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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 include 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 five).
- 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 the Reviewer:

The Manitoba Accessibility Office serves as the government's administrative body for the AMA. Manitoba Accessibility Office staff 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
- logistical support, including meeting rooms, disability accommodations and the coordination of any public forums