## CNIB Analysis and Recommendations of Bill C-81 Presented to the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

## About CNIB Foundation

Celebrating 100 years in 2018, CNIB Foundation is a non-profit organization driven to change what it is to be blind today. We deliver innovative programs and powerful advocacy that empowers people impacted by blindness to live their dreams and tear down barriers to inclusion. Now, as CNIB enters our second century of operation, we're going to be even bolder in tackling the issues before us.

## CNIB's Accessible Canada Act Survey

While CNIB applauds the government for tabling this legislation, we see significant room for improvement. We have surveyed Canadians with sight loss and advocates and asked them what would truly help achieve a barrier-free society. Our recommendations are based on feedback from Canadians with sight loss.

## Barriers to Accessibility in Canada

Being a person with a disability means having to navigate life differently. Sometimes these barriers are physical, like an inaccessible pedestrian crossing. Other times, barriers are to information when it is not provided in an alternate format like braille or an accessible electronic document. Often, the biggest barrier is attitudinal – it is often assumed that people with disabilities, and especially people with sight loss, always need help and can't be independent.

Often, life is much harder to navigate for persons with sight loss. Canadians with sight loss encounter barriers to accessing everyday necessities. Public transit is difficult to navigate, making it hard for persons with sight loss to get to and from work – if they are lucky enough to have a job. The built environment and access to communications and information, such as affordable internet and cell phone plans, are also large barriers. We heard from our clients that access to information is often their biggest barrier. Bill C-81 can help create a barrier-free society for Canadians with sight loss, but only with significant amendments.

Rural Canadians have a different set of challenges, particularly Canadians in rural Canada who have a disability. Access to transportation and communication in rural areas is not always accessible, meaning Canadians with sight loss in rural areas aren't able to navigate independently using public transportation and digital wayfinding applications. While Bill C-81 aims to create 5000 new public sector jobs, we heard concern from Canadians with sight loss that these jobs may not be made available in every rural corner of the country.

## CNIB Recommendations

For a full list of recommendations, please see Appendix 1.

Many of our clients expressed that communication from the government to the public around the legislation and its impact will help increase awareness about the barriers of living with a disability. It is widely felt that education around inaccessibility will help increase awareness, particularly in areas outside the National Capital Region, where disability advocacy is not always common.

Overwhelmingly, we heard from Canadians with sight loss that Bill C-81 must include timelines for implementation. Canadians with sight loss feel that legislation without timelines will have less impact, and a slow pace of change is simply not acceptable for Canadians living with any disability. Aiming to create a barrier-free Canada without timelines will allow for regulated entities to delay attempts to break barriers. This could have negative consequences for rural and remote areas, that are often overlooked. It is important to note that timelines do not reflect a static accessibility goal; timelines implemented in the regulations are a way to move towards an ever-evolving target.

We heard from Canadians with sight loss that exemptions will be too easy to obtain, and that enforcement and implementation being split over four agencies is too difficult to navigate. Allowing the new Accessibility Commissioner to carry out all enforcement and implementation will ensure a system that is clearer, smoother, and easier to navigate.

Through our survey, we heard that Canadians with sight loss want to see the legislation require the federal government to procure accessible materials, technologies, and services. CNIB believes this will broaden the scope of the Bill and will see a shift in private sector entities who want to do business with the federal government. Many rural Canadians who responded to CNIB's survey feel that procurement, grants and contributions, and federal transfer payments that are contingent on accessibility will create a shift in their region of the country. This includes rural areas that are out of the eye of enforcement.

We also heard that it is important to look beyond physical accessibility in public places. To a person who is blind or partially sighted, access to information is often the greatest barrier. Canadians with sight loss want more clarification and higher standards for digital accessibility, both from the government and from entities the government does business with.

## Appendix 1:

1. CNIB recommends including timelines for regulations and standards to be implemented under the Accessible Canada Act.
2. CNIB recommends the Government of Canada use the Accessible Canada Act to ensure no public money is used to create further barriers for accessibility. As such, CNIB recommends all government procurement, grants and contributions, and provincial transfer payments, be contingent on compliance with the Act.
3. CNIB recommends Bill C-81 designate the Accessibility Commissioner as the single body solely responsible for complaints and enforcement. The Accessibility Commissioner should leverage subject-matter expertise from the relevant federal government departments and agencies when needed. This would ensure a person-centered approach, enabling an easier complaint and enforcement process for persons with disabilities.
4. CNIB recommends Bill C-81 limit accessibility exemptions. CNIB recommends the disability community be consulted on any request for an exemption, and if an exemption is provided, information is published online, including the rationale for that exemption.
5. CNIB recommends updating Section 117.1 to reflect the recommendation of the Canadian Human Rights Commission:
   1. that section 117.1 be amended to change the word "may" to "shall" and add "which may include" to the end of the paragraph and;
   2. section 117.1 c. be amended to add the words "and timelines for their implementation" to the end of the sentence. The proposed wording would read:  
      **Regulations**

**117 (1)**Subject to sections 118 to 120, the Governor in Council **shall** make regulations **which may include:**

**(c)**establishing standards intended to remove barriers and to improve accessibility in the areas referred to in section 5 **and timelines for their implementation**;