



# The VOICE of Albertans with Disabilities

AUGUST 12, 2020

**AUG  
21**

**10-11:30am**



The Alberta Accessibility Legislation Advisory Group Presents

# ALBERTA-BILITY

## A PANEL DISCUSSING ACCESSIBILITY LEGISLATION IN ALBERTA

What does the Accessible Canada Act mean for Alberta?  
What current protections do Albertans with disabilities have?  
Should Alberta pursue provincial accessibility legislation?



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ON THE STATUS OF PERSONS  
WITH DISABILITIES**

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### ***What protections currently exist for Albertans with disabilities?***

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

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

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

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

### **WHY AN ACCESSIBLE ALBERTA ACT?**

Companion Brief

Dustin Hertel  
on behalf of the  
Alberta Accessibility Legislation Advisory Group



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

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

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

### ***What have other provinces done?***

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

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

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

The federal government has voiced a hope that the remaining provinces will follow suit in legislating at least the same



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level of standards as those established under the ACA. Doing so would not only solidify protections for people with disabilities, and make them more permanent and dependable, but also ensure a consistent, predictable experience for the public across areas of private, provincial, and federal authority.

### ***What standards have been set?***

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

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

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

### ***Are there other options?***

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

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

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

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

### ***So, What Now?***

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

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



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## WHY AN ACCESSIBLE ALBERTA ACT?

The status of accessibility policy in Canada and what is needed to support Albertans with disabilities

### About the Authors

Dustin Hertel is a policy research intern for the Alberta Human Rights Commission. He will be completing his Bachelor of Arts, majoring in Policy Studies from Mount Royal University in early 2021. He has formative experience both as a member of, and an advocate for, the disability community in Alberta.

Matthieu Petit is a policy consultant for Voice of Albertans with Disabilities. He holds a Bachelor of Arts (Honours) with a double major in political science and philosophy from the University of Alberta. He is beginning a thesis-based Master of Public Policy at the Johnson Shoyama Graduate School of Public Policy in the fall of 2020. He has hemiplegic cerebral palsy, which has informed his disability advocacy.

### Introduction

The following is a review of existing disability policy in Canada, and especially Alberta, leading up to and including the passing of the Accessible Canada Act in 2019. This document will explore whether additional provincial legislation in Alberta is necessary to complement the Accessible Canada Act to support Albertans with disabilities and, if so, what should be included in it. British Columbia has already taken steps in this direction, having recently conducted consultations with people with disabilities and stakeholders in the province to inform future provincial legislation through an initiative called Accessibility through Legislation. Effective accessibility legislation requires careful deliberation: it should target real problems faced by people with disabilities, offer realistic, practical solutions to those problems, and have clearly defined objectives to bring those solutions about, including mechanisms to ensure compliance. Therefore,

an 'Accessible Alberta Act' should be well-informed, have its place amongst pre-existing legislation, and bring real change to the lives of Albertans with disabilities. Alternatively, revisions to existing legislation can be considered.

The information gathered in this review will be used to inform a panel conversation on the topic of an Accessible Alberta Act. One outcome could be the creation of new legislation that will follow the precedent and compliment the Accessible Canada Act, another could be change in existing legislation to achieve the same effect. The purpose of the panel is to bring awareness to this issue, provide Alberta stakeholder groups and individuals an opportunity to offer alternative approaches, gauge the public's interest, and will put the issue on the provincial government's radar. Existing disability policy from the federal government and the provinces will be reviewed using the Canadian Disability Policy Alliance's Review of Disability Policy in Canada, 2017, by Mary Ann McColl et al. as reference.

Read more about the accessible alberta act on our website: <https://vadsociety.ca/pdf/why-an-accessible-alberta-act---final.pdf>



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