions in court for violating the Act or standards.

## Regular reviews

Finally, both the Act itself and each standard must go through a review every five years. The minister appoints a person to review the Act. The council leads the review of a standard.

## My perspective as a reviewer

It is often helpful to know the perspective of the person who has written a report like this.

I come to this review without lived experience as a person disabled by barriers. The only discrimination I have faced in my life has been limited and has been based on my gender. Working on this review, I became very aware of how conditioned I am to be unconsciously ableist in my thinking and action. This is mostly due to lack of experience and knowledge about the full range of barriers that exist. I want to emphasize this. I believe almost all Manitobans are strongly conditioned in this way, especially if they do not have physical or mental impairments. Recognizing our ableism is important to carrying out our responsibilities under the Act.

I am also a former human rights lawyer and community advocate. From this, I know that we would not have The Accessibility for Manitobans Act or other human rights protections for people disabled by barriers without decades of advocacy by people disabled by barriers. For people new to the Act, accessibility may seem like something new. For many people disabled by barriers, the struggle to have an accessible Manitoba has been a very long, frustrating and unjust battle.

I also am leading this review recently retired from a career working both in and outside the Manitoba government on social policy, law and legislation in a range of areas. I have further worked as a social worker with children, youth and families, including those disabled by barriers. These experiences help me understand how the law, policies, accessibility scheme, other regulatory schemes and the government work.

On a more personal level, equality and social justice are important values to me and I understand from personal experience that accessibility matters greatly to all of us.

## Activities to review the Act

### Terms of reference for the review

The terms of reference that the minister gave me for this review are attached as Appendix A to this report. They direct me to “examine activities already undertaken in carrying out the purpose of the [Act]”, focusing on “the time between the release of the report of the previous review and the commencement of the 2023 review: February 2019 – March 2023”.

They also provide that the reach of the 2023 review is to include, but not be limited to, the following areas:

- The Standard Development Process
- Accessibility Plans by Public Sector Organizations
- Implementation of Regulated Standards
- Accountability and Compliance
- Level of Resources, Time and Activities Required for Implementation

The terms of reference further require me to consult with a number of individuals and organizations in and outside of the government that are responsible for putting the Act into action or have rights or responsibilities under it. They also state that the Manitoba Accessibility Fund is not included in the review. Finally, my final report with recommendations is due to the minister no later than July 15, 2023<sup>10</sup>.

### Consultation and engagement

The accessibility office provided invaluable support to complete the required consultation and engagement for the review. This included the following activities:

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<sup>10</sup> On my request, the deadline was extended one month from the original deadline of June 15, 2023.

- four public forums, in different communities and formats, a report of which is included as Appendix B;
- a focus group for public-facing private sector organizations;
- a focus group with each of the main categories of public sector bodies;
- a focus group held in French for francophone Manitoban organizations;
- the minister writing to First Nations, Metis and Inuit governing bodies to let them know about the review, invite their participation and offer to have me meet with them, which I did on request;
- posting a page for the review in both English and French on the government's engagement and consultation portal, [Engagemb.ca/Participationmb.ca](http://Engagemb.ca/Participationmb.ca), inviting written comments;
- conducting an online survey with the public, a report of which is included as Appendix C;
- meeting with representatives of a coalition of organizations led by people disabled by barriers to identify and clarify issues and findings and to review potential recommendations;
- meeting with or reaching out to all government representatives with roles that focus on developing standards or putting the Act into effect, including both government staff and the council and its committees;
- meeting with former staff of the accessibility office;
- meeting with representatives from the Canadian, Ontario and Nova Scotia accessibility schemes;
- meeting with representatives of other Manitoba regulatory schemes;
- meeting with experts on accessibility, accessible design and accessibility legislation in this and other provinces.

## Document review

In addition, I reviewed a range of laws, policies, reports and other documents from this and other jurisdictions. I also considered materials and data put together by the secretariat and the accessibility office. Finally, I considered all of the written comments that were provided by members of the public as part of this review. While many documents have influenced my thinking, I am only citing those that I am relying on directly in this report.

Finally, I reviewed the final report of the first independent review of the Act with government officials and the council to determine progress made in fulfilling its recommendations. A list of the first review's recommendations accompanied by information about progress is attached as Appendix D.



## Findings from this review

In this section, I present the main findings from this review, following the areas set out in the minister's terms of reference,

I find that the regulatory scheme envisioned by the Act has now been set up and provides a good starting point for implementing the Act. That said, the information we have suggests that the Act and standards are not yet having a significant impact. Not enough people and organizations know about their rights and responsibilities under the Act and fewer seem to exercise them or carry them out.

To address this problem, more government leadership from the top is needed. Accessibility needs to be a priority of all of government. The government needs to fund and staff the scheme equitably and to use procurement (government contracts to buy goods and services) and other levers to encourage organizations to comply (follow the requirements in the Act and standards). Governments departments need to collaborate and be accountable. Long-term planning is also necessary.

### The standard development process

#### Progress made during the review period

Significant process has been made in developing standards during the review period. As of July 2023, five standards have been made or are close to being made by the government. They cover important aspects of all of the areas covered by the Act. Three of the standards are either fully or partially in effect. The government is finalizing a fourth and drafting or writing up a fifth.

The process for developing recommendations for standards appears to be working well. The council and standard development committees appear to have worked well together and produced recommendations within a reasonable time. Members describe a collegial approach and benefiting from a broad range of perspectives and expertise. This includes knowledge and perspectives brought by people disabled by barriers. Members said they had the resources and information they needed to get the job done. However, they did note some opportunities to strengthen the process, which will be discussed below under "Areas needing attention".

Recent public consultations and engagement under the Act have shown support for much of what is contained in the standards. This provides further support for the finding that the council and committees are doing a good job. For example, the council's review

of the Customer Service Standard in 2021 (customer service review) noted only one issue with the standard's contents.<sup>11</sup>

Also, when consultations raise concerns about what is in the standards, the council has been engaging with the standard development committee and others to reconsider its recommendations given the feedback. The government has also made efforts to respond to issues raised during public consultations on draft standards by posting follow up FAQ-type information online.

The council, minister and government are also fulfilling other accountability requirements under the Act. Terms of reference are posted publicly, as required. Engagement and consultation have taken place as the Act directs. The council led a full review of the Customer Service Standard. The government is making efforts to carry out the recommendations from the review and publicly reporting on its plans and progress.

Finally, the Act's listing of areas where barriers must be addressed and giving a 2023 deadline for making significant progress appear to have had a positive impact. The minister's and government's public reports often refer to this timeline and there is a push to have all five standards made by the end of this year, if possible.

Areas needing attention

While progress has been made in developing the standards, the review has raised some opportunities for strengthening the process.

*Common concerns regarding standard contents*

Some common concerns regarding standard contents were raised during the public forums and other meetings. These included the following:

- limits placed on the scope or reach of standards;
- the 50-employee threshold for requiring organizations to keep written records and policies;
- aspects of standards that make them difficult to understand or apply, including their length, complexity and technical nature and the vagueness of certain requirements;

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<sup>11</sup> That issue related to a change that the first independent review of the Act had recommended: to increase the size of an organization that had certain reporting and record keeping obligations under the Customer Service Standards from one with 20 employees to one with 50.

- leaving out elements that are important for achieving accessibility instead of looking for other solutions to address concerns.

Limits placed on the scope or reach of standards

During the review, I noticed that members of the public often raised important questions and concerns about the reach or scope of standards when consulted about draft council recommendations or regulations. This seemed unfortunate as this step happens late in the process. The council or government could do little at that point without creating delay.

Of these issues, the most important is the decision not to address the interior built environment (i.e. buildings) in a standard under the Act. This limit was set out in the terms of reference for the standard dealing with the design of public spaces. The rationale is to avoid repeating the accessibility requirements and scheme under the Manitoba Building Code (and the National Building Code on which it is based).

The restriction has been a central point of concern for people disabled by barriers ever since they became aware of it. As Barrier-Free Manitoba states in its 2022 mid-term report card on the government's efforts to achieve accessibility:

The Government of Manitoba has narrowed the scope of the Built Environment Standard to exterior public spaces, and it has delegated authority for the accessibility of public buildings to the Manitoba Building Code. Such an approach effectively protects monuments of segregation for persons disabled by barriers. Barrier-free access to the built environment is a fundamental human right protected by the Canadian Human Rights Act. Yet, barriers related to the built environment represent the single most-cited human rights violation complaint by persons with disabilities.<sup>12</sup>

The problem is that the building code requirements are widely understood to provide a minimum in terms of accessibility. They are not designed to comply with human rights requirements. Because of this, reviews of the Ontario accessibility scheme have found reliance on the building code in that province to be a problem.<sup>13</sup> Accessible design experts as well as representatives from accessibility schemes in other jurisdictions echoed this view. This is still the case for the 2020 version of the National Building

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<sup>12</sup> Please refer to page 3 of the following document: [AMA Report Card \(barrierfreemb.com\)](https://barrierfreemb.com)

<sup>13</sup> [2019 Legislative Review of the Accessibility for Ontarians with Disabilities Act, 2005 | ontario.ca](https://www.ontario.ca)

Code, which has significantly updated accessibility requirements. I also note that Canada's accessibility scheme is creating its own interior built environment standards.<sup>14</sup>

In addition, the building code accessibility requirements generally apply only to new buildings and major renovations. This leaves many buildings in Manitoba inaccessible. The Manitoba Human Rights Commission noted in their written comments for this review that they continue to receive many complaints and inquiries about barriers in the interior built environment. Many of these bar access to critical public infrastructure, such as health facilities, schools and justice buildings, including courthouses. This is a particular problem in rural and northern communities.

Adding to the problem, Manitoba has been slow to adopt new versions of the National Building Code. Until July 7, 2023, the 2010 Code was the basis for Manitoba's requirements in this area and had been for the past 12 years<sup>15</sup>.

This was the case despite updates to the National Building Code and its accessibility requirements for 2015 and 2020. As stated in the background materials when these regulations were posted for public consultation the preceding month:

The 2015 and 2020 editions of the [National Building Code] substantially updated and reorganized accessibility requirements with 66 sets of technical changes representing the first major update since the 1980s.<sup>16</sup>

Harmonization across Canada was a key driver for adopting the 2020 Code. As stated in the background materials:

Adoption of these [construction] codes will harmonize Manitoba's requirements with the other Canadian jurisdictions in line with the Canada-wide Regulatory Reconciliation and Cooperation Table (RCT) agreement on Construction Codes, of which Manitoba is a signatory to. The agreement mandates adoption of the 2020 codes by end of March 2024. Harmonization will reduce barriers to internal trade by ensuring more timely adoption of future editions of the national model codes, and will assist Manitoba in meeting its emission reduction goals.<sup>17</sup>

While it is positive that Manitoba is moving forward in adopting the 2020 national code, the concerns raised by Barrier-Free Manitoba and many others remain valid.

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<sup>14</sup> [Creating accessibility standards - Accessibility Standards Canada](#)

<sup>15</sup> [Manitoba Building Code \(gov.mb.ca\)](http://gov.mb.ca)

<sup>16</sup> [Consultation materials for 2023 Manitoba Building Code](#)

<sup>17</sup> Please refer to the document in the previous footnote.



It will, however, be important to harmonize the standards with those in other jurisdictions, particularly the one being developed under Canada's accessibility scheme.

Manitoba could also consider giving the inspectors who apply and enforce the Manitoba Building Code the authority to enforce the new interior built environment accessibility standards. This could help address the need for coordinated enforcement.

The 50-employee threshold for requiring organizations to keep written records and policies

A further concern raised about the development of standards relates to having policy and reporting requirements under the Customer Service Standard apply only to organizations with 50 or more employees. The threshold was originally 20. The first review of the Act recommended increasing it, which was done in 2019. Many Manitobans disabled by barriers and some government employees told me that this change has had a negative effect on the Act's effectiveness in this province.

In its customer service review in 2021, the council recommended that the government consider lowering the threshold back down to 20. It had also heard concerns and further noted that more tools were available to help organizations meet the requirements.<sup>20</sup> The government has not yet accepted this recommendation, advising that it is "on pause" and will be revisited after April 2024.<sup>21</sup>

During this review, private sector representatives expressed concern about lowering the threshold to 20. As I understand it, the issue is not so much the particular number of employees, but the desire to harmonize with Ontario. They were also concerned about exposing small businesses to sanctions when there is such limited education for businesses about their obligations under the Act.

Many private sector organizations stated that the government needs to show leadership on accessibility, by funding and supporting education initiatives that reach a meaningful number of businesses and other organizations. The government also needs to provide tax and other financial incentives for compliance and to fulfill its own responsibilities under the Act. Without this leadership and example, it is difficult to capture the attention of business owners and leaders who are already deluged with information. In fact, some of this information comes from other government regulatory schemes that are much better funded than the accessibility scheme.

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<sup>20</sup> [The Accessibility Advisory Council's Five-Year Review of the Customer Service Standard Regulation \(accessibilitymb.ca\)](#) at pages 16 to 17.

<sup>21</sup> [Minister's Annual Update 2022 - ACSS \(accessibilitymb.ca\)](#) at page 9.

Despite these concerns, there are strong arguments for reducing the threshold. In December 2022, approximately 96% of the 43,311 businesses with employees in Manitoba had less than 50 employees.<sup>22</sup> Lowering the threshold to 20 or more would triple the number of organizations required to fulfill the requirements. Requiring these additional businesses to adopt a written policy could make a significant difference. As the council noted in its customer service review, requiring a written policy can be expected to increase compliance more generally.

I also note that a 20-employee threshold is used to determine which organizations are required to have workplace safety and health committees under The Workplace Safety and Health Act<sup>23</sup>. In addition, the Workplace Safety and Health Regulation requires that all employers, regardless of size, have and post a written harassment policy and ensure that its employees comply with the policy.<sup>24</sup>

A search of the online compliance reports for this scheme revealed only one compliance order, administrative penalty or conviction related to the harassment policy requirement.<sup>25</sup> At least under the workplace safety and health scheme, the requirement to have a written human rights policy does not seem to have exposed small businesses to significant risk of penalties.

In addition, under the regulations made under The Accessible Canada Act, private sector organizations operating in federal jurisdiction with ten or more employees are required to have written plans and make written reports.<sup>26</sup>

Aspects that make standards difficult to understand or apply

We also learned during the public forums that businesses and other organizations often found the requirements under the standards and some of the resources provided by the government difficult to understand or apply. This was due to a number of factors, including their length, complexity and technical nature as well as the vagueness or general nature of certain requirements.

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<sup>22</sup> [Statistics Canada, Canadian Business Counts, with employees, December 2022](#)

<sup>23</sup> [Bulletin 201: Your responsibilities for safety and health in the workplace | SAFE Work Manitoba \(safemanitoba.com\)](#)

<sup>24</sup> [Understanding Manitoba's requirements for preventing harassment at work | SAFE Work Manitoba \(safemanitoba.com\)](#)

<sup>25</sup> [Stop Work Orders, Penalties & Convictions | Workplace Safety & Health | Labour | Labour and Immigration | Province of Manitoba \(gov.mb.ca\)](#)

<sup>26</sup> [Summary of the Accessible Canada Regulations - Canada.ca](#)

Out of curiosity, I plugged the provisions of the Customer Service Standard that say what needs to be in a policy into the Hemingwayeditor<sup>27</sup> app. This is a free online tool that, among other things, assesses the reading level required for submitted writing samples. It showed that the legislation requires a grade 11 reading level. Similarly, parts of the government's sample customer service policy required a post-secondary or university reading level. By contrast, the harassment policy requirement in the Workplace Safety and Health Regulation had a reading level of Grade 8. This is more in line with the levels recommended by plain language experts.

I am not an expert in plain language writing and I know that the accessibility office and secretariat make special efforts to make their tools and resources readable and accessible. That said, there seems to be some support for the organizations' feedback on this issue.

I believe the issue stems more from the complexity and comprehensive of the scheme and the standards than from the process for creating the tools and resources. I reviewed standards and guides in other jurisdictions and they seemed equally or more complex.

I also discussed this with an expert on accessibility legislation in another jurisdiction. They pointed out that the requirements in a standard need to tell organizations exactly what the common or systemic barriers are in their area and what exactly to do about them. This is the essence of what a standard is. In this expert's experience, some standard development committees don't do this because they want to cover every possible barrier, area or sector --- which requires being very general ---, or they don't want to be too directive. The approach the expert suggested matches with my experience of standards in other regulatory schemes and would lend itself better to checklists and similar tools.

While mindful of the concerns of small affected organizations, I am also mindful of the perspective brought by many organizations led by people disabled by barriers. They would like to see in place a meaningful, enforceable requirement that can be easily audited and applies to all organizations. The hope is that all organizations would then at least consider how they address accessibility concerns.

Having considered both the affected organizations' and community's concerns, I found myself wondering whether a slightly different approach might work. Could the requirement to have a written customer service policy be simplified and made a requirement for all organizations, along the lines of the harassment policy provision noted above?<sup>28</sup>

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<sup>27</sup> Hemingway Editor (hemingwayapp.com)



Leaving out elements instead of finding other ways to address concerns

Representatives of organizations led by people disabled by barriers are currently concerned that elements that are important for ensuring accessibility could be left out of a standard late in the process due to concerns expressed by affected organizations. The example given was a requirement in the proposed Accessible Transportation Standard to have operators of vehicles assist people disabled by barriers when accessing the vehicle. Some affected organizations were concerned about the impact of this requirement on drivers. At the same time, people disabled by barriers say that leaving it out makes accessible transportation almost impossible. They are concerned that the council or government will view this as an either-or scenario and potentially get rid of the requirement without exploring other options for addressing the organizations' concerns.

This issue brings to mind interest-based conflict resolution, which I have trained in and taught. Generally speaking, this approach to resolving differences identifies the interests or needs that underpin positions and works with the people involved to find new solutions that meet most or all needs in a mutually agreeable way. I understand that this approach does happen informally in both subcommittee and council discussions. It may help to ease concerns if the council and committees adopt this approach consistently when there are differences, keeping in mind the importance of ensuring that solutions reflect the accessibility principles set out in the Act.

*Diversity and representation on council and committees*

A further issue raised during the review is whether the council has enough members to allow participation by a sufficiently representative group of people disabled by barriers. A common theme during the review was the need to ensure that the perspectives of a broad and representative group of people disabled by barriers guide all decisions. The council had received similar feedback in its customer service review.<sup>29</sup> However, the council was reduced to nine from 12 members in 2018 as part of a widespread reduction in the size of government boards and councils.<sup>30</sup> This makes representation more challenging.

