

**The Accessibility for Manitobans Act
Accessibility Advisory Council
Presents a**

**Discussion Paper
on AAC Recommendations for an
Information and Communications
Accessibility Standard**

**April 30, 2019
Winnipeg, MB**

1. Introduction and Background

The Accessibility Advisory Council (Council) is pleased to present its draft accessibility standard on information and communications for public feedback in accordance with [The Accessibility for Manitobans Act \(AMA\)](#).

In May 2017, the Honourable Minister Scott Fielding, former Minister responsible for the AMA, established the [Terms of Reference](#) for an information and communications accessibility standard. The Minister requested that the standard establish policies, practices and other requirements needed to identify and remove barriers impacting information and communications accessibility for persons with disabilities, including:

- providing accessible formats upon request
- providing communication supports upon request
- creating and offering accessible web content

The Council, which is mandated to make recommendations on accessibility standards, chose to create a committee of experts to assist in the development of this accessibility standard. The Council extends its gratitude to Lisa Snider, chairperson, and the members of the [Standard Development Committee on Information and Communications](#) (Committee).

The Committee submitted its report to the Council on September 6, 2018, when the Council began its review and deliberations. Council hoped to benefit from the five-year review of Ontario's parallel accessibility requirements affecting Information and Communications. Unfortunately, the outcome of this 2017 review and update is still not public. In the meantime, Council has considered current Ontario requirements to promote consistency among provincial accessibility standards.

2. The Meaning and Value of Accessible Information and Communications

For the purposes of this discussion document:

- “information” is knowledge, data and facts that convey meaning
- “communication” is the interaction between two or more people to transfer information
- “Information and Communications Technology” (ICT) is the use of telecommunications, computers, and software that helps users access, store, transfer and manipulate information

Information and communication happens in a variety of ways or “formats,” including speech, written text, recorded audio, images, or digital information made available through ICT. Most of us have a preference of one format over another – to follow instructions, schedule an appointment, explore new ideas, or for relaxation. When we face a barrier to one format (for example, related to vision, hearing, or memory), we choose another format that works best. Typically, at least one of the formats we use involves technology.

Technology has revolutionized access to information and communication for people with disabilities. For instance, what you may be able to see printed is spoken, via voice software, to another Manitoban who is visually impaired or blind. Or, what you may hear in a video is provided in text (or “captions”) to another viewer who is Deaf or hard-of-hearing. **Technology has broken down many barriers, but it has also created new barriers, particularly when the individuals who are communicating ignore the accessibility features that are available to them.** For example, a new barrier is created when the only way to communicate with an organization is to complete a complicated online request form, with no telephone option.

By educating Manitobans about why and how to consider accessibility in information and communications, this standard helps ensure each of us is part of the solution. For instance, by using the headings at the top of your computer screen, you can create an attractive document that works for

everyone. This includes the person who wants to jump from heading to subheading to quickly find the information they are seeking and for the person who is blind or cannot manipulate a computer mouse, for example, to scroll down to the financial statement many pages into an annual report.

3. Scope

The Terms of Reference require that the standard “be specific enough that one can determine when the requirements have been met.” The Council’s recommendations will meet this requirement by applying existing national and international standards affecting ICT, which are both detailed and supported by a variety of resources, training opportunities and expertise.

Nonetheless, the Council recognizes that “specific” technologies in use today may have evolved three years from now. The Council therefore recommends a general consideration that organizations offer functional alternatives to the ways users can access information and communication, no matter what the mode of communication (see Section 7).

To keep up with changing technologies and to consider accessibility issues that cannot be addressed in a regulation, the Council calls on the Manitoba government to support accessible information and communication with a range of free tools and resources. For instance, the government should provide print guidelines that explain how to use colour contrast and appropriately sized font depending on the type of document, whether a business card, report or poster.

Please note that the Federal government is responsible for communications that fall under the mandate of the Canadian Radio-Television and Telecommunications Commission. Related regulations are out of scope of this consultation.

4. Purpose of the Discussion Paper

The purpose of this discussion paper is to seek comments, questions, and feedback on the Council's recommendations for Manitoba's information and communications accessibility standard.

In addition to questions highlighted throughout the discussion document, your assessment of the proposed standard may wish to consider the following:

- Does the standard provide clear direction on how to remove information and communication barriers?
- Is the standard too broad? Too narrow?
- Are there items missing from the standard?
- Is the standard achievable?
- Will the standard make a difference?

Your opinion matters. You are invited to prepare written submissions and briefs by **June 30, 2019** to:

Disabilities Issues Office
630 - 240 Graham Avenue
Winnipeg MB R3C 0J7
Email: access@gov.mb.ca
Website: AccessibilityMB.ca
Phone: 204-945-7613
Toll Free: 1-800-282-8069, Ext. 7613

In addition, you are welcome to attend a public forum on **May 14, 2019**, from 9:00 am to noon at the Viscount Gort Hotel, main floor, 1670 Portage Avenue in Winnipeg. To register and for more information, please visit AccessibilityMB.ca.

