

***The Accessibility for
Manitobans Act, 2013***

**Information and Communications
Accessibility Standard
Development Committee**

TERMS OF REFERENCE

May 2017

Minister of Families
Disabilities Issues Office

1. Purpose:

A standards development committee is established under *The Accessibility for Manitobans Act, 2013*, to be known as the Accessible Information and Communications Standard Development Committee (committee). The Minister has prepared and made public these Terms of Reference for the committee.

The purpose of these Terms of Reference is to direct and guide the committee in carrying out its roles and responsibilities.

2. Mandate

The committee will develop and provide the Accessibility Advisory Council (council) with recommendations for a proposed Accessibility Information and Communication Standard (standard). Once approved by council, a report, containing recommendations for a proposed standard, will be forwarded to the Minister as set out in the Act and the Terms of Reference.

The proposed standard should outline requirements for organizations to create, provide and receive information and communications in ways that are accessible for people with disabilities. The proposed standard should address barriers to accessibility for those most affected by the prevention and removal of barriers in the area of information and communication in Manitoba.

In developing the proposed accessibility standard, the committee will

- i. identify and consider the nature of the barriers experienced by people with a range of disabilities in the area of information and communication in Manitoba
- ii. further define the scope of the Information and Communications proposed standard in accordance with the Act and these Terms of Reference.

Under the Act, “barrier” means anything that interacts with a person who has a physical, mental, intellectual or sensory disability in a way that may hinder that person’s full and effective participation in society on an equal basis.

The committee should encourage innovation and best practices in the area of information and communication, and, where appropriate, consider existing international standards legislation, regulation codes, and best practices in Manitoba, other Canadian provinces, and internationally, in the area of information and communication accessibility.

3. Scope of the Proposed Information and Communications Accessibility Standard

For the purposes of drafting a proposed Information and Communications accessibility standard:

- “information” means a one-way process from the information provider to the consumer or end-user.
- “communication” means an interactive process between the two or more entities, where the entities may be businesses, other organizations, systems, people, etc., or any combination thereof
- Information provision and communications is achieved through one or more media or mechanisms, including but not limited to convention print, in person, information and communications technologies.

The proposed standard should set out requirements for organizations with regard to:

- Providing accessible formats upon request
- Providing communication supports upon request
- Creating and offering accessible web content

The proposed standard will set out the policies, practices and other requirements for the identification and removal of barriers with respect to information and communication for persons with a range of disabilities.

4. Guiding Principles:

The committee must have regard for the following principles in carrying out its mandate:

- **Access:** Persons should have barrier-free access to places, events and other functions that are generally available in the community;
- **Equality:** Persons should have barrier-free access to those things that will give them equality of opportunity and outcome;
- **Universal design:** Access should be provided in a manner that does not establish or perpetuate differences based on a person’s disability;
- **Systemic responsibility:** the responsibility to prevent and remove barriers rests with the person or organization that is responsible for establishing or perpetuating the barrier.

In addition, the proposed standard should:

- build on existing Manitoba legislative and regulatory frameworks whenever possible
- be specific enough that one can determine when the requirements have been met
- be sufficiently flexible to encourage rather than inhibit technological and other innovation
- where appropriate, reference existing international standards
- not prescribe the use of particular technological products or processes
- not regulate the content of information or communications
- reflect that while information and communications in Manitoba should be accessible to people with as wide a range of disabilities and abilities as possible, there will continue to be a need for individual accommodation for person with disabilities
- be developed in recognition of the fast pace of change in information and communication technologies.

5. Committee Roles and Responsibilities:

The committee will:

- Consider the full range of disabilities in identifying barriers in the area of information and communication in Manitoba and develop a proposed standard to address those barriers.
- Make achieving the purpose of The Accessibility for Manitoba Act, the primary consideration of all the committee's work, including its deliberations, activities and deliverables.
- Determine long-term accessibility objectives for Manitoba industries, sectors of the economy or classes or persons or organizations impacted by the proposed standard.
- To the extent possible, provide that all materials produced by the committee, whether written or otherwise, that are to be shared with the public, are clear and in plain language, concise, logical and unambiguous. Such materials include committee summary of discussions, progress reports and the proposed standard.
- Abide by these Terms of Reference, any direction the Minister may issue, and the *Act* as it relates to the committee's roles and responsibilities.

- Review and consider all information, material and guidance provided by the Minister and the Disabilities Issues Office (DIO) to assist the committee in its work.
- Identify the persons or organizations that must implement the proposed standard, and specify the dates by which requirements should be implemented.
- Prepare on regular intervals a progress report for the Chairperson of the council to be shared with council members.
- Prepare a proposed accessibility standard, including requirements of a proposed accessibility standard, for review and consideration by the council.
- The council's proposed standard must be posted 60 days prior to commencing public consultations.
- All further legislative processes required under the Act in establishing the standard as a regulation will be conducted by the council.

6. Membership

The council has the responsibility under the Act to make recommendations to the minister regarding the development of accessibility standards.

Subject to the Minister, the Act allows the council to establish standard develop committees. Members of the committee are appointed by the council and may include persons who are not members of the council. The committee is comprised of people with a thorough understanding of technical information and communication processes and representatives of the sectors and organizations who may have obligations under the proposed standard.

The committee will be required to achieve consensus on committee decisions that fulfill the Terms of Reference. Consensus means substantial agreement of members, without persistent opposition, by a process taking into account the views of all members in the resolution of disputes. Unanimous decisions are not necessarily required to achieve consensus.

As explicitly stated in the *Act*, in attempting to achieve a consensus among its members on the recommendations, one or more members may submit separate recommendations if a consensus are not achieved.

7. Chairperson

The council will assign an individual to chair committee proceedings and an individual to perform this role in the absence of the chairperson.

8. Chairperson Responsibilities

In carrying out his or her duties, the Chairperson will:

- a) Act in an impartial manner and be non-partisan;
- b) Encourage the balanced analysis of all relevant issues and questions for a variety of perspectives;
- c) Determine when a consensus is reached;
- d) Record in writing any declared conflict of interest and provide to the Minister;
- e) Verify that minutes of the meetings are accurately recorded
- f) Monitor the work of the committee with a view to keeping it on track to meet timelines.

9. Structure

Meetings will be approximately two hours or as required and will be held every three weeks commencing June 2017.

Meetings will be facilitated by the chairperson, or in the absence of the chairperson, the vice-chairperson. Administration and coordination support will be provided by the DIO, with staff from the Department of Families available to support the work of the committee.

10. Meetings

The date of the first meeting will be determined by the chairperson and the greatest availability of committee members. Subsequent meeting dates will be established at the conclusion of the previous meeting.

Meetings of minutes will be taken and disseminated to council members, but will not be available for public viewing.

A summary of discussion at meetings of the committee will be prepared based on the minutes of the meeting within 14 days of the meeting at be posted on the DIO website, www.accessibilitymb.ca.

11. Conflict of Interest

Where a committee member feels they are in a conflict of interest with respect to any matter before the committee, the member must immediately contact the chairperson to discuss the issue and the potential conflict. Where the chairperson determines that the member is in a conflict of interest with respect to the issue, the chairperson will ask the member to withdraw themselves from the discussion/decision making.

Where necessary, the member may consult with DIO staff with respect to the conflict. DIO staff may call on the services of the Civil Legal staff to come to a determination on the matter.