Other jurisdictions have addressed this issue directly in their accessibility laws. They require that at least half of the members of their advisory bodies and standard development committees be persons disabled by barriers or, in some cases,

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<sup>29</sup> [The Accessibility Advisory Council's Five-Year Review of the Customer Service Standard Regulation \(accessibilitymb.ca\)](#) at page 22.

<sup>30</sup> This was done by section 1 of The Boards, Committees, Councils and Commissions Streamlining Act (Various Acts Amended or Repealed) S.M. 2018, c. 8, s 1 which came into force June 4, 2018.

representatives of organizations of people disabled by barriers.<sup>31</sup> I imagine this requirement helps to reassure people disabled by barriers that their concerns will be given equal weight to those of the government or affected organizations.

The consultation and engagement part of the review also identified gaps in perspective or representation on standard development committees. These included representation of First Nations, Metis and Inuit groups, communities and peoples and representation of rural and northern communities. This was not a surprise as we had learned when planning the consultation and engagement for the review that the government is just beginning to engage with these groups, communities and peoples in relation to accessibility.

*Need for transparency in government policy decisions*

Another issue raised in consultation by people disabled by barriers was a lack of transparency in decision making by the government after the council provided its recommendations for the content of a standard. This arises particularly when the government takes a different approach from what the council recommended without making this clear. It becomes a bigger problem when the government gives a short period to the community and affected organizations to provide feedback on a proposed regulation. At a minimum, the people consulted on draft regulations need early access to plain language explanations of the regulation and any new policy directions adopted by the government.

*Time taken by government to prepare draft standard regulations*

During the review period, once the council had submitted recommendations for a standard to the government, two and a half to four or more years have passed before the standard is drafted (written) and ready for public consultation. This has created challenges for the communities and organizations being consulted as they have limited time to get reacquainted with the information and need to absorb it written in a new way.

It can also create challenges for the legislative and policy unit staff, who may not have access to the required expertise to respond to questions from the lawyer assigned to write up the standard. They then need to locate experts involved with developing the original recommendations. Recently, a standard development committee was consulted on technical issues two to three years after it had completed its work. It found this challenging.

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<sup>31</sup> Please refer to s 23(2)(a) of The Accessible Canada Act, S.C, 2019, c. 10; s 13 (3) and 19(1)(a) of the Accessibility Act, SNS 2017, c 2; and s 9(3)(a) and 12(2) of the Accessibility Act, SNL 2021, c A-1.00.

To explore this issue, I met with staff from the unit within the department of Families who work with lawyers for the department of Manitoba Justice at the Legislative Counsel's Office to develop regulations that contain standards. I then met with the Chief and Deputy Chief Legislative Counsel for Manitoba, who lead that office. Full disclosure: I was working in that office --- as a lawyer who drafts laws and regulations and provides legal advice to the translation team --- when I retired from government in 2020. And I continue to work there on special projects..

It is difficult to say for sure what has led the regulation development to take the time it has. However, the following factors seem to have played a role:

- The COVID-19 pandemic required a shift of staff time and other resources to work on emergency changes to law and regulations, particularly for 2020 and early 2021.
- Starting in late 2018 and mid-2019, the government put into effect new regulatory accountability legislation, policy and procedures. These placed a range of new responsibilities on departments when proposing new laws or regulations or changes to existing ones and created new steps for their development and approval.
- The later standards (Accessible Information and Communication, Accessible Transportation and the Design of Public Spaces) are more complex and require external consultation with a range of sectors. They also require technical expertise that is not available within the department of Families or, potentially, the provincial government.
- Greater complexity makes an already complex decision-making and approval context within government more complicated and time consuming.
- The development of regulations, regardless of the subject matter, takes place within a broad, ever-changing government context with varied needs and priorities that must be continuously reconciled over time.
- Turnover of staff and the resultant position openings happen regularly throughout government and have been a challenge for all employers with the “baby boom” generation reaching retirement age.

There are strategies that may help to address some of these challenges.

A helpful starting point would be to have the drafter (the lawyer who drafts or writes the regulation) and the instructing officer (the lead government employee who works directly with the lawyer to review and obtain approval on each draft) create a work plan and

obtain approval of it by senior management in both their offices. The work plan would identify key tasks, target dates and human and other resources needed to carry out the project.

As a first task in the plan, the two would discuss the tasks that are needed in order to provide drafting instructions based on the council's recommendations. These are written instructions given by the instructing officer to the drafter setting out in detail what the department wants to achieve with the proposed regulation. They also discuss the rationale for choosing the desired approach. Tasks for creating drafting instructions in this context might include, for example,

- the drafter and instructing officer discussing what the drafter needs in terms of instructions;
- the instructing officer consulting with the council and standard development committee to ensure the officer understands the policy choices in the recommendations, including what other options were considered, but rejected;
- the instructing officer identifying other internal and external consultation on the council's recommendations that needs to take place and how it will be carried out; and
- any other policy research and analysis that is needed in relation to the recommendations before drafting instructions for what must go into the regulation can be finalized.

If the regulation deals with a subject that is outside the expertise of the instructing officer, part of the larger work plan must also identify how the instructing officer, drafter and more senior officials in government will obtain advice from someone with the necessary expertise. This could involve the department contracting with an expert in another department or outside government to act as a special advisor or even as its instructing officer. An advisory group with the required perspectives and expertise may also be helpful for consulting on significant policy questions. These bodies work best when provided with policy research and analysis in advance.

#### *Additional areas to address in new standards*

A further issue relating to the standard development process is which new areas should new standards under the Act address. I have already discussed concerns about the interior built environment. Other areas that were recommended by a number of participants during this review include accessible health services, accessible education and accessible social services.

I note that the Manitoba Human Rights Commission identified these as priorities given the high number of accessibility-related complaints they have seen in these areas. I also note that other jurisdictions have developed standards in both education and health care. As regards an education standard, school divisions in Manitoba tended to think that an accessibility standard is not needed due to there already being education standards in place that deal with accessibility.

With respect to social services, key issues to address are the impact that complex criteria and processes for accessing services have on individuals with intellectual or cognitive impairments or acquired brain injury. This issue was raised both in the public forums and by the Manitoba Human Rights Commission, as well as by a senior government official I consulted in this province.

Finally, the Manitoba Human Rights Commission recommends adopting a standard dealing with accessibility in emergency measures. This, too, deserves serious consideration given our recent experiences with the COVID-19 pandemic and other public emergencies in the province.

*Ten-year goal has expired*

A further question to consider is whether a new time-limited goal is needed under the Act. Currently subsection 8(4) of the Act provides the following:

**Terms of reference — significant progress in initial 10 years**

**8(4)** The minister must ensure that the terms of reference prepared under this section will enable the implementation of the measures, policies, practices and other requirements necessary to make significant progress towards achieving accessibility by 2023.

Having a time-limited goal was a focus of many presentations during the committee stage when the Legislative Assembly's considered the proposed Act in 2013. The above provision was added in response. Other Canadian jurisdictions' accessibility laws also contain time-limited goals, but none has yet expired.<sup>32</sup>

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<sup>32</sup> [Hansard for Committee on Bill 26 The Accessibility for Manitobans Act 2013](#) at pages 756 to 757; Ontario's seeks to "achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025". Nova Scotia's Act seeks to "facilitate the timely implementation of accessibility standards with a goal of achieving an accessible Nova Scotia by 2030". The purpose of the Accessible Canada Act is "to benefit all persons, especially persons with disabilities, through the realization [within federal jurisdiction] of a Canada without barriers, on or before January 1, 2040...".

*The need to define “employee” and “employer” more broadly in the standards*

Finally, staff of the secretariat have asked whether the words “employee” and “employer” could be defined in the standards to capture more of the range of business arrangements that exist in the province. The staff reported that there are affected organizations that have many contractors delivering services on their behalf who are not considered “employees” under the standards. They also find that franchise owners consider themselves to be separate organizations from the larger company, even though that company may set employment and customer service policies. Because they have fewer employees, they escape obligations placed on larger employers under the standards.

Because standards in Manitoba so far only apply to organizations with at least one employee, they will not apply to organizations that have only other kinds of contractors, no matter how many. The secretariat observed that this leaves out a number of businesses in the province. Similarly, an organization may have fewer than 50 (or even 20) employees, but have many other contractors, and, because of this, escape requirements to have written policies and records. This too can be an obstacle to achieving accessibility.

I note that the Accessible Canada Regulations defines employees to include dependent contractors.<sup>33</sup> A dependent contractor is a person who may not meet the legal definition of “employee”, but provides work or services for another person in a position of economic dependence on, and under an obligation to perform duties for, that other person. Adopting this approach may be helpful. More research and analysis is needed, however, on both this and the franchise issue.

#### Accessibility plans by public sector organizations

Adopting and updating accessibility plans is another area where significant progress has been made in the review period. That said, assessing their impact is challenging.

#### Progress made

The secretariat advised me that, as of March 2022, 100% of large public sector bodies (i.e. all public sector bodies except smaller municipalities) had adopted and published accessibility plans and 82% of smaller municipalities had done so. In addition, as of April 2023, 80% of large public sector bodies had either updated their plan or confirmed with the secretariat that they were in the process of doing so. For smaller municipalities

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<sup>33</sup> Please refer to the definition of “employee” in subsection 1(1) of [Accessible Canada Regulations \(justice.gc.ca\)](https://www.justice.gc.ca).

this figure was a lot lower, at 32%, though it had increased significantly from the previous year.

Recognizing the challenges faced by smaller municipalities, the secretariat has collaborated with the Department of Municipal Relations and Association of Manitoba Municipalities to notify municipalities about their obligations. It is also updating a written guidebook and template to help smaller municipalities. It plans to share the guidebook with small municipalities and deliver interactive practical virtual workshops with municipal officials in fall 2023. The idea is to assist them to update their plans and answer any questions. This will add to other online tools developed by the accessibility office and secretariat and available on the [accessibilitymb.ca](http://accessibilitymb.ca) website in a number of formats.<sup>34</sup>

The public sector bodies I spoke with reported finding accessibility planning helpful and appreciated the tools provided. When contacted by the secretariat and offered help, public sector bodies certainly were responsive. I reviewed some of this correspondence and was impressed by the positive relationship and communication the secretariat has been establishing with them.

#### Areas needing attention

Despite appreciating the secretariat's and accessibility office's support and resources, smaller municipalities and public sector bodies did report finding the planning requirements challenging. This is due to having a small staff with limited expertise. Accessibility coordinators more generally reported that they do not have natural networks for sharing resources on accessibility because their primary work roles in their organizations vary so much.

Public sector bodies also would appreciate anything that would simplify the tools and resources and make them easier to understand and follow. I made an attempt to review these while reminding myself what it was like to chair a small non-profit organization or work in my family's small business when I was a young adult. From that perspective, I could understand how staff at public sector bodies could find them onerous or complicated. When I plugged a sample of the online materials for updating accessibility plans into the Hemingwayeditor app mentioned above, it was assessed as requiring a post-secondary reading level.

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<sup>34</sup> These currently include the following: How to Update an Accessibility Plan; Consultation process when developing and updating your organization's accessibility plan: Requirements and Recommendations; Updating Your Accessibility Plan – Guide & Template: For Public Sector Organizations; Accessibility Plan Update Guide and Template: For Small Municipalities; and How to Create Your Accessibility Plan: Guide for Public Sector Organizations.

Public sector bodies also often reported needing more help in identifying potential barriers and solutions. They described needing practical and interactive mentoring and training, noting that putting new learning into practice needs support and guided practice. They further reported needing dedicated staff and resources to develop and implement accessibility measures. Without these, they are “working on accessibility off the side of our desks” and often have to drop the work to focus on issues that are more urgent or a higher priority for senior management.

Public sector bodies also find the two-year timeframe for updating a plan challenging. Larger public bodies reported that fitting it into the planning and budgeting cycle for other aspects of their operations often meant they had to update a plan before they had a chance to carry it out fully. They were also concerned about spending more time writing the plan and getting it approved than working on carrying it out. The two-year cycle has a particularly challenging impact on municipalities and school divisions. They tend to have a major turnover in leadership every four years with municipal and school board elections.

My own concern respecting accessibility plans is that we don’t really know how effective they are at improving accessibility. No one appears to be currently tracking or analyzing the degree to which public sector bodies are following through on their plans and what the impact is.

#### Implementation of regulated standards

Significant progress has also been made in building a good foundation for implementing or carrying out the standards. However, the available data suggests that the current impact of these efforts on achieving accessibility is limited.

#### Progress made

*Once made aware, affected organizations want to be accessible*

One of the most encouraging findings of this review is the universally positive response by those representing affected organizations to the goal of achieving accessibility. Not one person I had contact with questioned the need for the Act. Concerns related entirely to challenges with implementing it.

A recent study conducted by the Angus Reid Institute in partnership with the Rick Hansen Foundation shows that this attitude is widespread in the population. A report issued in early 2019 found that more than two-thirds of Canadians were concerned that



they or someone in their lives will face challenges with disabling barriers over the next decade or so. Approximately 30% said that accessibility is a consideration when they make plans to go somewhere within their communities. Also, “Canadians voice widespread support for universal accessibility policy, particularly when it comes to new construction of buildings and homes....It’s an issue Canadians anticipate will have a growing presence in their lives in the coming years.” Manitobans were included in the survey and their responses followed this pattern.<sup>35</sup>

The Angus Reid study reflects the reality of Canadians’ and Manitobans’ experience of disability, as shown in the most recent Statistics Canada report on disability in Canada. It provides statistics for 2017. Almost one in four Manitobans aged 15 years and over had one or more disabilities as did over half of Manitobans aged 75 years and over.<sup>36</sup> Among Canadians with disabilities aged 25 to 64 years who were not employed and not currently in school, approximately 40% had potential to work. This represents nearly 645,000 Canadians disabled by barriers.<sup>37</sup>

When we consider the large number of people who are disabled by barriers and the impact these barriers have, it makes sense that Manitobans are supportive of improving accessibility. It also makes sense that businesses would be supportive. This year, seven in ten businesses reported having a hard time finding appropriately skilled staff and many businesses are still recovering from losses during the pandemic.<sup>38</sup> This makes increasing access to employees and customers a priority. Removing barriers to that access for people disabled by them is an important part of addressing these concerns.

*Useful awareness-raising strategies, tools and training are in place*

The accessibility office and secretariat have worked together to develop and launch many useful public awareness strategies as well as tools, resources and training opportunities to support implementation of the standards. The accessibility office has also just launched a refreshed and updated website. These and other activities are outlined in the department’s annual reports, the minister’s annual reports under the Act and the government’s accessibility plan.<sup>39</sup>

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<sup>35</sup> [Accessibility: A source of future anxiety and a significant consideration for Canadian consumers today - Angus Reid Institute](#)

<sup>36</sup> [Add/Remove data - Persons with and without disabilities aged 15 years and over, by age group and sex, Canada, provinces and territories \(statcan.gc.ca\)](#)

<sup>37</sup> [A demographic, employment and income profile of Canadians with disabilities aged 15 years and over, 2017 \(statcan.gc.ca\)](#).

<sup>38</sup> [2023 Manitoba Business Leaders Index | Supply Chain Manitoba \(supplychainmb.ca\)](#)

<sup>39</sup> For example, please refer to [Manitoba Families Annual Report 2021-2022](#) at pages 82 to 83. Please also refer to the Minister’s annual plan linked in the next footnote.

During the review, I reviewed the new website, and was impressed by how much more user friendly and accessible it was. I also attended the accessibility office's 2023 Manitoba Access Awareness Week event, which focused on projects that had been supported by the Manitoba Accessibility Fund. It appeared very well attended and received and provided information that was relevant and helpful.

I was further encouraged to learn that the accessibility office and secretariat work together to use resources efficiently and ensure a consistent approach. In addition, the accessibility office consults with the advisory network when developing tools, the website and other initiatives, to improve their use-ability.

The secretariat too has engaged in a number of activities and developed a number of free resources to support compliance. For example, they have been providing regular reminders of coming into force dates for new standards, starting a year out. Affected organizations talked about needing advance notice like this during the review. The secretariat's other activities are summarized below in the section on compliance and accountability.

During the public forums and small group meetings, I heard much positive feedback about the accessibility office, the secretariat and their tools and support from individuals and organizations who had experience with them.

#### *Act provides leverage*

Those who are working to improve accessibility within their organization often said during the review that the Act is helpful when they need support from senior managers. It creates leverage or influence. This is important when we consider that any new change, activity or demand for resources must compete with demands that seem more urgent or have a higher profile.

#### *Strong supportive networks*

Another strength I noted is the extensive and supportive web of networks already in place for the accessibility office and secretariat to connect with in their work. These take the form of

- the council,
- standard development committees,
- associations in the various sectors with responsibilities under the Act,
- the community of organizations led by and serving people disabled by barriers and seniors, and
- the accessibility network

among others.

The accessibility network is an ad hoc advisory group to the accessibility office. It shares expertise in creating accessibility within and across Manitoba organizations and meets every three months and at other times if needed. It currently includes representatives from Manitoba's Crown corporations, universities, the United Way and organizations led by people disabled by barriers. Members provide advice, feedback, promotion and participation in almost all of the accessibility office's work<sup>40</sup>.

The accessibility office aims to expand its outreach and networking opportunities with organizations such as the Manitoba Association of Municipalities, Manitoba School Boards Association, Manitoba Chambers of Commerce and many others.

Progress has also been made in strengthening the network provided by the council. It already had broad representation of the various organizations affected by the Act and numerous perspective of people disabled by barriers. Most recently, in response to the customer service review, the government appointed a ninth member to the council for a three-year term in early 2022. She identifies as a member of the Deaf and Hard of Hearing Community and is a strong advocate for people disabled by barriers.

I note too that participants in the public forums and focus groups from all sectors reported how much they appreciated meeting and discussing accessibility with others in the community. This is a further indication of the need for a network-based approach for achieving accessibility.

Finally, the minister has established the Intellectual Disability Issues Advisory Committee. This would be an excellent network for the accessibility scheme to connect with to strengthen efforts to prevent and remove barriers for people with intellectual or cognitive impairments or acquired brain injury.

*Commitment is building within government*

Also a strength are the commitment and attitude of the many people within the department of Families and Public Service Commission who are responsible for leading implementation of the Act whether within or outside of the government. I have met with or reached out to almost all of them and was struck by their commitment and the efforts made to make the best use of existing time and resources.