Discussion Document on an Initial Proposal for an Information and Communications Accessibility Standard

INTRODUCTORY PROVISIONS

Definitions, Categories and Exceptions

1.1 Definitions:

Information

Information includes data, facts and knowledge that exists in any format, including, but not limited to, text, audio, digital and/or images, which conveys meaning, and includes, but is not limited to, in person, conventional print and digital communications and technologies.

Communications

The imparting or exchanging of information by speaking, writing, and/or using some other medium and/or mechanisms, including but not limited to in person, conventional print, and digital information and technologies.

Procurement

The process of including accessibility criterion into policies and practices, when finding and purchasing information and communications, which may include tools and technologies from an external source. This includes, but is not limited to in-person, conventional print and/or digital.

Authoring (as related to Information and Communications Technology)

The tools and technologies used in creating and/or modifying information and communications and that affect accessibility, such as computer software, website content management systems, or self-service kiosks. Authors are the people who use authoring tools to create, design, or modify computer programs or websites, such as website designers.

1.2 The standard refers to different categories of information, as follows:

New Information and Communications

Information and communications authored, created, provided and/or received after the standard comes into force.

Pre-existing Information and Communications

Information and communications authored, created, provided and/or received before the standard comes into force that continue to be actively in use and maintained.

Legacy, Unused and/or Archived Information and Communications

Information and communications authored, created, provided and/or received before the standard comes into force that are no longer used or accessed on a regular basis, or are permanently kept in archives for their historic or legal value.

1.3 Exceptions

The proposed requirements for an accessibility standard for information and communications do not apply to the following:

- a. Information that cannot be reasonably converted into an accessible format. For example, in a document containing complex charts, it may

be possible to convert the text in the document, but for technical reasons, it may not be possible to convert the information in the charts. In this situation, the organization must explain to the person requesting the information, why it cannot convert the information into an accessible format. The organization must also provide, to the extent possible, a summary of the information that could not be converted.

- b. Information that an organization may be sharing on behalf of another organization. For example, a convention centre may offer brochures about local hotels, restaurants and attractions. The convention centre would not have direct or indirect control of this information, so it would not be required to provide that information in an accessible format.
- c. Product labels or other information found on products that the vendor has no control over, for example, packaging labels. However, the vendor should provide accessible product related information where possible. For instance, a pharmacist may print or send electronic information to explain the use and potential side effects of medicine.

2. Meaning of Accessible Information and Communications

For the purpose of this regulation, accessible information and communications are authored, created, provided and/or received when all persons who are reasonably expected to seek to obtain, use, or benefit from information and communications, have a similar opportunity to seek to obtain, use, or benefit from the information or communications.

3. Application and Phase-In of Obligations

Once the standard comes into force, obligations will be phased in over four years affecting the Manitoba government, public sector and all other organizations, including business, non-profits and municipalities, as follows:

| Type | Manitoba Government | Public Sector except small municipalities | All other organizations |
|---|----------------------------|--|--------------------------------|
| Obligation to introduce policies, procedures, feedback and training | After one year | After two years | After three years |
| New information and communications must be made accessible | After two years | After three years | After four years |
| Emergency procedures plans and/or public safety information | After two years | After three years | After four years |
| Pre-existing information and communications actively in use must be made accessible | After four years | After five years | Upon request |

MEASURES, POLICIES AND PRACTICES

4. Barrier-Free Access to Information and Communications

Every obligated organization's actions must be consistent with the purposes and principles of The Accessibility for Manitobans Act and reasonable accommodation requirements under The Human Rights Code.

- 4.1 Every obligated organization must establish and implement measures, policies and practices respecting barrier-free access to information and communications it provides.

- a. This applies to all information and communications an organization controls directly and/or through a contractual relationship that allows for modification of the information and communications, whether free or paid.
- b. This applies to information and communications related tools and technologies (ICT) that an organization procures and/or purchases.

Question: Should the standard address procurement (purchase) of accessible ICT? If so, what aspects – hardware, software, ICT services? Who should be affected – government, public sector, private sector?

In establishing, updating and implementing its measures, policies and practices, as per Section 7:

- 4.2 Every obligated organization must identify and remove barriers in “new” information and communications, so that all persons can reasonably expect to seek to obtain, use, or benefit from the information and communications that are authored, created, provided, and/or received after the obligation timeline.
- 4.3 Manitoba government and public sector organizations must also identify and remove barriers in “pre-existing information and communications” that are authored, created, provided, and/or received before the obligation timeline, and continue to be actively in use and maintained.
- 4.4 All other organizations, including businesses, non-profit organizations and smaller municipalities, must make “pre-existing information and communications” accessible when persons who are disabled by a barrier request access in an accessible format, as per Section 8.
- 4.5 Legacy, unused and/or archived information and communications must only to be made accessible when persons who are disabled by a barrier request access in an accessible format, as per Section 8.