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<sup>40</sup> [Minister's Annual Plan, 2023/24 & 2024/25 - The Accessibility for Manitobans Act \(accessibilityymb.ca\)](https://www.accessibilityymb.ca)

This starts with the minister responsible for accessibility, of course, and extends to her deputy minister, who is the director appointed under the Act. It is also true of the acting Public Service Commissioner, who is the accessibility champion for the government, and the Public Service Commission's staff. The staff of the accessibility office and secretariat and their assistant deputy minister, departmental accessibility coordinators, the staff of the department of Families' legislative and policy unit and others all showed a strong commitment to accessibility.

Examples of their efforts to mobilize existing resources include the establishment of the Manitoba Accessibility Fund and increases in staffing for the secretariat. The minister and others within the government have also been responding openly and positively to the recommendations from the customer service review, which includes recommendations to review compliance across government. I further note that the Public Service Commission has created a new position of accessibility coordinator to help lead accessibility planning and implementation across the government. It has also developed and delivered a highly successful accessibility training program for government employees, which has a very high completion rate<sup>41</sup>.

There is also a structure and emerging process for implementing accessibility obligations throughout government. The accessibility steering committee leads it. The committee is made up of the Clerk of the Executive Council, who is the most senior leader within the government, the Deputy Minister of Families and the acting Public Service Commissioner. Support for this initiative comes from the Public Service Commission, the accessibility office and secretariat.

The steering committee has also ensured that each department within the government selects one or more departmental accessibility coordinators (coordinators). Coordinators help to organize and carry out the Act and standards throughout government on the ground in a coordinated way. They provide a resource for accessibility within their departments and a liaison between departments and the steering committee and other parts of government. For example, coordinators recently distributed an accessibility toolkit and assistive technology catalogue to human resources employees and departments.

The Public Service Commission has been tracking the government's compliance with the standard requirements and the government's accessibility plan through departmental reports four times a year. It further supports the coordinators and holds meetings with them every three months.

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<sup>41</sup> By 2021-2022, the Public Service Commission had "achieved an 86 per cent completion rate across MPS, with over 11,000 public servants having taken the AMA training". Please refer to Appendix D at [Province of Manitoba | Accessibility Plan \(gov.mb.ca\)](https://www.gov.mb.ca/accessibility-plan).

Most recently, the secretariat assisted the steering committee in completing an internal review of all government departments. The review gathered information related to the implementation of the Act and its accessibility standards from senior leaders of numerous departments. It also conducted focus groups with government employees who are disabled by barriers, front-line service providers, departmental accessibility coordinators and assistant deputy ministers. These explored their knowledge of the Act and standards and their experiences offering accessible customer service to Manitobans.

Turning to government agencies, I learned that accessibility coordinators from crown corporations get together regularly to share resources and information and are providing significant leadership on accessibility in this province. Their compliance rate with having an accessibility plan is 100%, for example, and most, if not all, appear to have accessibility coordinators. Those I met with seemed very committed and the corporations are making progress. For example, we toured a newly designed office space for one of them. The designer of the space worked with accessible design experts and users who are disabled by barriers. The space was designed to meet standards that provide higher levels of accessibility than were required under the Manitoba Building Code.

*Government communications are becoming more accessible*

The government has also been making progress on accessibility in its communications. The division of the department of Finance that provides centralized communications and engagement support for all of government has engaged in the following activities during the review period:

- developing a plan to carry out the customer service review recommendations and support the government in meeting the requirements of the accessible information and communication standard;
- holding meetings four times a year with the department of Families to ensure that government's communications are accessible, with people and organizations both inside and outside the government;
- forming an accessibility working group to compile accessible communication resources, including training on how to create accessible documents, coordinate accessible events, and learn about accessibility legislation. The Public Service Commission has distributed these through coordinators throughout the government;
- producing five videos containing information about the Act and standards in American Sign Language or ASL, posting them on the new [accessibilitymb.ca](http://accessibilitymb.ca)

website and working with the accessibility working group to develop further tools in this language.

I used one of the accessible communication tools posted on [accessibilitymb.ca](https://accessibilitymb.ca) to make this document more accessible and found it very easy to use and helpful.

*Government is starting to collect data on accessibility*

The review also revealed that the government has started to collect much-needed data on accessibility. For example, the accessibility office conducted a survey of small businesses as part of the customer service review in 2021, which can serve as a baseline for further data collection and analysis. It is also engaging in research about what other jurisdictions are doing to measure and report on accessibility changes, such as developing a quality of life index.

In addition, the minister is starting to work on appropriate benchmarks for measuring accessibility. Going forward, the following performance measure will be included in the minister's annual report on accessibility: "percentage of organizations that achieve compliance with accessibility requirements after being issued an achieving compliance plan."

*Government has committed to making accessibility a procurement requirement*

The minister's current annual plan states that the government is committed to

work towards determining how best to incorporate accessibility requirements into all government procurement policies as standard practice. This will help ensure the government remains committed to accessibility and that it is at the forefront of all future procurement projects.<sup>42</sup>

This appears to have resulted from a recommendation in the customer service review in 2021.<sup>43</sup>

This commitment is very positive and, once realized, will have a significant impact on achieving accessibility. As noted by the council when recommending this development, other jurisdictions report that making accessibility a precondition of obtaining a

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<sup>42</sup> [Minister's Annual Plan, 2023/24 & 2024/25 - The Accessibility for Manitobans Act \(\[accessibilitymb.ca\]\(https://accessibilitymb.ca\)\)](#)

<sup>43</sup> [The Accessibility Advisory Council's Five-Year Review of the Customer Service Standard Regulation \(\[accessibilitymb.ca\]\(https://accessibilitymb.ca\)\)](#) at page 13.

government funded contract has a significant impact. Also, crown corporations in Manitoba have implemented these requirements with success.

The leverage in Manitoba would be considerable. As noted in the Manitoba Business Leaders Index report for 2023, “[t]hree in ten Manitoba businesses sell some kind of product or service to a government entity, with those who sell to government most likely to count the provincial government or a municipality as their client.”<sup>44</sup>

Areas needing attention

As with the other areas, progress has been made on establishing the regulatory scheme for achieving accessibility. More work is needed, however. The government and others are not yet able to operate the scheme in a way that would make the significant progress that the Act intended.

*Awareness and knowledge remain low*

During the consultation and engagement part of this review, people disabled by barriers, public sector bodies, the private sector and other members of the public in Manitoba described relatively low awareness and knowledge about many aspects of the accessibility scheme. These included all of the following:

- their rights and responsibilities under the Act;
- accessibility more generally and why the Act is important;
- the tools and help available from the accessibility office and secretariat to put the Act into practice, including how to identify and remove barriers and how to develop and implement accessibility plans;
- compliance or enforcement activities under the Act and where to go to complain about barriers.

The gaps in awareness and knowledge also were reported to be greater in rural and northern areas than in Winnipeg.

This information matches the data in recent surveys. Manitoba Possible kindly shared some preliminary data with me based on a survey they recently conducted with their clients. It included questions about their awareness and sense of the impact of the Act. Respondents were asked to rate their awareness of the Act on a scale from 1 (not at all aware) to 5 (very aware). Of the respondents, 49% selected either no awareness or a low level and 25% chose the middle point on the scale. The survey also asked

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<sup>44</sup> [MLBI PowerPoint Presentation \(probe-research.com\)](#) at page 4.

respondents how much of an impact the Act had on making Manitoba more accessible for them personally, again on a scale of 1 (no impact) to 5 (a major impact). In this case, 30% selected either less impact or no impact and 30% chose the middle point of the scale.

Interestingly, the survey we conducted as part of the review ---which is found at Appendix C of this report --- had a higher percentage, at 75%, of respondents who were aware of the Act. However, it had a lower percentage, at 18%, of respondents who thought the Act was effective or very effective at removing barriers for people with disabilities. It is important to note that the survey had been sent primarily to people on the accessibility office's e-mailing list, who are more likely to be aware of the Act. I am not sure why the respondents for the Manitoba Possible survey perceived the Act to have more of an impact. Certainly, neither survey indicates that the Act is having the significant impact that was hoped for by 2023.

Feedback from both the survey for this review and the public forums suggested that the main reason the level of knowledge and awareness is low is that resources given to the accessibility office and secretariat are too limited. As one participant at the Thompson forum said after learning how many staff work in the two offices, "Well, that explains everything!"

This should not be a surprise.

We live in an information age where many view our attention as a commodity and information overload is a common experience. The number and range of ways to communicate seem to increase every day. The challenge for any organization trying to get a message out is not only to reach its intended audience, but to capture their attention.

The accessibility scheme adds to this the challenges of confronting unconscious bias that has roots reaching back centuries, explaining a detailed and comprehensive legislative scheme and reaching an entire population, many of whom may be beginning to learn to think, communicate and act in a new way.

If we then consider what ten individuals and a yearly operating budget of \$200,000 can reasonably accomplish, it is understandable if they cannot get the message out as widely and often as needed. On top of their communication responsibilities, they are also supporting the council and the government in their work, responding to questions and concerns from the public and monitoring and enforcing the Act and standards.

*Standards and tools are complex and require hands-on, practical training*



In addition, as noted above, many affected organizations reported experiencing both the standards and the tools available to implement them as somewhat complicated and difficult to grasp. The Manitoba Human Rights Commission also noted in its written comments to the review that complex information and higher grade reading levels are a barrier to people with intellectual or cognitive impairments. These observations further support the need for more resources to support the application of the Act.

*Collaboration and coordination with the Manitoba Human Rights Commission is needed*

Manitobans often find the relationship between The Human Rights Code and the Act confusing. They would benefit from a coordinated and cooperative approach to education and compliance or enforcement under the two laws. Both the Manitoba Human Rights Commission's comments and the last independent review of the Act noted this. Participants in the public forums also raised this issue.

The Commission further noted the importance of addressing able-ism and stigma and taking an intersectional approach in education efforts under both laws. An intersectional approach recognizes and responds to the diversity of identities and resulting experiences among people disabled by barriers. For example, a white middle class male senior disabled by barriers has different experiences than a young woman of colour disabled by barriers who has a lower income. Participants in the public forums echoed these views.

*Available data indicates that compliance with standards is low*

In addition, the limited data I was able to identify as part of the review indicates that compliance rates with standards remain low.

The Manitoba Human Rights Commission's written comments stated that they are continuing to receive many concerns and complaints regarding disabling barriers. Public administration (government), retail trade, health care, social assistance, real estate, rental and leasing, and educational services are the areas where they are most common, in the order of frequency. A common concern or complaint relates to the treatment of people who use service animals when accessing publicly available goods and services. This shows that compliance with the training and other requirements in this regard under the Customer Service Standard is not consistent.

Disabling barriers in employment are also commonly raised with the human rights commission. Many of these must now be dealt with by unions under collective agreements due to a recent court decision in Manitoba. The human rights commission has further received many complaints relating to inaccessible communications. They note that complexity and higher level reading levels are a common barrier for people with intellectual or cognitive impairments. This group, along with people with mental

health conditions, are making up a larger proportion of people bringing complaints about disabling barriers to the human rights commission. They brought half of the human rights complaints based on disability last year.

The human rights commission has also noted that they receive many concerns and complaints about access to both the interior and outside built environment. These include complaints relating to health care facilities, education settings and justice facilities, especially outside of Winnipeg. Barriers in these places can have serious consequences for health, future opportunities, freedoms and wellbeing. Snow clearing is also a common issue before the commission as are barriers in transportation. These last include barriers in using ride-share services and the lack of adequate public transportation in rural and northern communities.

Data collected by the accessibility scheme confirms that compliance with the Act is low. In 2021-2022, the secretariat conducted an audit that assessed whether companies with 50 or more employees operating in Manitoba complied with the requirement to have a written and publically available policy on accessible customer service. They reviewed two hundred and fifty-two large businesses as a part of the audit, representing 19 industries in Manitoba. Examples included department stores, home good retailers, grocery stores, restaurants, and hotels. Of the companies audited, 70.6% did not comply with the requirement.

It's important to note that compliance by this group of companies increased significantly over the following year. After the secretariat provided guidance and, where necessary, achieving compliance plans, the percentage of companies that did not comply dropped to 33%. This underlines the value of the secretariat's activities in encouraging compliance.

Similarly, the customer service review conducted a survey of small businesses and concluded that the majority of businesses are not complying with standards or are unaware if they comply, which likely means they do not comply.<sup>45</sup>

These findings are supported by the 2023 results of the Manitoba Business Leaders Index or MBLI. It reported important gaps in knowledge about the Act and standards among the business community. As noted by Barrier-Free Manitoba

In response to the MBLI survey question "To what extent would you say you understand the Accessibility for Manitobans Act (AMA) and your obligations as an employer under this Act?" the results show:

- 17% of respondents report an excellent understanding

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<sup>45</sup> [The Accessibility Advisory Council's Five-Year Review of the Customer Service Standard Regulation \(accessibilitymb.ca\)](#) at page 27.

- 45% report a partial understanding
- 38% report little to no understanding

In general, representatives of small businesses have the lowest understanding of their obligations under the AMA, as well as businesses from outside of Winnipeg, and businesses in the manufacturing sector.

Comparing the 2023 MBLI results to those of previous years, the degree of understanding by businesses concerning their obligations to the AMA is relatively consistent year-over-year, despite recent public education efforts by the Government of Manitoba. ...<sup>46</sup>

There is no publicly available data yet relating to the government's compliance with standards under the Act. At the end of the review period, the government's internal compliance review was still in progress.

That said, participants in the consultation and engagement phase of the review said there are significant issues with the government's compliance with the Customer Service Standard. These participants described many barriers when attempting to access health, education and social services. Barriers have further been the subject of a number of human rights complaints, especially in relation to critical public infrastructure, such as health, justice and educational facilities. Public forum participants, written submissions and the Manitoba Human Rights Commission also described barriers that prevent people with intellectual and cognitive impairments from accessing the social and economic supports they need, noting that they often also experience homelessness and the compounding effects of racism, sexism, and other forms of discrimination.

Participants in the review's consultation phase also raised employment barriers within the government. I heard about a number of instances where managers were unaware of the required policy and procedure when responding to accommodation requests by employees disabled by barriers. Government employees also found that managers are reluctant to authorize working from home as an accommodation even when the employee's workplace continues to contain disabling barriers or to present risks for those who are at risk from COVID-19. Issues relating to ergonomics and the use of accessible software were also raised, showing a need for a consistent practice and policy. The employees involved called these experiences demoralizing.

The government's internal compliance review promises to provide very helpful data and recommendations for addressing compliance issues such as these within the government.

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<sup>46</sup> [MLBI PowerPoint Presentation \(probe-research.com\)](https://probe-research.com)

*Benchmarks and more data are needed*

I must, however, recognize that it is difficult to draw conclusions from existing data with confidence. The data available to assess compliance rates and the impact of the Act are limited and we do not have consistent metrics or benchmarks for measuring the Act's impact. As the council noted in the customer service review in 2021:

The review has heard concerns that [the Act] lacks a clear framework to measure standard effectiveness, which builds a perception of inaction.

[...]

The Council recommends that the Minister's annual report measure and report on the impact the Standard (as well as other accessibility standards) are having on improving accessibility. Developing key indicators of success (including education efforts) could be the responsibility of the Council going forward, and should apply to all standards.<sup>47</sup>

Accessibility office and secretariat staff were supportive of this idea as it would help them ensure the maximum impact of their activities.

Manitoba is not alone to face this challenge. Significant gaps in accessibility-related data collection, analysis and reporting have led Canada to adopt A Federal Data and Measurement Strategy for Accessibility 2022 to 2027. Its purpose is to “ensure progress in removing and preventing barriers to accessibility by different organizations can be compared”, “promote accountability to Canadians... by demonstrating how the Act is improving accessibility for all Canadians including persons with disabilities” and “support evidence-based decision-making [...fostering] greater action in advancing accessibility.”<sup>48</sup>

The Strategy foresees collaboration with provincial and territorial governments, noting that

[i]nformation collected under this Strategy could support the efforts of provinces and territories to advance accessibility. It could also encourage provinces and territories to adopt common approaches to accessibility. This could provide a more seamless experience for persons with disabilities across Canada. At the

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<sup>47</sup> [The Accessibility Advisory Council's Five-Year Review of the Customer Service Standard Regulation \(accessibilitymb.ca\)](#) at page 15.

<sup>48</sup> [A Federal Data and Measurement Strategy for Accessibility 2022 to 2027 - Canada.ca](#)

same time, information collected by provinces and territories could inform federal efforts to advance accessibility.<sup>49</sup>

*Government leadership is needed at the top*

I have noted that the minister, the leaders and staff in the minister's department and certain other leaders, employees and parts of the government are a strength in the accessibility scheme, given their commitment and efforts. This is positive to be sure.

The problem is that the accessibility scheme needs more resources than they are able to find within their respective budgets. It also needs more cooperation from other parts of the government in order to implement the Act. Further, it is very difficult to convince non-governmental leaders and organizations to make accessibility a priority when the leaders at the top of the government are not showing the way.

As noted below, staffing to support the scheme have not increased since it was established, other than very limited and incremental development of the secretariat. The minister's department has had to "find from within", which they have done their best to do. As a result, the budget and staffing levels for Manitoba's accessibility scheme are much lower than for other regulatory schemes of this type in this province. They are also much lower than those that support the accessibility scheme in Nova Scotia, which is the one province with an accessibility scheme whose population is similar in size to Manitoba's. More details about these comparisons is provided below under the section titled "The level of resources, time and activities required to support implementation of the Act".

In addition, while there is a good structure for monitoring and ensuring compliance within government, it is just in the beginning stages and seems to have required the a recommendation from the customer service review in order to be launched. And the structure is not as strong as it could be, lacking clear and regular accountability. Departmental accessibility coordinators are not assigned accessibility as a stated part of their job duties and may be individuals who have limited ability to have an impact on their departments. Senior management meetings in government departments do not seem to have accessibility as a standing agenda item. Many managers are not aware of the appropriate response or process for addressing accommodation requests by employees or clients, or how to identify and prevent barriers to accessible service.

It does not appear that the Premier of Manitoba or cabinet ministers other than the minister have made significant efforts to champion accessibility publicly during the review period. An online search did not reveal any examples and review participants did

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<sup>49</sup> [A Federal Data and Measurement Strategy for Accessibility 2022 to 2027 - Canada.ca](#)

not mention any. Similarly, my review of a large selection of departmental annual reports revealed little or no mention of accessibility in most.

The impression this gives is that the government as a whole tends to consider accessibility as the job or responsibility of the accessibility office and, to a limited degree, others within their department and the Public Service Commission. While this has started to shift, movement has been very slow. Many other departments do not appear to view themselves as having a shared responsibility to achieve accessibility.

Reviews of the accessibility scheme in Ontario describe a similar experience in that province. They have repeatedly called on the Premier of that province to provide leadership and the whole of government to participate<sup>50</sup>.

Some who participated in this review believe the lack of noticeable leadership from the Premier and cabinet ministers on accessibility is because it is not as a “political win”, that is, a policy that would be popular with Manitobans or, perhaps, with business. Another view is that the cost that achieving accessibility will create for government is the problem, particularly as it relates to the interior built environment.

If this is the case, it’s time to challenge these assumptions.

All sectors I met with were supportive of accessibility and wanted more help in implementing the scheme. Most Manitobans recognize that they are or will be disabled by barriers and want to prevent and remove these barriers now. When the next Statistics Canada Canadian Survey on Disability report comes out later this year, we can only expect that the proportion of the population who are disabled by barriers will have increased, given our aging population. The first review of the Act reported that, in 2012, 15.6% of Manitobans aged 15 and over reported having a disability.<sup>51</sup> As noted above, this number had grown to almost 25% in 2017.

In addition, removing barriers not only helps those who are disabled by them, it helps those organizations who desperately need the employees and clients or customers that barriers prevent them from reaching. On top of this, many barriers can be removed at low or no cost, even in the built environment, and almost all can be prevented for no cost if accessibility is part of the design process.

Consider too that every jurisdiction across this country has or is working on an accessibility scheme and that the scheme that is currently operating and has a similar population to Manitoba’s already has double the staff. Manitoba can no longer call itself

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<sup>50</sup> The most recent is in the interim report for fourth and final review of Ontario’s accessibility legislation as shown in the [AODA 4<sup>th</sup> review interim report](#).

<sup>51</sup> [First Independent Review of the Act](#) at page 3.

a leader on accessibility on the strength of its legislation alone. In fact, we are at risk of becoming one of the least accessible provinces in the country if the current situation doesn't change.

*Government has been slow to leverage its procurement procedures*

A further sign of the need for government leadership from the top is the delay in incorporating compliance with the Act into requirements under government procurement policies (policies that apply when the government buys goods and services). This issue was raised at the legislative committee assigned to review the proposed Act in 2013 and the government at the time said that it was working on it<sup>52</sup>.

*Government communications processes and policies present challenges*

A related issue that some government staff raised and that I experienced firsthand during the review is that the communications policies and procedures that are required for all government departments do not fit well with an organization like the accessibility office or secretariat for whom accessible communications form a major activity. Both organizations need to be nimble and able to get their messages out in the most effective way and when opportunities arise. They also need to set an example by being accessible in all communications.

This is a challenge when they need to channel much of their communications through the division of the department of Finance that is responsible for government communications and engagement. That division has a limited staff, must balance the communication needs of the accessibility office and secretariat with other government priorities and understandably focuses on the more typical needs of government departments, which are not really in the "business" of communication. The division is also still working on its own capacity to deliver accessible communications.

Of particular concern is the inaccessibility of government communications to people who use sign language. I wanted to highlight this issue as it is a big barrier and it will take active efforts on the part of the government to address it. Access to sign language interpretation is already limited in Manitoba, can be non-existent in rural and northern communities and, from what I understand, is not available in French at all. It seems to me that government needs to develop its own additional resources for sign language interpretation, if it is to become accessible in this respect. Otherwise, it risks overwhelming existing resources and interfering with the availability of sign language

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<sup>52</sup> [Hansard for Committee on Bill 26 The Accessibility for Manitobans Act 2013](#) at page 710.

interpretation for day-to-day basic needs like going to the hospital or a doctor's appointment, attending school or work or dealing with a school or day care.

In considering the issues with the government's communications scheme, I note that a number of other regulatory schemes operate independently from government when it comes to communications. The Manitoba Human Rights Commission manages its own communications. The government recognizes that it needs to be independent as it is an arms-length agency that enforces the Code against the government. This approach seems equally applicable to the accessibility office and secretariat.

Some other regulatory schemes in Manitoba have independent communications because the organizational form they take has an independent board. Manitoba's Liquor, Gaming and Cannabis Authority and the Workers Compensations Board for the province, which provides public education and training relating to the workplace safety and health scheme, both design and manage their own communications. The accessibility scheme is trying to reach people and organizations amid stronger, independent communications by these and other regulatory bodies.

*The advisory network is an untapped resource*

I have been involved in other organizations where a group of connected and informed champions from a range of sectors had a significant impact on the organization's profile and connections within the community. The advisory network could play this role, particularly if its representation from the private sector is strengthened. I did not meet with the advisory network and did not look into its activities in any depth. However, my sense from the review is that it could be helpful to formalize its role and mandate and provide the supports and resources it needs to play an even more important role in planning and communications under the Act.

*Engagement needed with First Nations, Metis and Inuit groups, communities and peoples, francophone Manitobans and rural and northern communities*

It quickly became clear when planning the consultation and engagement part of this review that the government is either just beginning or has not really started to engage with First Nations, Metis and Inuit groups, communities and peoples in relation to accessibility. The same is largely also true in respect of francophone Manitobans and rural and northern communities.

While there was some participation by members of First Nations, Metis and Inuit groups, communities and peoples in the public consultation and engagement part of this review, it was limited. We learned that relationships need to be established in relation to



accessibility between the government and these groups, communities and peoples in order for meaningful engagement to happen in this area..

Similarly, the government is just starting to connect with francophone Manitobans and rural and northern communities in relation to accessibility. Members of these groups were eager to have a stronger relationship with the accessibility office and secretariat and told us that this will require a different approach. The government's usual methods of communication often do not reach them. Community newsletters, radio programs, community posters and other methods are more effective. In addition, Manitobans from francophone, rural and northern communities described facing unique challenges in relation to barriers and achieving accessibility.

*Lack of government leadership and compliance can have devastating effects*

I cannot leave the topic of areas needing attention with respect to putting the Act and standards into practice without discussing the vulnerability of people disabled by barriers during the COVID-19 pandemic. During an emergency, accessibility becomes a matter of life and death. Participants in the public forum shared troubling experiences where they faced barriers and risk during the pandemic due to a lack of accessibility planning. The Manitoba Human Rights Commission also highlighted the many barriers that came to its attention during the pandemic and recommended that standards under the Act include measures to ensure that emergency responses incorporate accessibility. Barrier-Free Manitoba and other organizations led by people with disabilities have also been very active ensuring that the experiences and needs of people disabled by barriers be addressed appropriately in pandemic responses.

Accountability and compliance

Progress made

Progress has been made in relation to accountability and compliance under the Act, but more is needed in order to make significant progress in achieving accessibility.

The minister's annual reports and government two-year plans were posted online during the review period, as required under the Act. In addition, the minister has posted annual updates on the government's progress in carrying out the recommendations from the customer service review. Summary reports of council and standard development committee meetings were also posted online and contain substantive information indicating the nature of discussion and decisions.

The secretariat established a compliance framework and complaint and concern process during the review period. These are available to the public online.<sup>53</sup> The secretariat staff informed me that their approach to compliance uses lessons learned from other jurisdictions' accessibility schemes as well as other regulatory schemes in Manitoba. It was also based on recommendations from the Organisation for Economic Co-operation and Development or OECD.<sup>54</sup>

As noted in the secretariat's framework document, the framework "uses a progressive approach to compliance, which aims to reduce the use of punitive enforcement processes, actions and decisions." To do this, the framework sets out the following six stages:

- 1) Educating into compliance;
- 2) Selection of organization;
- 3) Contacting;
- 4) Reviewing;
- 5) Inspecting;
- 6) Sanctioning.

As explained in the framework document:

"Educating into compliance" means providing support to organizations in ways that best encourage and promote their compliance with [the Act], its standards and deadlines. It includes targeted outreach, awareness raising and developing resources and training. Awareness raising activities will be undertaken well in advance of compliance deadlines. This support will allow time for organizations to learn about the coming requirements and to make changes that are needed for them to comply.

[...]

If an organization is found to be not complying at any step in the process, and if educating does not lead to compliance, the organization will be escalated to the next step in the compliance framework. These will include a detailed review of the organization's activities or inspections, the issuing of an achieving compliance plan that outlines compliance concerns and provides a dealing by which to comply. If compliance does not occur, sanctions will be pursued.

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<sup>53</sup> [Made-in-Manitoba Compliance Framework: \(accessibilitymb.ca\); Complaints Procedures - Accessibility Compliance \(gov.mb.ca\)](https://accessibilitymb.ca)

<sup>54</sup> The secretariat pointed me to the following document: [OECD Regulatory Policy Outlook 2018 | OECD iLibrary \(oecd-ilibrary.org\)](https://oecd-ilibrary.org)

A senior manager with another provincial regulatory scheme who is familiar with the secretariat, thought it had a “a good handle” on developing its program. In addition, I have reviewed the Organisation for Economic Co-operation and Development’s or OECD’s Best Practices for Regulatory Governance and can confirm that the secretariat’s compliance framework fits with its recommendations.<sup>55</sup>

The secretariat conducted the following compliance activities during the review period In addition to starting up its office, developing a compliance framework and conducting the audit and review activities already mentioned in this report:

- It developed an achieving compliance plan template in 2020-2021, which it uses to outline the specific areas or sections of the Act or standard requiring compliance. These are provided along with the date by which the secretariat will re-assess the organization’s compliance and free tools and resources to achieve compliance.
- It issued between 40 and 45 achieving compliance plans each year since establishing the template and found that they resulted in compliance by 81% to 86% of the businesses who received them.
- It responded to individual inquiries and concerns or complaints each year, rising from 33 in 2020-2021 to 65 the following year and expected to rise by an additional 30% for the most recent fiscal year.
- It made active contacts to public and private sector organizations outside of government each year, most recently totalling 511 for the past fiscal year.<sup>56</sup>

The secretariat has been following the complaint procedure posted online. I reviewed a number of emails in which the secretariat had responded to individual concerns during the review period. The secretariat typically explains to the individual what the relevant obligations of the organization are under the standard or Act. It also explains the obligation of the organization to have a complaint or feedback mechanism to deal with individual concerns. The secretariat then encourages the individual to raise their concern with the organization and get back to the secretariat if they are not successful. This is so the secretariat can take additional action as needed. The secretariat also may, in its discretion and with the consent of the individual, communicate with the

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<sup>55</sup>I considered the following document: [Regulatory Enforcement and Inspections | READ online \(oecd-ilibrary.org\)](#)

<sup>56</sup>Most of these are by email, most relate to the Customer Service Standard (43.6%) and accessibility plans (36%). And most were with either private companies (30.9%), school divisions (23.2%) or members of the public (16.2%).

organization to advise that the concern has been raised and what the organization's relevant obligations are.

#### Areas needing attention

While the necessary scheme is mostly in place for monitoring and enforcement, the secretariat has had quite limited capacity to conduct reviews, audits and inspections. These are the main tools it has to monitor compliance under the Act. This is a concern given the importance of inspections for the success of regulatory schemes, as noted by the OECD.<sup>57</sup>

During the review period, the secretariat has been able to audit compliance with only two obligations: accessibility plans by public sector bodies and customer service policies by large private sector organizations. Accordingly, it has only been in a position to issue achieving compliance plans to 85 businesses. This is unfortunate when we consider how effective that process has been in getting the businesses to comply.

Limited staff and a lack of operational budget are key issues here. As noted above, addressing this gap will require government leadership from the top. Another issue that will require this leadership is the difficulty the secretariat faces in trying to identify affected organizations, including the appropriate contact person to assess compliance and the number of employees. Attempts to obtain this information from other regulatory schemes that have access to it have been unsuccessful to date.

A further issue is the limited number of private sector organizations that have the obligation to maintain written policies and documentation. This also hampers the secretariat's capacity to audit compliance and give out achieving compliance plans. Increasing the threshold to organizations with 50 or more employees from those with 20 or more resulted in a 66% reduction in the number of organizations that must comply. This is an issue because obligations under the standard to keep written policies or records are much simpler to audit than one-off unwitnessed interactions between staff and a customer disabled by barriers or an employer and employee.

The public also seems mostly unaware of the secretariat's procedure for responding to individual complaints or concerns. One participant at the Winnipeg forum said the forum was the first they had heard of the secretariat or complaint process. They found this surprising given that they work in an advocacy organization led by people disabled by barriers.

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<sup>57</sup> Please refer to the OECD document two footnotes above this one.

In addition, people who are aware of the secretariat seem to be under the impression that it does not respond to individual concerns. This is likely due to information such as the following, from the compliance framework:

Unlike the Human Rights Code (Manitoba), [the Act] is not complaints based legislation. As such, the Accessibility Compliance Secretariat does not investigate or mediate individual complaints. Feedback from members of the public is systematically tracked to identify trends that inform compliance activities (e.g., reviews and inspections), as well as awareness raising initiatives.<sup>58</sup>

By contrast, other provincial regulatory regimes such as the one for workplace safety and health broadly publicize their complaint line and commit to investigating every complaint.<sup>59</sup>

Individual complaints can play an important role in regulatory schemes. The author of the 2019 review of Ontario's scheme noted this, concluding that

[t]he most promising idea for improving enforcement, in my view, was the suggestion to introduce a way for people to file complaints about violation of AODA standards. I believe this could quite easily be implemented by building on the ADO's existing "Contact us" phone and email system.<sup>60</sup>

The Manitoba Human Rights Commission recommended in its written comments to the review that it and the secretariat work together to coordinate their approach and share useful information on an anonymous basis. This makes good sense given the strong relationship between the two schemes. When I met with them both the secretariat and human rights commission staff noted that they were beginning to work on this.

Finally, the secretariat needs to make the regulation it needs in order to assess monetary penalties for organizations that are refusing to comply after being given the information, tools and support they need. The secretariat recognizes this and has a plan to do so.

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<sup>58</sup> [Made-in-Manitoba Compliance Framework: \(accessibilitymb.ca\)](https://www.accessibilitymb.ca) at p 5

<sup>59</sup> [Reports | Workplace Safety & Health | Labour | Labour and Immigration | Province of Manitoba \(gov.mb.ca\)](#); [Workplace Safety and Health | Labour | Labour and Immigration | Province of Manitoba \(gov.mb.ca\)](#)

<sup>60</sup> [2019 Legislative Review of the Accessibility for Ontarians with Disabilities Act, 2005 | ontario.ca](#)

The level of resources, time and activities required to support implementation of the Act

Progress made

My review of the resources, time and activities required to support implementation or the carrying out of the Act shows that some progress has been made during the review period. The progress is largely due to the minister and departmental leaders finding resources within the department of Families and the acting Public Service Commissioner and staff doing the same within that agency.

The department of Families maintained staffing and funding levels for the accessibility office over the review period and increased the staff of the secretariat from one full-time staff person to two full-time staff members and one part-step student. At the end of the review period, the department was close to finalizing the assignment of an additional full-time staff member for the secretariat.

The accessibility office has hired a new communication and engagement specialist, with whom I worked directly on the review. This person is very skilled and knowledgeable and brings expertise and experience gained outside the government. As well, a policy analyst position has been approved and will be hired in 2023 to focus on engagement with First Nations, Metis and Inuit groups, communities and peoples.

The government has also started to shift responsibility for supporting the government in developing and publishing its accessibility plan and reports and internally monitoring compliance under the Act from the accessibility office and secretariat to other parts of the government. Once this shift is complete, it will free up more resources of the accessibility office and secretariat for public awareness, education and compliance activities for the public and organizations outside of the government.

While the Manitoba Accessibility Fund is outside the reach of this review, we did hear that many members of the public and affected organizations view it as a very positive step. This was also found by the customer service review in 2021.

The federal accessibility scheme also has funding available to support projects that may have an impact on accessibility and compliance under provincial accessibility schemes.

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<sup>61</sup> [Accessible Canada information about funding](#)

Finally, cost analyses are completed as part of the development of each new accessibility standard. This provides data that would be useful to the government when budgeting and planning for accessibility measures in the public sector and when determining what resources are required in the private sector.

Areas needing attention

*More resources needed*

While progress has been made, a lot more resources are needed to implement the Act. If resources remain as they are or increase as slowly as they have been, the scheme created under the Act will not be effective at achieving its purpose.

The last independent reviewer, whose report was delivered when only one standard was fully in effect, noted that the accessibility office had limited staff and needed more support<sup>62</sup>. The staffing levels for the accessibility office have remained the same since 2018-2019 at seven full-time equivalent positions in total. The office's available funding for "other expenditures", including advertising, events and developing tools, resources and training materials, has increased 16% from \$180,000 for that year to \$208,000 in 2023-2024.<sup>63</sup>

The council made a similar finding in respect of the secretariat when it reviewed the Customer Service Standard in 2021<sup>64</sup>. Since that time, secretariat staffing has increased slowly and its activities have had a limited reach, as noted in more detail above. In addition, the secretariat does not have an operations budget and depends on the accessibility office for expenditures to support compliance-related activities, such as training for affected organizations.

I note that just the compliance or enforcement side of Manitoba's workplace safety and health scheme had close to 80 staff, and other expenditures over \$900,000 in 2021-2022<sup>65</sup>. Safe Work Manitoba, the prevention and public education side of the scheme, which is led by the Workers Compensation Board, had a budget of approximately \$7 million for 2022<sup>66</sup>.

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<sup>62</sup> [First Independent Review of the Act](#) at page 33.

<sup>63</sup> Email dated March 24, 2023 to me from the Executive Director of the accessibility office.

<sup>64</sup> [The Accessibility Advisory Council's Five-Year Review of the Customer Service Standard Regulation \(accessibilitymb.ca\)](#) at pages 14 to 15.

<sup>65</sup> [Manitoba Labour, Consumer Protection and Government Services Annual Report 2021-2022 \(gov.mb.ca\)](#) at page 66.

<sup>66</sup> [WCB-Annual-Report-2022.pdf](#) at page 82

On a smaller scale, Manitoba's Consumer Protection Office, which regulates and licences certain business activities in the province, has approximately double the staff and operating budget of the accessibility office and secretariat combined.<sup>67</sup>

Outside the province, I was advised that the part of Nova Scotia's accessibility scheme that is equivalent to the accessibility office in Manitoba has double the number of staff. That scheme has also just hired its first compliance staff person. Its Act was passed later than Manitoba's and none of its standards are in effect yet.