5. Emergency Procedures, Plans and/or Public Safety Information

Every organization that has emergency procedures, plans and/or public safety information must make these accessible as outlined in Section 7, so that all persons who could reasonably expect to obtain, use or benefit from the emergency procedures, plans and/or public safety information can do so.

- 5.1 A person who is disabled by a barrier may request the information in an accessible format, as per Section 8.
- 5.2 Obligated organizations must meet the staggered deadlines set out in Section 3.

6. Accessible Information and Communications Feedback

An obligated organization must ensure that it provides accessible processes for receiving and responding to feedback about the accessibility of its information and communications, as per Section 7.

- 6.1 A person who is disabled by a barrier may request the information in an accessible format, as per Section 8.
- 6.2 The organization must document its resulting actions, and make that documentation available on request.

7. Specific and General Guidelines

In its measures, policies and practices, under Section 4, an obligated organization must ensure that it provides accessible information and communications in the following ways:

7.1 Accessible Websites and Web Content

Obligated organizations must create accessible web content that can be accessed on desktops, laptops, tablets, and mobile devices. Web content refers to the information in a web page or web application, including:

- apparent information such as text, images, and sounds;
- hidden technical code or “markup” that outlines the structure, style, presentation, layout, etc.

Web content must apply the following principles of the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG):

- **Perceivable:** Available to the senses (vision and hearing primarily) either through the browser or through assistive technologies (e.g. screen readers, screen enlargers, etc.).
- **Operable:** Users can interact with all controls and interactive elements using either the mouse, keyboard, or an assistive device.
- **Understandable:** Content provides a message clearly, in plain language, to avoid misunderstanding or mistakes.
- **Robust:** A wide range of technologies can access the content (including old and new assistive technologies).

Obligated organizations must meet WCAG 2.1 Level AA criteria for all web content that an organization controls directly or through a contractual relationship that allows for modification of the product, as phased in once the standard has come into force:

a. Manitoba government must meet WCAG 2.1 Level AA:

- New information and communications two years after the standard comes into force.

- Pre-existing information and communications three years after the standard comes into force with the exception of criteria 1.2.4 Captions and 1.2.5 Audio Descriptions.
- b. Public sector organizations, including large municipalities, must meet WCAG 2.1 Level AA:
- New information and communications three years after the standard comes into force.
 - Pre-existing information and communications four years after the standard comes into force, with the exception of criteria 1.2.4 Captions and 1.2.5 Audio Descriptions.
- c. All other obligated organizations, including business, non-profits and small municipalities must meet WCAG 2.1 Level AA:
- New information and communications four years after the standard comes into force.
 - Pre-existing information and communications must be made available in an accessible format upon request by a person disabled by a barrier, as per Section 8.

WCAG guidelines are the basis of most accessibility laws around the world. The goal is to ensure all users have equal access to information and functionality, including people affected by blindness and low vision, deafness and hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity and combinations of these.

7.2 Self-Service Interactive Devices

Obligated organizations must ensure accessibility for all users when designing, procuring or acquiring self-service interactive devices by meeting the CAN/CSA-B651.2-07 (R2017) Accessible Design for Self-Service Interactive Devices. The phased application of this obligation is set out in Section 3.

The Canadian Standards Association (CSA) defines a self-service interactive device as: “a device, whether electronic or mechanical, that requires user input and provides physical or electronic output.” Self-service devices are also called kiosks. For example, self-service kiosks are used by financial institutions, for parking payment, ticket sales, and grocery checkout.

Question: Should only the Manitoba government, public sector organizations and larger private sector organizations follow standards to make kiosks accessible? What about smaller businesses, defined as having fewer than 50 employees?

7.3 General Considerations

Obligated organizations must aim to create accessibility to ICT that is not specified in this standard, and could consider [Functional Accessibility Requirements](#) (FAR) as a guideline to enable people to locate, identify, and operate ICT functions, and to access the information provided.

FAR offers general alternatives to addressing potential barriers to ICT, for instance new forms of artificial intelligence, including but not limited to the following ways:

- Vision: by allowing adjustment to size, format, colour and use of voice software;
- Hearing: by offering alternative communication through captions (representation of image with words), by allowing adjustment in volume and background noise, using images or offering sign language;
- Speech: by offering alternatives to voice, for example responding by text or with a support person;
- Physical access, strength and manual dexterity: by locating ICT in an accessible space and at an accessible height and by offering alternative ways of operating technology; and,

- Extended focus, memorization or abstract thinking: by offering information in plain language, without time limits or demanding an ability to sequence steps to engage with ICT, and by offering a simple way to correct or undo mistakes.