No regulatory scheme will be an exact match to the one created under the Act. Some, such as the Consumer Protection Office, use some of their resources for licensing activities. Others, like Safe Work Manitoba, may receive income from employers or other organizations outside of the government. That said, it seems clear that the resources set aside for the Act are far below what both this and other governments generally consider necessary to implement a regulatory regime with its reach.

This is especially the case considering the number of affected organizations. It is roughly the same as those covered by the workplace safety and health scheme. Both potentially deal with all provincially regulated employers in the province. This is also considerably larger than the number of organizations covered by many other regulatory schemes, which tend to focus on a particular sector of private business or activity.

Also, while there are differences in the number and nature of regulatory requirements in each scheme, all regulatory schemes need to decide and apply compliance priorities. Manitoba's workplace safety and health scheme, for example, uses a targeted enforcement strategy, considering level of risk and priority areas of focus<sup>68</sup>.

Given their mammoth task and limited resources, it didn't surprise me to hear accessibility office staff describe their work as often reactive, driven by the need to juggle a myriad of competing outside demands with limited resources. Staff said they would like their actions to be more proactive and planned. Similarly, the secretariat staff said they would benefit greatly from more staff and their own budget for operational needs.

Finally, if the public becomes much more aware of the secretariat, the compliance related contacts can be expected to grow quickly. The compliance side of the workplace safety and health scheme responded to over 8,500 calls and emails in the 2021-2022

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<sup>67</sup> [Manitoba Labour, Consumer Protection and Government Services Annual Report 2021-2022 \(gov.mb.ca\)](https://www.gov.mb.ca/labor/annual-report-2021-2022) at page 60.

<sup>68</sup> [Enforcement Strategies | Workplace Safety and Health | Labour | Labour and Immigration | Province of Manitoba \(gov.mb.ca\)](https://www.gov.mb.ca/labor/enforcement-strategies-workplace-safety-and-health-labour-labour-and-immigration-province-of-manitoba).



fiscal year.<sup>69</sup> In 2020, the Manitoba Human Rights Commission responded to close to 3,400 public inquiries.<sup>70</sup> The accessibility office currently responds to a fraction of those calls and emails each year, including those forwarded to the secretariat. The current staffing and budget for the accessibility scheme would not be able to handle a big increase in volume of calls and emails from the public.

*Need for longer-term planning*

A related issue that has emerged from the review is the need for longer term planning by the government for putting the Act and standards into effect. The staff of the accessibility office has not increased in the last five years, despite the increase in the number of standards that are in effect and the technical nature of them. The secretariat was not established until the customer service regulation had been in effect for the government for three years. It started with one staff person and still has no operating budget. Other regulatory schemes have staff teams with the necessary technical expertise to develop, educate about and enforce regulatory requirements or have access to this expertise on a regular, reliable basis. Manitoba's accessibility scheme needs this too.

The Act may be contributing to this short-term outlook by requiring yearly reports by the minister and two-year plans for government and public sector bodies. However, focusing solely on short term planning is leaving the government in a difficult position when it comes to carrying out the Act effectively.

*Affected organizations need dedicated staff and funding*

Inadequate resources for the office and secretariat were not the only resource issue raised in the consultation completed for this review. We heard repeatedly from both the public and affected organizations that affected organizations need dedicated resources and staff in order to comply with the Act.

Many recognized that much can be done to improve accessibility at no or little cost. That said, staff need time to identify, remove and prevent barriers not to mention the necessary tools and resources to do so. When it comes to more significant existing barriers, removing them may also require funding or a financial incentive.

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<sup>69</sup> [Manitoba Labour, Consumer Protection and Government Services Annual Report 2021-2022 \(gov.mb.ca\)](#) at page 65.

<sup>70</sup> Manitoba Human Rights Commission's 2020 Annual Report at page 9.

In addition, public sector bodies described the challenge of developing and implementing accessibility plans when government funding and other available resources were not increased to reflect this reality.

For its part, the private sector described a challenging financial environment in the late stages of the pandemic and a struggling economy. As noted in the Manitoba Business Leaders Index report,

Manitoba businesses are more likely to worry about increased operating costs and the impact of inflation than any other issues they face. Seven in ten say inflation is one of their main preoccupations, while attracting staff and supply chain disruptions round out the top three issues of concern to businesses in the province<sup>71</sup>

Organizations view the Manitoba Accessibility Fund as a significant advance and want the funds available under it to be increased. That said, public sector bodies do not consider the fund as a sustainable way to fund accessibility measures in the public sector. As one larger public sector body noted, they could have used up all the \$756.3K available in 2022 just for one infrastructure project.

Another option raised by the reviews of Ontario's accessibility scheme and by participants in the public forums for this review is to provide tax credits or related incentives to affected organizations for complying with standards or taking other accessibility measures.

Summary of the review's main findings

Based on the above outline of main findings from the consultation and review, I believe that progress has been made on building the regulatory scheme that is needed to achieve accessibility in Manitoba. This consists of the Act and the standards made under it, the council, standard development committees and the standard development process, the accessibility office and its networks, website, tools and promotion/education activities and the secretariat and its compliance framework and program. The emerging process for ensuring compliance across government is also promising.

However, despite this, Manitoba has not likely seen significant progress in achieving accessibility since 2013. We appear very much still in the early stage of this journey.

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<sup>71</sup> [MLBI PowerPoint Presentation \(probe-research.com\)](#) at page 1.

The main barrier to implementing the Act appears to be a lack of government leadership from the top. This has translated into inadequate resources, a lack of cooperation and involvement across government and a resulting gap in knowledge and awareness on the part of both the government and the public, including people disabled by barriers and affected organizations. A lack of long-term planning adds to these challenges. Based on these findings, the following section outlines my recommendations for putting the Act into action over the next five-year review period.

## Recommendations for improving the Act's effectiveness

Following are my recommendations to address the issues and findings raised by the review, grouped by person or entity responsible and area set out in the review's terms of reference. Many of the recommendations depend on the government increasing the funding and staff for the accessibility scheme. A meaningful increase is necessary if the Act is to have the significant impact on accessibility that was intended in 2013.

The level of resources, time and activities required to support implementation of the Act

1. That the Premier of Manitoba demonstrate leadership from the top on accessibility by taking the following actions:

- publicly affirming that accessibility is a priority of the government on a regular basis each year;
- ensuring that the minister and their department have the resources recommended under this review to implement the accessibility scheme;
- directing all cabinet ministers to do the following:
  - adopt measures to support a strong and accountable internal mechanism for ensuring and reporting compliance with the Act, standards and accessibility plan, including by
    - making coordinators' accessibility responsibilities a dedicated part of their job description,
    - making accessibility a regular agenda item for executive management meetings, and

- otherwise supporting implementation of the recommendations from the government's internal two-year compliance review;
  - publicly affirm that accessibility is a priority of their department on a regular basis each year;
  - direct their department and agencies to support the accessibility office and secretariat in carrying out their responsibilities under the Act, including by cooperating on public awareness campaigns, information sharing and compliance enforcement;
  - facilitate independence in communications on the part of the accessibility office and secretariat;
  - directing and resourcing the appropriate organization or organizations within government to develop capacity and provide American Sign Language interpretation for government purposes;
  - considering the creation of tax incentives for measures to increase accessibility.
2. That the government take immediate action to double the staff of the accessibility office (from seven to 14) and the secretariat (from three to six, plus a student), to double the operating budget of the accessibility office and to add an operational budget of \$200,000 for the secretariat.
  3. That the government be able to demonstrate by the end of the next five -year review period that it is funding the accessibility scheme on an equitable basis when compared to other regulatory schemes in the province.
  4. That the government implement government-wide mechanisms for ensuring that plans and budgets for projects and activities that it funds incorporate accessibility, such as through
    - disability-inclusive budgeting, which requires that estimates and budgets intentionally and explicitly consider the accessibility needs that will accompany all budget items<sup>72</sup>;

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<sup>72</sup> An example of disability-inclusive budgeting in the U.N. system is provided at this link: [Budgeting and mobilizing resources for disability inclusion in humanitarian actions \(unicef.org\)](https://www.unicef.org/budgeting-and-mobilizing-resources-for-disability-inclusion-in-humanitarian-actions). The Government of Canada is also inclusive of disability as part of its budgeting process. Consider this document: [Statement and Impacts Report on Gender, Diversity, and Quality of Life | Budget 2023 \(canada.ca\)](https://www.canada.ca/en/government/departmental-statements/2023/04/statement-and-impacts-report-on-gender-diversity-and-quality-of-life-budget-2023.html).

- giving the auditor general a role in assessing budgets and plans for major government projects and other activities to ensure that accessibility is appropriately included.
5. That the government adopt a target date by which it will demonstrate significant progress in achieving accessibility in Manitoba and require coordinated, long-term planning and data collection and analysis across government that will ensure that this target is achieved.

#### Standard Development Process

6. That the minister undertake a public consultation process for any terms of reference for new standards that is comparable to the consultation for council recommendations and draft regulations.
7. That the minister refrain from excluding areas or sectors from the terms of reference for standards for the purpose of avoiding duplication with other provincial regulatory schemes.
8. That the minister immediately issue terms of reference for interior built environment accessibility standards, whether as a standalone regulation or as part of existing and new standards.
9. That the minister identify new standard areas, in consultation with people disabled by barriers and affected organizations, in consideration of the feedback received during this review and taking into account the need to harmonize in certain areas with other jurisdictions.
10. That the minister propose an amendment to the Act to restore the council to 12 members, and that the Cabinet make the additional appointments to strengthen representation of people disabled by barriers on the council.
11. That the Cabinet and minister consider requiring in the Act or by policy that half of the members of the council and standard development committees be people disabled by barriers or representatives of organizations led by people disabled by barriers.
12. That the minister establish a formal link between the council and the Intellectual Disability Issues Advisory Committee.
13. That the minister strengthen the government's regulation making process for standards by adopting, as needed, the strategies identified in this report.

14. That the minister propose a regulation amendment returning to the lower threshold of 20 employees for documenting and reporting obligations under the Customer Service Standard, to be accompanied by resources and a communication plan designed to ease and simplify compliance.
15. That the council strengthen representation on standard development committees of persons disabled by barriers and residents of rural and northern communities. It will also be important to include members of First Nations, Metis and Inuit groups, communities and peoples, after building meaningful and respectful engagement and relationships.
16. That the council consider recommending that the government amend the Customer Service Standard and Accessible Employment Standard to include a simplified requirement to adopt an accessibility policy and have it apply to all affected organizations.
17. That the council and government continue to develop and implement measures to make policy decisions made during the standard and regulation development processes transparent and meaningfully informed by consultation with people disabled by barriers as well as affected organizations;
18. That the council and government provide sufficient time for consultation on recommendations and proposed regulations to prepare plain language documents, hold informational sessions and provide follow up information before feedback is due.
19. That the council and standard development committees continue to use interest-based approaches to resolving differences regarding standard contents, while also continuing to respect the accessibility principles set out in the Act.

#### Implementation of the Standards

20. That the department, accessibility office and secretariat develop and implement a four- or five-year strategic plan, in collaboration with the council, accessibility network and parts of government involved in implementing the accessibility plan and standards. The plan will incorporate collaboration with supportive networks and champions, providing resources to those networks and champions as needed, and include the following elements:
  - Regular opportunities to celebrate successes with awards and other ways of recognizing positive efforts and publicizing them beyond the accessibility office's current network.

- Collaboration with accessibility schemes in other jurisdictions, including under the Accessible Canada Act;
- Regular broad public awareness activities that apply best practices from other regulatory systems in Manitoba and other jurisdictions, address stigma and ableism, reflect the intersecting identities and experiences of people disabled by barriers and broadly publicize the secretariat’s contact information and complaint process, indicating that all complaints will be looked into.
- The delivery of an appropriate mix of online and hands-on practical resources, tools and trainings for affected organizations that are as simple and easy to find and use as possible and are informed by the findings and feedback from this and other reviews and best practices from other schemes and jurisdictions.
- An enhanced, formalized and resourced role for the accessibility network.
- Activities to ensure significant progress on engagement with First Nations, Metis and Inuit groups, communities and peoples, applying an approach that supports and reflects reconciliation and a respectful relationship between sovereign peoples.
- Activities to ensure significant progress on engagement with francophone Manitobans and rural and northern communities.
- Data collection, analysis and reporting.
- A human resources and staffing component recognizing the increasing need for diverse expertise as new standards come into effect as well as the importance of broad representation of people disabled by barriers.
- Measures to streamline public consultations so as to meet consultation requirements under the Act while avoiding “consultation fatigue”. Having the government host an annual forum, which consolidates consultations needed for the year and provides other opportunities for dialogue and training may be a helpful option.

## Accountability and Compliance

21. That the government establish a data-sharing arrangement between the secretariat and one or more other regulatory schemes such as the workplace safety and health scheme to enable sharing of the necessary information to identify affected

organizations, their appropriate contact people and their number of employees and that the government introduce or make any legislative or regulatory amendments necessary to support the arrangement.

22. That, before the start of the fiscal year 2025-2026, the government implement a requirement to demonstrate compliance with the Act and standards as part of their procurement processes and require public sector bodies to do the same before the start of fiscal year 2026-2027.
23. That the council consider recommending amending the standards to include definitions of “employee” and “employer” that capture more employment and business arrangements in Manitoba.
24. That the secretariat, as part of its long-term strategic planning, do the following:
  - develop a significantly enhanced compliance program, building on its strong foundation and continuing to apply best practices from other regulatory schemes in Manitoba and other jurisdictions;
  - commission or engage in research on the effectiveness of the current complaint mechanism by
    - following up with a group of individuals who have made complaints to see what impact the secretariat’s involvement has had;
    - guiding or mediating communications between a group of individuals who have made complaints and the affected organizations complained about in an attempt to resolve the issue, on a pilot basis; and
    - comparing the effectiveness of the two approaches as part of future planning respecting the secretariat’s complaint process.
  - making a regulation that will support the application of administrative penalties;
  - establish regular dialogue with the Manitoba Human Rights Commission to share information on an anonymous basis and work together in any others ways that support a consistent and strengthened approach;
  - develop compliance priorities, based on consultation with people disabled by barriers and data analysis;
  - acquire and maintain a compliance-supporting database and related software.



## Accessibility Planning

25. That the minister consider proposing amendments to the Act or regulations that would increase the time-period for public sector bodies to update their accessibility plans to four years and time the updates to be required in the middle of election cycles, as appropriate.
26. That the government include in its accessibility plan the identification, removal and prevention of barriers for people with intellectual or cognitive impairments or acquired brain injuries in the design and delivery of social services.
27. That the secretariat, as part of its long-term plan, consider commissioning research on the impact of accessibility planning and the features of accessibility planning that have the most impact on achieving accessibility.

## Suggestions for the next review

When I started the review, I found it helpful to learn from individuals involved in the first independent review about what worked well and what they would do differently. Because of this, I thought I would share a few suggestions here for consideration when planning the next five-year review. They are the following:

- 1) Appoint a reviewer who is disabled by barriers and has a strong knowledge about and connection to the community of people disabled by barriers.

The last reviewer and I both had quite a strong government perspective and connection --- and arguably less of a connection with the community. Given the importance of involving the perspective of people disabled by barriers in every aspect of the Act's implementation, I believe it would be helpful to pursue a community perspective informed by lived experience for the next review.

- 2) Build in more time and resources to undertake a focused consultation process that reaches all Manitobans, in our diversity.

The survey, public forums and small group meetings for this review asked fairly general questions, attempting to determine participants' sense of the effectiveness of the parts of the accessibility scheme that were covered in the terms of reference for the review. This is largely because the content for the consultation meetings and survey had to be decided very quickly after the review began in order to meet the review deadline and

work within the government's communications procedures and policies. Now that I am aware how limited the available data is regarding accessibility, I believe that these reviews provide an important opportunity for more focused data collection.

Also, if the government wants to reach all Manitobans, including First Nations, Metis and Inuit groups, communities and peoples, francophone Manitobans and rural and northern communities, the reviewer and team will need time and funding to develop appropriate ways of connecting with them. They also need time and resources to publicize forums and other ways of giving feedback to the review using methods that are commonly used in these communities.

- 3) Have the government staff -- and reviewer, if possible, -- consult the council when developing the budget and the review and consultation plan.

I found consulting the council very helpful, but did it on my own after the budget and timeline were set. As a result, it was a bit of a scramble to implement their suggestions and my capacity to do so fully was limited.

- 4) Consider building in time and resources to share an interim report with the public for feedback.

Accessibility scheme reviews in other jurisdictions seem to have built this in. The risk if the reviewer does not share their preliminary findings and recommendations is that they could miss something important, get something wrong or recommend something unhelpful or even harmful. I tried to fill this gap by sharing potential recommendations with the council, key people within the government and a coalition of groups led by persons disabled by barriers. I found that very helpful and believe a more comprehensive engagement would be ideal.

- 5) Continue to build in time and resources for small group meetings with a range of sectors, including various categories of affected organizations and organizations led by people disabled by barriers.

This was recommended by the council and was very helpful to encouraging honest and open feedback.

- 6) Ensure that the next review consult with the Manitoba Human Rights Commission.

The human rights commission's written comments for this review recommended that the minister require this as part of the terms of reference, which I support. Information provided by the human rights commission was very helpful as part of the review. The Act is intended to complement the human rights protections under The Manitoba

Human Rights Code, which the commission applies and enforces. A significant number of human rights complaints each year are based on disability. The Act provides in subsection 2(3) that “[n]othing in this Act or the regulations diminishes the obligations of a person or organization with respect to persons with disabilities under any other enactment, and, in particular, under The Human Rights Code.”, a further indication that the two laws are intended to work together in a complementary way.

- 7) Consider having a small advisory group to help guide plans for the review, with representation from people disabled by barriers, First Nations, Metis and Inuit groups, communities and peoples, francophone Manitobans, rural and Northern communities and other groups who may not access public engagement and consultation of this type on an equal basis with other Manitobans.

Despite our best efforts to ensure that the public forums were fully accessible and welcoming, my able-ist and colonial conditioning led me to make some decisions too quickly when planning them. We were grateful to receive kind and thoughtful feedback from participants in the early stage of the review that we were able to follow in later meetings. This feedback included, for example,

- a request to have hybrid public forums so people who could not attend in person due to barriers or risks presented by meeting in person could attend online with other members of their geographic community;
- a suggestion to invite a First Nations or Metis Elder to begin our public forums; and
- a request to have French-English interpretation at our Winnipeg public forum.