8. Accessible Formats and Communication Supports

Obligated organizations must provide an opportunity to individuals affected by barriers to information and communications to request accessible formats and communication supports not generally available

- a. in a timely manner that takes into account the person's accessibility needs due to disability; and,
- b. at a cost that is no more than the regular cost charged to other persons.

8.1 The obligated organization must consult with the person making the request to determine the suitability of an accessible format or communication support.

8.2 The obligated organization must notify the public about the availability of accessible formats and communication supports.

9. Documentation of Measures, Policies and Practices

Subject to Section 4, Manitoba government, public sector organizations (with the exception of small municipalities) and businesses and non-profit organizations with more than 50 employees must:

- a. document their measures, policies and practices;
- b. provide a copy of the documentation on request; and,
- c. notify the public that the documentation is available on request.

10. Educational and Training Resources and Materials

Organizations that are school boards or educational or training institutions have additional requirements to meet the accessibility needs of their learners.

10.1 In the following sections, an educational or training institution is considered an obligated organization if it falls into one of the following categories:

- a. it is a school division or a school district established under the Public Schools Act
- b. it is a private school as defined in section 1 of The Education Administration Act
- c. it is an educational institution as defined in section 1 of The Advanced Education Administration Act
- d. it is a private vocational institution registered under The Private Vocational Institutions Act

Question: Should training that is offered by community and non-profit organizations be exempt from Sections 10 and 11? For example, training for literacy, financial management or parenting?

10.2 Educational or training institutions must provide educational or training resources or materials in a format that meets the accessibility needs of the learners by:

- a. Procuring an accessible or conversion ready electronic format, or
- b. Providing a comparable resource in an accessible or conversion ready format, if the educational or training resources or materials cannot be procured, obtained by other means or converted into an accessible format.

10.3 Educational and training institutions must provide student records and information on program requirements, availability and descriptions in an accessible format.

10.4 The deadline for compliance by large obligated organizations, with 50 or more employees, is two years after the standard comes into force.

The deadline for compliance of small obligated organizations, with fewer than 50 employees, is three years after the standard comes into force.

11. Training to Educators

School boards or educational or training institutions must provide educators with accessibility awareness training related to accessible program or course delivery and instruction.

11.1 Obligated organizations must keep a record of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided.

11.2 The deadline for compliance of large obligated organizations, with 50 or more employees, is two years after the standard comes into force.

The deadline for compliance of small obligated organizations, with fewer than 50 employees, is three years after the standard comes into force.

12. Producers of Educational or Training Material

Manitoba producers of educational or training textbooks for educational or training institutions must make these accessible upon request.

12.1 Every obligated organization that is a producer of print-based educational or training supplementary learning resources for educational or training institutions shall, upon request, make

accessible or conversion ready versions of the printed materials available to the institutions.

- 12.2 The deadline to make conversion ready versions of textbooks available is two years after the standard comes into force.

The deadline to make conversion ready versions of printed materials that are educational or training supplementary learning resources is three years after the standard comes into force.

13. Libraries of Educational and Training Institutions

Libraries of educational and training institutions that are obligated organizations must provide, procure or acquire by other means an accessible or conversion ready format or print, digital or multimedia resources or materials for a person with a disability, upon request.

- 13.1 Special collections, archival materials, rare books and donations are exempt from the requirements of Section 13.
- 13.2 The deadline to make accessible formats of print-based resources or materials available is two years after the standard comes into force, and the deadline to make accessible formats of digital or multi-media resources or materials available is three years after the standard comes into force.

14. Public Libraries

The Public Libraries Act requires Manitoba's library boards to provide access to, or arrange for access to, accessible materials where they exist. Manitoba's inter-library loan system is designed to allow users to access collections from libraries throughout the province.

- 14.1 For the purposes of Section 14, a library board, as defined in The Public Libraries Act, is an obligated organization.

- 14.2 In the context of this requirement, “accessible materials” include all works of literary, musical, artistic, dramatic nature , in accessible formats such as, but not limited to, print, electronic, video, DVD, audio, Braille, etc.
- 14.3 Every library board must provide access to or arrange for the provision of access to accessible materials where they exist.
- 14.4 When procuring new library materials, library boards are required to consider the accessibility needs of their users
- 14.5 Library boards shall make information about the availability of accessible materials publicly available and must provide the information in accessible format or with appropriate communication supports, upon request.
- 14.6 Library boards may provide accessible formats for archival materials, special collections, rare books and donations.
- 14.7 The deadline for library boards to make accessible formats of print-based resources or materials available is three years after coming into force, and the deadline to make accessible formats of digital or multi-media resources or materials available is four years after the standard comes into force.