All of these were excellent recommendations and show the value and importance of this type of input at the planning stages.

With gratitude

The Elder who opened our Winnipeg forum invited each of us to consider what we were grateful for as we started our time together that afternoon. I was grateful for everyone who came to the forum to share their experiences, concerns, knowledge and hope.

I still feel that gratitude very strongly and extend it to everyone who participated in the review. Whether you were a participant in a forum or focus group, a respondent to the survey, someone who met with me or submitted your views in writing, a volunteer, a current or former government staff member, council or committee member, an accessibility expert here or in another province or a representative from an accessibility

scheme in another province: Thank You! This review is truly a group effort and I hope I have done justice to the care and effort of everyone who participated.

I did want to thank the minister for entrusting this important work to me as well as the deputy minister and assistant deputy minister for their support, flexibility and commitment to an independent review process. I also wish to thank the executive Director and staff of the accessibility office, who met with me many times, responded to so many requests and questions, and provided such wonderful support and help at every point in the review. Many thanks are also due to the Assistant Director and staff of the secretariat, who met with me many times, answered countless questions and gathered so many helpful documents.

I am further grateful to

- the council, who provided invaluable advice and feedback;
- the manager of bilingual service centres for the Francophone Affairs Secretariat of the government of Manitoba and others in their office, for supporting our engagement with francophone Manitobans; and
- the provincial lead and staff with the policy and strategic initiatives office of the department of Indigenous Reconciliation and Northern Relations, for their invaluable support and advice on engaging with First Nations, Metis and Inuit groups, communities and peoples.

I could not have completed this work without the support of the Chief and Deputy Chief Legislative Counsel for Manitoba, who adjusted my work responsibilities and provided other helpful advice, support and information for the review. It was exciting when the Legislative Counsel Office launched the new accessible version of the Laws of Manitoba website on May 1, 2023, to meet the deadline under the Accessible Information and Communication Standard. Missing the deadline simply was not an option from their perspective. This showed their strong commitment to accessibility as well as what is possible when the necessary knowledge, resources and commitment come together.

Last, but not least, I want to recognize the time and efforts given to the review by current and former representatives of Barrier-Free Manitoba, the Independent Living Resource Centre, the Manitoba League of Persons with Disabilities, Transportation Options Network for Seniors and CNIB Manitoba. This coalition of organizations had come together in relation to the proposed Accessible Transportation Standard, holding a very successful public forum, which I attended early in the review. They were kind enough to meet with me, including some on an individual basis, to explore issues and consider potential recommendations and to provide information and perspectives that greatly strengthened the review and report.

## Conclusion

As we close this 2023 review of The Accessibility for Manitobans Act, I find myself thinking, “It’s time!”

It’s time for Manitoba’s Premier and government to lead the way to an accessible Manitoba. It’s time to give Manitoba’s accessibility scheme the resources and support it needs. It’s time to show those of us who are disabled by barriers that Manitobans “get it” and we want a better future. We recognize that barriers are rooted in long-standing practices, beliefs and attitudes that have no place in today’s Manitoba. It’s time for Manitoba to become truly accessible, to be barrier-free.

## Appendix A: The Accessibility for Manitobans Act 2023 Legislative Review Terms of Reference

### **1. Background:**

The Accessibility for Manitobans Act (AMA) received Royal Assent and became law on December 5, 2013. The purpose of the legislation is to provide a clear and proactive process for the identification, prevention and removal of barriers. Physical, communication and systemic barriers prevent a significant portion of the population from fully participating in all facets of society.

The AMA will eliminate barriers through the development of accessibility standards with respect to customer service, employment, information and communications, transportation and the design of public spaces. The accessibility standards cover fundamental areas involving the interaction of persons disabled by barriers and the broader society in which they live, work, learn and play. As such, they apply to the government of Manitoba, public sector organizations, including municipalities, and private and not-for-profit organizations.

Standards developed under the AMA will build on requirements of the Manitoba Human Rights Code by setting out specific processes to achieve equal opportunity, independence and full economic and social integration. The AMA states the Human Rights Code is a paramount act, and compliance with provisions under established accessibility regulations would not preclude a human rights complaint against a person or organization.

Beginning in 2016 and every two years after that, public sector organizations must prepare an accessibility plan that addresses systemic barriers. The AMA requires public sector organizations to identify, remove and prevent policies, practices and procedures that may result in some individuals receiving unequal access or being excluded from public programs and services.

### **2. Purpose:**

Every five years, the minister responsible for the AMA must appoint a person to undertake a comprehensive review of the effectiveness of this act and report on the findings to the minister.

This Terms of Reference will guide and direct the appointed individual in carrying out their responsibilities.

### **3. Legislative Requirements:**

The AMA requires a comprehensive review. Section 39 of the AMA lays out the requirements.

- (1) Within four years after this act comes into force, the minister must appoint a person who is to undertake a comprehensive review of the effectiveness of this act and report on his or her findings to the minister.
- (2) The person to be appointed by the minister must be approved by the Lieutenant Governor in Council before the appointment becomes effective.
- (3) A person undertaking a review under this section must consult with the public and, in particular, with persons disabled by barriers or representatives from organizations of persons disabled by barriers.
- (4) Without limiting the review under subsection (1), a report may include recommendations for improving the effectiveness of this act.
- (5) The minister must table a copy of the report in the Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the next sitting begins.
- (6) Within five years after a report was last tabled in the Assembly under subsection (5), the minister must appoint a person who is to undertake a further comprehensive review of the effectiveness of this Act.

#### **4. In scope of the review:**

This review of the AMA will examine activities already undertaken in carrying out the purpose of the AMA. Focus will be on the time between the release of the report of the previous review and the commencement of the 2023 review: February 2019 – March 2023. The scope of the 2023 review includes, but is not limited to the following areas:

##### **4.1 Standard Development Process**

- Review the development of standards in accordance with AMA sections 8-12, with authority of the minister responsible for the AMA, leadership from the Accessibility Advisory Council, the research and analysis undertaken to support development activities, and expertise of standard development committees.
- Review measures to engage and respond to feedback of stakeholders during the standard development process, including persons disabled by barriers and the efforts to support their participation.

- Evaluate the adequacy of time, resources, and administrative support in the standard development process.
- Offer recommendations to strengthen the effectiveness of the standard development process.

#### 4.2 Accessibility Plans by Public Sector Organizations

- Review the activities, measures, policies and practices of the Accessibility Compliance Secretariat and the Manitoba Accessibility Office to guide affected organizations in creating and updating their accessibility plans in accordance with section 33 of the AMA.
- Review the implementation of accessibility plans in the Manitoba Government and among a sample of larger public sector organizations.
- Offer recommendations to strengthen the effectiveness of accessibility plans.

#### 4.3 Implementation of Regulated Standards

- Review the activities of the Manitoba Accessibility Office and The Accessibility Compliance Secretariat to guide affected organizations implementing and complying with the Standards.
- Review the implementation of the Standards by the Manitoba Government and public sector organizations.
- Review the activities of the Manitoba Accessibility Office, The Accessibility Compliance Secretariat and more broadly of the Manitoba Government, to create awareness among private organizations about the standards and the deadlines to comply with those standards.
- Review the activities of the Manitoba Accessibility Office to create public awareness and education about the Standards and the benefits of full accessibility.
- Offer recommendations to strengthen the effectiveness of standard implementation.

#### 4.4 Accountability and Compliance

- Review the activities undertaken to ensure accountability in accordance with the AMA, including:
  - Timely posting of the Minister’s Annual Plans and Reports



- Timely posting of summary reports of the Accessibility Advisory Council meetings
- Monitoring compliance of affected organizations
- Review the activities of the Manitoba Accessibility Office and the Accessibility Compliance Secretariat to monitor and educate toward AMA compliance.
- Review the steps taken by the Accessibility Compliance Secretariat to develop and implement a compliance framework under the AMA.

#### 4.5 Manitoba Accessibility Office and the Accessibility Compliance Secretariat

- Evaluate the level of resources, time and activities required by the Manitoba Accessibility Office and the Accessibility Compliance Secretariat to support implementation of the AMA and respond to the needs and expectations of affected organizations, the disability community, and the general public.

### **5. Out of Scope of the Review:**

5.1 Activities reviewing The Manitoba Accessibility Fund and its implementation.

### **6. Proposed Review Activities:**

6.1 The appointed individual is required to consult with: current and past members of the Accessibility Advisory Council; current and past members of standard development committees; the Manitoba Accessibility Office and the Accessibility Compliance Secretariat and other Government representatives such as The Public Service Commission; organizations that must meet AMA requirements; and, the public, particularly with persons disabled by barriers or representatives from organizations of persons disabled by barriers.

6.2 Consultations should be independent of government staff to ensure neutrality in the feedback obtained.

6.3 The consultations can involve an online survey or email questionnaire, small group and individual meetings, and in-person public meetings/consultations. Limited car travel may be included.

### **7. Deliverables:**

The appointed individual will:

7.1 Conduct consultations (as per section six).

7.2 Complete a final report with recommendations. This report will be submitted to the Minister responsible for Accessibility no later than June 15, 2023.

## **8. Support for reviewer:**

The Manitoba Accessibility Office serves as the government's administrative body for the AMA. The Manitoba Accessibility Office will support the reviewer by providing:

- background materials, including, but not be limited to, past documents related to standard development and all other documents requested by the reviewer (this would include materials developed by other government offices, such as the Accessibility Compliance Secretariat or the Public Service Commission)
- background information about the AMA, its activities and contact information of key informants; and
- logistical support, including meeting rooms, disability accommodations and the coordination of public forums.

## Appendix B: What we learned: the public forums

Brandon public forum – April 20, 2023

### Background

An invitation to this event was sent by email to the email list for the Accessibility newsletter of over 3,000 individuals and organizations. The reviewer also sent special email invitations to organizations in the community. These were identified by an online search for organizations representing or serving other equality seeking groups in or near the community and through contact with another branch in the department that had recently conducted an in-person consultation relating to disability supports in the city. A directory of organizations in the province led by First Nations, Metis or Inuit groups, communities or peoples was also consulted. American Sign Language interpretation, personal attendants and closed captioning were provided and an active access offer was included as part of the invitation. This was a hybrid event with the possibility of participating online.

Approximately 21 people attended, mostly representatives of organizations. Of these, approximately half were involved with a non-profit organization serving a diverse range of members of the broader community, including people disabled by barriers, First Nations, Metis or Inuit communities, and persons experiencing homelessness and other barriers to social inclusion. Another quarter of the participants worked with public sector entities, with representation from the municipal, post-secondary and school division sectors; and 10 percent represented the private sector. The remaining participants did not appear to be involved with an organization. Based on the feedback surveys completed at the end of the session, we know there was some representation of individuals disabled by barriers, including seniors, but this appeared to be in the minority.

### Summary of the discussion

1. Has public awareness and understanding of the Accessibility for Manitobans Act changed over the last 4-5 years and how has it changed?

Most participants agreed that there have been little or no changes to the low awareness of the Act in Manitoba over the last five years. Those activities that are undertaken by government tend to focus on the organizations that need to comply, not on persons with disabilities and what the Act can do for them if they face a barrier. Students are a group that seem to have increased awareness of the Act. Some participants believe that the awareness of the Act has remained low due to the negative impact of the COVID-19 pandemic in recent years.

2. How effective have the accessibility standards been in improving accessibility for Manitobans with disabilities over the past 4-5 years?

Most participants believe that the accessibility standards have had little or no impact on accessibility for Manitobans with disabilities over the past four to five years. They believe that the Act is very difficult to understand by most people due to technical terminologies used, which results in poor compliance. In addition, participants believe that many physical structures in the community that ensure accessibility have been depleting over the years due to poor maintenance and high cost of adjusting them to meet the current accessibility standard requirements.

Barriers to accessibility have also become worse due to the response to the COVID-19 pandemic and for individuals with intellectual disabilities. There has been some progress on accessibility in urban settings, but no to almost no progress in rural communities. The barriers are compounded by social and economic barriers such as the unmet need to have access to a computer or device in order to access information and services. Generally speaking, people disabled by barriers who have low incomes need better resources in order to cope.

3. How effective are government activities in ensuring compliance with the Accessibility for Manitobans Act and the accessibility standards?

Most participants said they are not aware that most of these government activities exist. Participants believe that the government activities to ensure compliance have little or no impact currently on compliance. More education and development of capacity to comply need to happen first. Organizations need an opportunity to network with each other to share information and best practices and the organizations and information need to be centralized to make it easy to access them. The province needs to do more audits and checks with organizations that have obligations under the Act to make sure that they are kept up to date with current standards. Businesses should be provided with a list of key things to follow to be in compliance. Also, the Act needs to be simplified so the average person can understand it.

Some government offices were not keeping up with the standards. To improve compliance by both government and other organizations, resources need to be made available as compliance depends on funding. To access funding, red tape needs to be cut. Centralization of services to urban areas has created more barriers for those with cognitive and intellectual disabilities. The administration of the law needs to be flexible to address differences in different locations and organizations.

Participants made the following suggestions:

- Employing government officers that will work with community organizations and individuals to develop ways to ensure compliance with the accessibility plan instead of using sanctions or penalties first.

- Writing the Act in simple language so that everyone reading it can understand it and be able to adhere to the recommendations.
  - Work with community organizations to get hands-on experience to determine what will work in real life, when making recommendations in the standards.
  - Provide more information on the available resources to help compliance.
  - Have accessible contact persons that the people can hold accountable.
4. How effective are government activities in raising awareness about The Accessibility for Manitobans Act and the accessibility standards?

More education or communication needs to be made public about what services are out there for people that need it. Leadership needs to be aware and attend sessions such as these. The majority of those in the group were of the opinion that government activities in raising awareness about The Accessibility for Manitobans Act and the accessibility standards is ineffective and expensive as the average person does not know what is in the Act and the ones that are aware do not understand what it says and how to apply it. Also, many felt that most of the education is centered on those with physical limitations leaving out those with cognitive, sensory or intellectual limitations.

It was suggested that the government workforce should be educated first and front line workers should be empowered. Also, some people living with disabilities do not have access to internet and devices to enable them to read about the resources or access government websites for support.

Participants made the following suggestions:

- Effective information sharing through different community organizations who will then disseminate the information to the people they work with in a way they can understand.
- More public awareness and on-site education.
- Sharing the Act in simple language through various media outlets.
- Compliance encouragements and enforcement when required.

5. How would you rate the level of resources assigned to implementing The Accessibility for Manitobans Act at this time?

More funding is needed in general and especially in the maintenance of infrastructure such as elevators. Recommendations from the group included that funding for consultations should be used instead to support people living with disabilities. It was suggested that there should be hands on support for those with cognitive and intellectual disabilities who were applying for funding. Finally, applications for funding should be simplified.

Most participants informed that they are not aware of the available resources and are not sure who to talk to about this. In addition, they informed that they do not have all the

information on what they need to do to qualify for these resources. Additionally, some participants believe that the processes of applying for these resources are unnecessarily onerous and complicated. Participants believe that transparency and public education on what is available, and how to qualify are important steps for better utilization of available resources.

Feedback about the forum

Six questionnaires were completed providing feedback about the forum. All of the questionnaires indicated that the best thing about the meeting was the opportunity to share perspectives and learn from others with differing experiences and backgrounds. Opportunities for improvement in the future included broader advertising to the general public, increasing representation of persons disabled by barriers, those facing barriers in relation to other characteristics protected by human rights legislation, such as 2SLGBTQ+, local governments and seniors. Better facilitation of the wrap up discussion was requested.

Of those who filled out the rating section of the questionnaire, the average overall rating was 8.5/10 for registration, 8.5/10 for location, 9/10 for presenters, 8/10 for event timing and 10/10 for accessibility. None indicated they had a disability, Two indicated barriers on other grounds protected under The Human Rights Code. One of the six respondents lived with a person disabled by barriers. The age breakdown of respondents to the questionnaire was the following: 35-44: 2; 45-54:1 55-64: 1; 65-74:2.

Thompson public forum – May 2, 2023

Background

The same approach to identifying and inviting individuals and organizations was used as for the Brandon public forum. American Sign Language interpretation, personal attendants and Closed Captioning were offered as part of an active access offer, but were not required. This was an in-person event only as we did not have the technical capacity within our budget to offer participation online and we were offering an online event later in the month. Four people attended. Two were involved with a non-profit organization representing a group that faces disabling barriers. Two were involved with public sector bodies.

Summary of the discussion

1. Has public awareness and understanding of the Accessibility for Manitobans Act changed over the last 4-5 years and how has it changed?

When organizations first learned about the Act there was a lot of fear about how they could address the significant barriers in the aging buildings and infrastructure in the

community. There are sidewalks that are impassable in both summer and winter and no real Handi-transit option, leaving many seniors and other people disabled by barriers unable to leave their homes much of the time. A lot of education was needed, with university faculty for example, but that has made a difference. There are still big gaps in knowledge about the Act and standards.

2. How effective have the accessibility standards been in improving accessibility for Manitoba with disabilities over the past 4-5 years?

The Act has helped in raising awareness about the issue and there have been some successes with building accessibility into new building projects in the public sector. However, it can also be a real struggle to convince public sector leaders to support accessibility measures and needs. There is still stigma and a lot of education is needed. More students who are disabled by barriers are graduating from university.

3. How effective are government activities in ensuring compliance with the Accessibility for Manitobans Act and the accessibility standards?

More education and easy to use tools and resources are needed. Awareness is low about the details. Organizations need a lot of assistance. People disabled by barriers need to be at the table when developing solutions.

4. How effective are government activities in raising awareness about The Accessibility for Manitobans Act and the accessibility standards?

Awareness is low. In the north, people get their information differently, often through local newsletters and newspapers, radio and bulletin boards, paper posters and handouts. There are many technological barriers, especially for seniors, and poor internet reliability and access.

5. How would you rate the level of resources assigned to implementing The Accessibility for Manitobans Act at this time?

Very low. A lot more resources are needed in order to educate organizations and the public.

Feedback about the forum

Four questionnaires were completed providing feedback about the forum. All of the questionnaires indicated that the best thing about the meeting was the opportunity to share perspectives and learn from others with differing experiences and backgrounds.

Opportunities for improvement in the future included reaching more participants, particularly those disabled by barriers, and providing information about the Act and the questions to be discussed in advance of the meeting.

Of those who filled out the rating section of the questionnaire, the average overall rating was 10/10 for registration, 10/10 for location, 10/10 for presenters, 9.5/10 for event timing and 10/10 for accessibility. None indicated they had a disability, Two indicated barriers on other grounds protected under The Human Rights Code. One of the four respondents lived with a person disabled by barriers. The age breakdown of respondents to the questionnaire was the following: 25-34: 1; 55-64: 1; 65-74:2.

Winnipeg Public Forum on May 15, 2023

Background

The same invitation approach was used as was in Brandon. 86 attended in person and 17 online. Of those who attended in person,

- 34% were involved with an organization that represented or served persons with disabilities, with quite broad representation;
- 16% did not indicate any affiliation;
- 12% were affiliated with municipalities;
- 9% indicated being involved in the private for-profit sector;
- 8% were involved in a non profit organization that primarily served other communities;
- 8% were from the school system;
- 5% represented government (other than organizers and volunteers);
- 6% were from the post secondary sector;
- 1% were affiliated with regional health authorities; and
- 1% were affiliated with a crown corporation.

Summary of discussion

1. Has public awareness and understanding of the Accessibility for Manitobans Act changed over the last 4-5 years and how has it changed?

It has increased somewhat. More people are talking about the Act and accessibility. However, how much depends on the particular sector and there are still many gaps. Larger organizations are more aware than smaller and it depends on whether you have had responsibilities related to the Act. There are significant issues in relation to health care and health facilities, for example.

The general public is not aware. For certain barriers to be addressed, the person disabled by it needs to request it. If they don't know about the Act or what their rights



are under the standards, they won't do it. There is also a need for education to challenge stigma and to change negative attitudes towards people disabled by barriers and accessibility. There don't seem to be public awareness campaigns for accessibility like there are for other issues. Mandatory training had made a difference, but may have fallen off recently.

2. How effective have the accessibility standards been in improving accessibility for Manitoba with disabilities over the past 4-5 years?

There has been some impact in relation to employment and customer service, but there are significant gaps too. Standards are needed for health and education, though there have been significant improvements in the non-built environment aspects of education. The built environment standard needs to deal with the interior built environment. Standards can be too general and vague. More detailed, clear and prescriptive standards are needed. The main street in an average Manitoba town is not accessible. Accessibility audits are key.

Participants were not sure how much awareness there is in the private for profit sector. Businesses need incentives and education. Small organizations also need continuous education and resources. Not much has changed in terms of accessibility for people who are Deaf or Hard of Hearing. American Sign Language and other forms of accessible communication are still needed for many day-to-day activities and interactions.

Less has changed in the restaurant and hospitality industry than we would have expected given that the Customer Service Standard has been in place for several years now. For example, audible menus are not available. Improvements in technology create new barriers for Deaf-Blind patrons and employees. The Information and Communication standard will make a big difference and will transform education.

3. How effective are government activities in ensuring compliance with the Accessibility for Manitobans Act and the accessibility standards?

More resources are needed to monitor, educate and enforce the standards. The number of staff involved in this is very low and little seems to be happening. Organizations do not start to pay attention until they know there can be a consequence and there are competing priorities. And when the information is provided it needs to be clear and understandable. Knowledge about specific requirements is low. People need a phone number or email they can contact when they experience a barrier.

The pandemic showed the disturbing consequences of not having a practice of ensuring accessibility. People were disabled by many barriers respecting life-saving information and vaccines. There is follow up on whether a public sector organization has an accessibility plan, but not on whether they are following through.

The planning has helped to raise awareness and discussion though. Large businesses and private sector organizations are often aware because they deal in other jurisdictions. This is less the case with smaller ones, who have no way of knowing whether they comply. Information is critical and must be available in both French and English. Small organizations need a personal touch. Private organizations need to be the focus with assistance and incentives as well as enforcement. Tax breaks are better and easier to access than funding you need to apply for. Government needs to tie government funding to compliance.

There need to be specific requirements relating to the barriers faced by Deaf and Hard of Hearing people that are enforced and funding support needs to be provided if needed. Education efforts need to emphasize the human rights aspect of accessibility as well as the benefits to business of being accessible. Government has a lot of room to improve in how they make their own services accessible.

#### 4. How effective are government activities in raising awareness about The Accessibility for Manitobans Act and the accessibility standards?

The focus to date seems to be primarily on the website and email. Many do not access information this way, whether due to using other methods of electronic and social media or because the internet is not accessible to them. Also, information is difficult to find and once found, can be overwhelming. The accessibility office needs to reach out and build relationships rather than expect people to come to them. Communicating through natural existing networks will help. Working at the community level and educating people in the community to be able to lead the important conversations will make a difference.

There simply are not enough staff or resources. What is provided is good, but more is needed and it needs to be simplified and user friendly. Information and education also need to be provided using effective means. Effective public awareness campaigns are also critical

Relevant information needs to be available in a way that is tailored to diverse communication needs, such as a special tab for resources and information relevant for Deaf and Hard of Hearing individuals and information available in other languages for newcomers. Awareness of the requirements for providing employment and services to members of the Deaf and Hard of Hearing and Deaf-Blind communities is still not there.

The message needs to be effective. Consider the idea of “age friendly” communities. People understand what this means. People disabled by barriers need to be involved. Having a sticker or sign that organizations need to post would be helpful. There could be a requirement to have one similar to health violation notices for restaurants as well as one indicating that the organization has been found to be compliant.

5. How would you rate the level of resources assigned to implementing The Accessibility for Manitobans Act at this time?

Resources overall are sadly lacking though it is not easy to compare or to know the exact needs. More staff and resources are needed. There are many gaps. Human rights protections are not well resourced in general. The Human Rights Commission has been under-resourced for many years. One area in particular is the cost of American Sign Language interpretation for Deaf and Hard of Hearing Manitobans. The Manitoba Accessibility Fund is important, but is a drop in the bucket and is not indexed. How will it grow? Can others make donations?

Feedback about the forum

31 questionnaires were completed providing feedback about the forum. The vast majority, 25/30, said that the opportunity to discuss the issues with others from both similar and different perspectives was the highlight. Others added that they liked other aspects of the event, such as the reporting back, learning about the Act, volunteers, accessibility, and presenters.

Feedback to improve related to the presentations, wanting them to go more quickly and provide more information about the Act, the need for more time for discussion and a break and some issues with accessibility of documents and the event. Most did not answer the question about whether they experienced barriers on the basis of disability or other specified characteristics protected under The Human Rights Code. For those who did, eight indicated a disability along with another one or more characteristics, seven indicated other characteristics (sex and age being primary but also political belief, social disadvantage, poverty, source of income, family status, ancestry) and three indicated they preferred not to answer. Eleven of the 28 who answered the question had a family member in their household with a disability.

The average rating out of ten for various aspects of the event were the following: registration: 8.8; location 9.4; presenters: 8.4; timings: 7.9; and accessibility: 8.5. The age breakdown was the following: 18-24: 1; 25-34: 5; 35-44: 5; 45-54: 4; 55-64: 10; 65-74: 5; no answer: 1. Two respondents answered that they were from Eastern Manitoba, including the Interlake; seven were from southern Manitoba; 18 respondents were from Winnipeg; and 1 did not answer.

Online public forum on May 16, 2023 (in the evening)

Background

The option of attending this online forum in the evening was provided along with information about the in-person forums described above. Four people attended, which included participants disabled by barriers or representing organizations of people disabled by barriers and representatives of public sector bodies.

## Summary of discussion

1. Has public awareness and understanding of the Accessibility for Manitobans Act changed over the last 4-5 years and how has it changed?

Accessibility awareness has not changed over the past four years. A lot of people do not know about the Act or how to put it into practice. There has been insufficient advertising. There is some awareness of the Act and some participants heard it on the radio. Social media can be used as a tool to get the messaging out, as well as advertising on the news. People with disabilities who are not working would not know of the standards or their rights. There is a need for more education on the Act and the standards.

2. How effective have the accessibility standards been in improving accessibility for Manitoba with disabilities over the past 4-5 years?

The Act has been effective, although it is in its infancy. The standards sound good, but there is no compliance mechanism or way to hold accountable those with obligations under the Act. Otherwise, the standards are not worth the paper they are written on. Education and sermons work for people who are on the brink of change. However, these methods will not be effective in promoting compliance. How do you profile the good work that is going on.

The government can offer free advertising to businesses which are accessible and have complied with the Act and standards. An example is carts in stores that people with disabilities can ride and are effective in assisting with aisle navigation. Stores could put up stickers indicating they are accessible. More general stickers may make it seem that stores are completely accessible when they may only be partially accessible.

Businesses can learn from the experiences of other organizations in terms of making accessibility changes. We need to get the message out so more individuals and organizations will know about the Act and the standards.

3. How effective are government activities in ensuring compliance with the Accessibility for Manitobans Act and the accessibility standards?

More needs to be done to promote compliance and enforce the Act and the standards. People and organizations are unaware of the Compliance Secretariat and its role. There is a lack of communication between the accessibility office and secretariat organizations with obligations under the standards. The secretariat website does not clearly describe its role and functions are. There is a lack of resources in the secretariat, as they only have two and a half staff. If there is follow-up that needs to be done by the secretariat, they will be inundated with work. How do you get additional funding for more resources.

The Compliance Secretariat could be more proactive at indicating they are willing to work with organizations to let them know the things they need to change so they can become compliant.

4. How effective are government activities in raising awareness about The Accessibility for Manitobans Act and the accessibility standards?

Participants raised the need for more public education under previous sections, including the need for additional focus on social media and advertising on the part of government. It is positive that the accessibility office's new website will be launched soon with accessibility features. It is important to include people with disabilities and seniors who are aging in public education rather than exclude them. With some public education, the public may be more supportive than what government thinks. Many of the changes are low cost and simple to make.

Awareness can be spread through story telling. It is important to work with universities and colleges with professional education or business programs. We need curricula on how the Act relates to professional education and business. Disability should be a topic for every program in university and high school. In some cases, instructors don't know how to convey the knowledge to their students and who the partners are to make that education a reality.

5. How would you rate the level of resources assigned to implementing The Accessibility for Manitobans Act at this time?

Compared to other offices like the Consumer Protection Branch and Workplace Safety and Health, the accessibility office and secretariat have fewer resources. They are not being funded equitably compared to the above offices. Where we put our money is an indication of where people's values are, and accessibility would rate low on the value scale. Given that the Act was passed in 2013, we have not done a great job at public education and compliance until now. There is a need for more resources devoted to accessibility in municipal offices.

## Appendix C What we learned: the Engagemb.ca/Participationmb.ca survey

As part of the review, we posted a survey in English and French on the EngageMB.ca/ParticipationMB.ca consultation and engagement portals of the Government of Manitoba. It asked participants about their awareness of the Act and standards as well as their views on the topics identified in the terms of reference for the review. The survey was available from April 5, 2023 to May 26, 2023. The accessibility office sent a notice about the portal and survey to its email list of over 3,000 individuals and organizations. A total of 821 individuals visited the project on the Five-Year Review of The Accessibility for Manitobans Act, with 65 individuals participating in the survey.<sup>73</sup>

Following is a summary of the responses.

Q1 Before this survey had you heard of The Accessibility for Manitobans Act?

- 75% answered “yes”
- 13% answered “unsure”
- 12% answered “no”

Q2 How effective is The Accessibility for Manitobans Act in removing barriers for people with disabilities?

- 47% answered “somewhat effective”
- 19% answered “somewhat ineffective”
- 16% answered “not effective”
- 14% answered “effective”
- 5% answered “very effective”

Q3 Before this survey, how familiar were you with the steps required for introducing a new accessibility standard?

- 46% answered “not familiar”
- 26% answered “somewhat familiar”
- 14% answered “familiar”
- 8% answered “very familiar”
- 6% answered “not sure”

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<sup>73</sup> Survey responses have not been broken down on the basis of the language of the survey, except where there was a significant trend noted. Due to rounding or the possibility of providing more than one answer for some questions, the total of all response percentages for a question may vary slightly from 100%.

Q4 In your opinion, how effective is the process of creating a new accessibility standard?

- 37% answered “somewhat effective”
- 22% answered “not effective”
- 20% answered “not sure”
- 15% answered “effective”
- 3% answered “very effective”

Q5 What suggestions do you have for improving the process of developing a new accessibility standard? Please describe in your own words.

Themes that appeared in multiple responses included the following:

- people disabled by barriers need more time, support and resources during the consultation
- the general public needs to be more aware through broader advertising and publication
- rural communities and perspectives need to be better represented
- access to public consultations needs to be available in French
- decisions about what goes into a standard need to be evidence-based
- the full range of experiences of people disabled by barriers need to be represented, including barriers for those with invisible disabilities, mental health-related impairments and intellectual disabilities, who need support in order to access many services and benefits
- the financial and time implications for businesses, especially small businesses, need to be taken into account
- it takes too long; government needs to follow a timeline; we don’t have to achieve full accessibility before we do anything
- the big issue is enforcement and lack of resources for the scheme as a whole, not standard development

Q6 Before taking this survey, how familiar were you with each of the following accessibility standards?

The Customer Service Standard

- 31% answered “not familiar”
- 29% answered “somewhat familiar”
- 20% answered “familiar”
- 20% answered “very familiar”
- 0% answered “not sure”

The Accessible Employment Standard

- 34% answered “somewhat familiar”
- 26% answered “familiar”
- 22% answered “not familiar”
- 15% answered “very familiar”
- 2% answered “not sure”

#### The Accessible Information and Communication Standard

- 38% answered “somewhat familiar”
- 29% answered “not familiar”
- 18% answered “familiar”
- 11% answered “very familiar”
- 3% answered “not sure”

#### The proposed Accessible Transportation Standard

- 52% answered “not familiar”
- 23% answered “somewhat familiar”
- 17% answered “familiar”
- 5% answered “very familiar”
- 3% answered “not sure”

#### The Accessible Advisory Council’s recommendations regarding the Accessible Design of Public Spaces Standard

- 58% answered “not familiar”
- 20% answered “somewhat familiar”
- 17% answered “familiar”
- 3% answered “very familiar”
- 2% answered “not sure”

#### Q7 How did you first learn about the accessibility standards under The Accessibility for Manitobans Act?

- 45% answered “work responsibilities”
- 17% answered “online”
- 13% answered “Government of Manitoba press release”
- 10% answered “training on the job”
- 9% answered “local news”
- 6% answered “social media”

#### Q8 For “other” please specify.

The “other” examples given were:

- being aware due to being disabled by barriers,



- an email communication from this reviewer in relation to the review,
- an Engagemb.ca update, and
- a presentation at a conference by the accessibility office.

Q9 How successful have the accessibility standards currently in force been in improving accessibility for Manitobans with disabilities?

#### The Accessible Customer Service Standard

- 31% answered “not sure”
- 31% answered “somewhat successful”
- 20% answered “not successful”
- 11% answered “successful”
- 2% answered “very successful”

#### The Accessible Employment Standard

- 29% answered “somewhat successful”
- 26% answered “not sure”
- 25% answered “not successful”
- 17% answered “successful”
- 0% answered “very successful”

Q10 What other areas, if any, are not currently addressed by the accessibility standards under The Accessibility for Manitobans Act? Please describe in your own words.

The theme that appeared the most often in this response, at more than a third of responses provided, did not relate to new areas to cover in standards, but rather the lack of consequences, awareness and enforcement for the existing standards.

After that, themes that arose in multiple responses were the following, ordered from most often repeated to least:

- Accessible buildings, such as stores and outdoor washrooms in recreational areas
- Health services; education
- Outdoor public spaces, including snow and ice removal
- Rural needs, including transportation; housing, including rental housing; invisible disabilities, including neuro-divergence and mental health; government social services, especially for people with intellectual disabilities

Q11 Do you have any suggestions on how the accessibility standards under the Accessibility for Manitobans Act could be improved? Please describe in your own words

As with the previous question, the theme that appeared the most often in this response, at more than two thirds of responses provided, did not relate to improving the standards

themselves. Rather, it related to the need for more resources and action to raise awareness, provide resources and other help with implementation, encourage compliance with incentives and monitor and enforce the standards.

Other themes that occurred in more than one response included the following, all of which had the same number of responses:

- More accessible transportation, especially in rural areas
- Accessible health services, including standards relating to air quality as well as transportation and respite services to support health care appointments
- Accessible social services, including social support for people with intellectual disabilities

Q12 Before completing this survey, how familiar were you with the obligation, among public sector bodies, to prepare and update accessibility plans every two years?

- 41% answered “not familiar”
- 23% answered “familiar”
- 20% answered “somewhat familiar”
- 14% answered “very familiar”
- 2% answered “not sure”

Q13 How effective have accessibility plans been in improving accessibility for individuals with disabilities being served by or working within the public sector?

- 30% answered “somewhat effective”
- 29% answered “not effective”
- 19% answered “effective”
- 18% answered “not sure”
- 5% answered “very effective”

Q14 Do you have any suggestions for improving the effectiveness of accessibility plans? Please describe in your own words.

Again, the importance of a strong mechanism to ensure compliance with planning requirements was the primary response, with about half of the responses identifying this need. Other themes that emerged in multiple responses included the following, all of which had equivalent support:

- require that plans be implemented or that public sector bodies be required to track implementation using some form of numerical measure
- accessibility plans should include centralized tracking of accommodation needs and responses across departments
- accessibility plans need to address disabling barriers in health and social services, including barriers for persons with intellectual disabilities and the need for respite and transportation related to health care appointments.

- plans need to address measures to change attitudes towards people with disabilities; a prospective employee will not indicate that they have a disability because they cannot be sure this will not harm their chances of obtaining employment

Q15 Before completing this survey, how familiar were you with the methods that The Accessibility for Manitobans Act uses to ensure compliance with the accessibility standards?

- 45% answered “not familiar”
- 33% answered “somewhat familiar”
- 12% answered “familiar”
- 8% answered “very familiar”
- 2% answered “not sure”

Q16 How effective are the measures in The Accessibility for Manitobans Act for ensuring compliance?

- 36% answered “not effective”
- 34% answered “not sure”
- 14% answered “somewhat effective”
- 14% answered “effective”
- 2% answered “very effective”

Q17 Do you have any suggestions on how compliance of The Accessibility for Manitobans Act could be improved? Please describe in your own words.

The themes that arose in more than one response, in order of prevalence, were:

- much more resources to educate and monitor businesses and other organizations
- work with the community of people disabled by barriers, whether for pay or as volunteers, to obtain information and feedback about barriers
- lower the threshold for written reporting and record keeping from 50 employees to 20

Q18 Before this survey, how familiar were you with the government’s activities to promote compliance of the accessibility standards?

- 46% answered “not familiar”
- 25% answered “somewhat familiar”
- 16% answered “familiar”
- 8% answered “not sure”
- 5% answered “very familiar”

Q19 How effective are the government's activities in promoting and ensuring compliance of the accessibility standards?

- 41% answered "not effective"
- 30% answered "not sure"
- 19% answered "somewhat effective"
- 11% answered "effective"
- 0% answered "very effective"

Q20 In your opinion, how would you rate the level of resources, including staffing, dedicated to promoting compliance of the accessibility standards?

- 41% answered "far too low"
- 37% answered "somewhat low"
- 12% answered "about right"
- 8% answered "somewhat high"
- 3% answered "far too high"

Q21 Do you have any suggestions on how the government can better ensure compliance of the accessibility standards? Please describe in your own words.

The main theme in the suggestions, which appears in about half of them, was to provide more staff and resources, including bilingual positions. This would allow government staff to educate and work with organizations to support their compliance, to research common problems that prevent compliance, to include education by people disabled by barriers about common barriers in a particular sector and to follow up with enforcement when needed, working with the community of people disabled by barriers. A number of other suggestions were provided, none of which appeared to point to a common theme.

Q22 Before this survey, how familiar were you with the government's activities relating to educating the public about The Accessibility for Manitobans Act and the accessibility standards?

- 49% answered "not familiar" (which included all of the respondents in the French language survey)
- 25% answered "somewhat familiar"
- 13% answered "familiar"
- 6% answered "very familiar"
- 6% answered "not sure"

Q23 How effective are the government's activities in educating the public about The Accessibility for Manitobans Act and the accessibility standards?

- 61% answered "not effective"
- 20% answered "somewhat effective"
- 11% answered "not sure"

- 6% answered “effective”
- 0% answered “very effective”

Q24 In your opinion, how would you rate the level of resources, including staffing and budget, dedicated to educating the public about The Accessibility for Manitobans Act and the accessibility standards?

- 40% answered “somewhat low”
- 32% answered “far too low”
- 16% answered “about right”
- 6% answered “somewhat high”
- 5% answered “far too high”

Q25 Do you have any suggestions on how the government could better educate the public about The Accessibility for Manitobans Act and the accessibility standards? Please describe in your own words.

The main theme from these responses, characterizing about half of them, is to provide regular public awareness campaigns and training workshops, using the full range of available strategies so as to reach everyone, relying on those with communications expertise, including story telling and involving people with disabilities.

Other themes that had multiple responses included the following:

- reflecting the transformational intent of the Act so that people don't see accessibility as a burden and understand that it is good for everyone; and
- annual reporting on compliance data from the secretariat.

Q26 Are you completing this survey...

- 73% answered “as an individual”
- 6% answered “on behalf of a business or organization”
- 20% answered “both”

Q27 What sector represents your business or organization?

- 26% answered “non-profit”
- 16% answered “prefer not to respond”
- 15% answered “other”
- 8% answered “private business”
- 8% answered “Manitoba government”
- 7% answered “universities and colleges”
- 7% answered “school divisions”
- 5% answered “regional health authorities”
- 5% answered “don't know”
- 2% answered “small municipalities”

- 0% answered crown corporations”
- 0% answered “large municipalities, including the City of Winnipeg”

Q28 How many employees does your business or organization typically employ?

- 38% answered “more than 50”
- 17% answered “prefer not to respond”
- 17% answered “1 to 20”
- 16% answered “none”
- 7% answered “unsure”
- 5% answered “21 to 50”

Q29 Do you face limitations in your daily activities related to any of the following?  
Please select all that apply.

- 35% answered “I do not have a disability”
- 25% answered “other disability”
- 24% answered “chronic pain”
- 24% answered “mental health condition”
- 21% answered “mobility”
- 19% answered “learning/memory”
- 13% answered “hearing”
- 13% answered “prefer not to answer”
- 10% answered “vision”
- 8% answered “speech”

Q30 Does a member of your household face limitations in their daily activities?

- 48% answered “yes”
- 36% answered “no”
- 16% answered “prefer not to answer”

Q31 In what area of Manitoba do you live?

- 53% answered “Winnipeg Capital Region”
- 16% answered “southern Manitoba”
- 14% answered “western Manitoba”
- 6% answered “eastern Manitoba”
- 5% answered “northern Manitoba”
- 3% answered “prefer not to say”

Q32 Do you face barriers in society on the basis of any of the following personal characteristics set out in The Human Rights Code? Please check all that apply.

- 32% answered “prefer not to say”
- 28% answered “sex”

- 26% answered “age”
- 15% said “social disadvantage due to homelessness or inadequate housing, a low level of education, chronic low income or chronic unemployment or underemployment”
- 13% answered “source of income”
- 13% answered “ancestry, including colour and perceived race
- 11% answered “marital or family status”
- 11% answered “political belief, political association or political activity”
- 11% answered “religious belief, association or activity”
- 8% answered “ethnic background or origin”
- 6% answered “nationality or national origin”
- 2% answered “gender identity or expression”

## Appendix D Response to the Findings and Recommendations from the First Independent Review of the Act

### Section 1: Standard Development Process

Challenge: The process for developing an accessibility standard is cumbersome and protracted; role clarification among players is needed and efficiencies in how the process is undertaken by various players are required.

<b>Recommendation</b>	<b>Response</b>
Improve Terms of Reference for committees: The review found the need to strengthen the Terms of Reference documents to clarify reporting relationships, provide role clarification and timelines by which committees are to complete their work.	Has been implemented
Establish Concurrent committees: To ensure that Government will meet its deadline for developing the remaining standards, committees should be struck and function concurrently.	Has been implemented
Promote Greater transparency and the provision of feedback: Greater transparency in the concluding stages of the standards development process is needed to ensure openness in key steps in the process. This includes the transition of a proposed standard from a standard development committee to the Council, the Council to the Minister, and then ultimately the Minister into a government regulation.	Progress has been made, but remained a concern for the second review.
Attract the private and non profit sectors to take part in consultations: Better and more innovative efforts need to be made to attract and motivate businesses and the non-profit sector (beyond those directly serving the disability community), and that will be directly affected by upcoming accessibility standards.	Progress has been made, but ongoing work is needed.
Review number, timing and length of consultation phases: Review the number, timing and length of the various consultation phases of the overall process.	Progress has been made, but remained a concern for the second review.
Reinstate the role of committee chair as originally established: Reinstating the role of Chair as an experienced senior management individual from the Civil Service and with knowledge of areas relevant to outstanding accessibility standards (such as the Transportation Policy Division of the Department of Manitoba Infrastructure to oversee the transportation accessibility standard development committee) could prove very helpful.	Has been implemented
Consider Ontario's Information and Communications Standard once its review is completed: Ontario is reviewing its standard as required	Has been implemented



by legislation and updates or amendments may be instructive as Manitoba finalizes its own standard.	
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## Section 2: Accessibility Plans: Public Sector and Government

### Challenges:

- Large public sector organizations are better equipped to complete accessibility plans than small ones.
- Although the Manitoba Government Accessibility Plan made available to the reviewer meets the legal requirements under the AMA, its specificity is lacking and needs to be improved.
- Monitoring compliance among public sector organizations has been arduous and time consuming.

<b>Recommendation</b>	<b>Response</b>
Enhance compliance among small municipalities: Engage the Department of Municipal Relations to deliver tailored workshops to small municipalities and encourage them to consider developing joint plans, making the workload more manageable.	Progress has been made and work is ongoing
Tailor tools to reflect small municipalities' unique realities: Provide accessibility plan templates, tools and resources that reflect municipalities' unique realities (e.g., documents with practical, small town examples of reasonable accommodations).	Progress has been made and work is ongoing
Engage the ABC Office of the Manitoba Government to ensure Agencies, Boards and Commissions have accessibility plans in place.	A change to the regulations was made in 2020 to relieve these bodies from having to have their own plans. The secretariat is working with them to ensure compliance with the Customer Service Standard.
Assist small organizations to update accessibility plans: As public sector organizations are required to update their accessibility plans every two years, increased support and guidance is needed to help organizations (particularly small ones) to plan ahead in a practical, realistic and achievable manner.	Progress has been made and work is ongoing
Improve the Manitoba Government Accessibility Plan: Strengthen the plan to include specifics regarding proposed measures, leadership responsibilities and timelines.	Progress has been made and work is ongoing

Facilitate Compliance Reporting: To promote the efficient use of resources, a regulatory amendment is needed to permit the Director to require, as needed, organization(s) to report to government respecting compliance (e.g., when accessibility plans are updated).	The Director has this authority under the Act. No further work is needed on this recommendation.
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### Section 3: Implementation of the Customer Service Standard

Challenge: The Customer Service Standard serves as a proxy for all accessibility standards. Greater awareness and supportive environments with the view to improving compliance, are needed.

<b>Recommendation</b>	<b>Response</b>
Modify the existing online training tool on the Customer Service Standard: Creating a more engaging and animated training tool should help promote compliance.	Has been implemented
Create a time-limited secondment to address public inquiries: The assigned individual should be experienced in communicating complex information in an understandable way and employing a problem solving approach.	A secondment was not needed due to the limited number of inquiries, but creation of the secretariat addressed this recommendation.
Develop adequate and appropriate notice periods respecting obligations under the Act: A communication strategy regarding notification of all future implementation effective dates must be developed. Notifications should take place months before coming into effect.	Has been implemented
Adopt Ontario's approach and amend the requirement to document policies and measures so that it applies to organizations with 50 or more employees. To promote compliance and reduce undue hardship on very small businesses and non-profit organizations, the documentation threshold should be raised. This will require amending the existing Customer Service Standard Regulation. Note: To ensure consistency, and following the approach taken in Ontario, the threshold of 50 or more employees should apply to all future standards.	Has been implemented, but this review and the customer service review in 2021 recommend returning to 20.

## Section 4: Accountability and Compliance

Challenge: The aim of the AMA is to maximize accessibility. This requires clarifying with stakeholders what they are accountable for and following through to ensure that those responsibilities are met (compliance).

<b>Recommendation</b>	<b>Response</b>
Clarify timeliness with respect to tabling of annual reports and plans: Reporting timelines for both sets of reports need to be clarified and clearly understood by government and the public, in order to promote increased public accountability.	Has been implemented
Situate Responsibility for Compliance: A central accountability centre for compliance is necessary to coordinate and direct responsibilities under compliance. This function must be separated from education and awareness activities undertaken by the DIO. Such an organizational approach will mitigate against conflict of interest concerns while maximizing objectivity and effectiveness	Has been implemented
Facilitate Compliance Reporting: To promote the efficient use of resources, a regulatory amendment is needed to permit the Director to require, as needed, organization(s) to report to government respecting compliance.	The Director has this authority under the Act. No further work is needed on this recommendation.
Finalize and Make Publicly Available a Compliance and Enforcement Framework: Compliance under the AMA has been hindered in part by fears about the consequences of non-compliance with current and future standards. Government must finalize and publicly release all relevant information and documentation about compliance and enforcement at the earliest possible date.	Has been implemented

## Section 5: Public Awareness and Education

Challenge: A principal challenge regarding implementation of the AMA is an unacceptably low level of awareness about the AMA. Among those organizations that are aware, there is considerable confusion and concern about the precise nature of their responsibilities under the Act.

<b>Recommendation</b>	<b>Response</b>
Improve the level of awareness among Manitobans of the existence of the legislation: The Minister and the Deputy Minister should identify opportunities to	The second review found this to remain a major challenge.

<p>raise awareness in their interactions with the public and the media. Similarly, other government departments could be directed to review their points of contact with organizations and the public to ensure that accessibility is explained and promoted, as appropriate (e.g., businesses in Manitoba are required to renew their operating licenses on a periodic basis. Incorporating awareness around obligations respecting accessibility into the renewal process would serve to heighten awareness). Finally, the Government may wish to introduce the designation of Minister responsible for Accessibility, in order to further highlight its importance to all Manitobans.</p>	<p>The minister has been named the Minister responsible for Accessibility.</p>
<p>Clarify publicly available information: As two websites dedicated to accessibility exist, information must be consistent. Further, the Government of Manitoba website must include all information pertinent to government of Manitoba responsibilities, actions and progress.</p>	<p>Has largely been implemented.</p>
<p>Improve existing websites on accessibility: <a href="http://www.accessibilitymb.ca/">http://www.accessibilitymb.ca/</a> contains considerable information but could benefit from technology that would direct the user to information being sought in an expeditious manner (e.g., search function is required). Improvements are also need respecting the presentation of content to adopt a more positive and motivating attitude. The website needs to function more directly as a bridge between the 'letter of the law' and real world implementation.</p>	<p>Has been implemented</p>
<p>Develop adequate and appropriate notice periods respecting obligations under the Act: As stated in section 3, a notification strategy which includes timely communication with organizations must be developed.</p>	<p>Has been implemented</p>

Section 6: The Disabilities Issues Office

Challenge: As has been frequently noted, the DIO is very small and has been confronted with many competing demands. A key challenge in accelerating the pace of implementation is supporting the DIO in carrying out its work and clarifying exactly what it should focus on, on a go forward basis.

<b>Recommendation</b>	<b>Response</b>
<p>Clarify roles and responsibilities for the Disabilities Issues Office: To maximize effectiveness, the DIO's</p>	<p>Has been implemented</p>

<p>areas of responsibility should be clearly spelled out, and those responsibilities should focus on activities that will produce optimal results (e.g., policy development support to government departments, and the development of online training and tailored workshops). Other suggestions for improving effectiveness and efficiency are enumerated on page 47.</p>	
<p>Clarify the DIO’s relationship with, and responsibilities to, the Minister and the Accessibility Advisory Council: As part of government, the DIO has a responsibility to provide the Minister with information that will enable her/him to make informed decisions on behalf of government. At the same time, the DIO serves as the Secretariat to the Accessibility Advisory Council, an independent 60 and arms’ length body. This dual role has created the potential for conflict of interest, making it unclear when the DIO is expected to provide information regarding implications for government, as distinct from supporting the positions put forward by Council. Government must remedy this.</p>	<p>Has been implemented</p>
<p>Re-align the DIO within the Department of Families: Moving the DIO into a division of the Department of Families with a direct reporting relationship to an Assistant Deputy Minister would provide much needed support to the DIO while helping to create within the DIO an improved understanding of the functions of government.</p>	<p>Has been implemented</p>
<p>Buttress the DIO’s capacity to carry out its mandate: The DIO is a small office with limited staff resources. Engaging departments of government having expertise relevant to the AMA, as well as making use of secondments, would provide the DIO with much needed support.</p>	<p>Progress has begun and work is ongoing. This remained an issue in the second review.</p>
<p>Re-name the DIO to more appropriately reflect its role: The review heard that the existing name of the office has a negative connotation. Moreover, it does not accurately reflect its mandate “to support the Province of Manitoba in promoting the participation of persons with disabilities...within the framework of the public policy and programs of the provincial government.”</p>	<p>Has been implemented</p>
<p>Ensure that tools developed by the DIO to promote implementation of the AMA are practical and ‘user friendly’: Recently, efforts have been made to modify</p>	<p>Progress has been made and work is ongoing</p>

tools to make them simpler and more flexible in their instructions. All information on the <a href="http://www.accessibilitymb.ca/">http://www.accessibilitymb.ca/</a> website should be reviewed to ensure that this approach is utilized in all of its public communications.	
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## Section 7: The Accessibility Advisory Council

Challenge: The Accessibility Advisory Council predates the establishment of the AMA. While the Council was incorporated into the AMA, no updated Terms of Reference regarding its operations within the context of the legislation have been prepared. In effect, the Council has functioned without operational guidelines.

Develop Clear Terms of Reference for the operation of the Council: The review was unable to find evidence that Terms of Reference, originally developed in 2011, were updated following proclamation of the AMA. Clear and current operational guidelines are needed to expedite the processes outstanding in the implementation of the AMA.	Has been implemented
Establish and communicate a meeting schedule on an annual basis: The review found that meetings have not been scheduled on a regular basis and have been determined by the administrative support (secretary) to the Council in an ad hoc manner, making it difficult for some members to protect dates in their calendars or signal in advance dates that would be problematic. Annual meeting schedules should be developed.	Progress has been made and work is ongoing
Permit alternate Individuals to attend meetings: The review heard requests to permit alternate individuals to attend meetings where there is a scheduling conflict for a Council member (note: implementing an annual meeting schedule developed in collaboration with Council members and referenced above may resolve the need to consider alternates). While the Act is silent on the designation of an alternate attendees at meetings, Council has prohibited this practice. A review of Council meeting attendees may have merit.	Not accepted due to concerns about continuity in discussion and decision-making
Ensure that appointments to standard development committees reflect Ministerial Input: The Act prescribes that Council may establish committees and assign to them the functions that it considers appropriate, "subject to the approval of the Minister."	Has been implemented

<p>Despite having overall authority regarding the establishment of committees, it appears that the Minister has had little opportunity to influence appointments. Providing for increased Ministerial input in this process could help ensure that particular stakeholders affected by the standards are adequately represented and heard (e.g., micro businesses and other smaller stakeholders).</p>	
<p>Adopt a more flexible approach to information sharing by Council members: The 2011 Council Terms of Reference state that while deliberations of the Council are held in strict confidence, “what information can be provided to principals” of Council members will be determined by a majority of Council members”. In practice this has been interpreted to mean that a Council member may never share information with the executives of organizations that they have been nominated to represent. Adopting a more flexible and practical approach to information sharing by Council members could help facilitate decision making at the Council.</p>	<p>Has been implemented</p>
<p>Provide Complete Information to the Minister: the Act requires that Council must attempt to achieve a consensus among its members regarding its recommendations, but one or more members may submit separate recommendations if a consensus is not achieved. This has not been communicated clearly to members and dissenting views have not formed part of Council’s submissions to the Minister. Dissenting views should, in fairness, be appended to the Council’s submission to facilitate an open and comprehensive review by the Minister.</p>	<p>Has been implemented</p>
<p>Ensure Transparency with respect to Council Discussions: The review found that the Council’s discussion summaries, which are posted online, could benefit from including more concrete information regarding decision and action items, thereby improving transparency</p>	<p>Has been implemented</p>