

The Accessibility for Manitobans Act, 2013

Four-Year 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 built environment. 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, public sector organizations, including municipalities, private and not-for-profit organizations.

Standards developed under the AMA will build on requirements of the 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:

2.1 Within four years after this act comes into force, 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.

2.2 To guide and direct the appointed individual in carrying out his or her responsibilities.

3. LEGISLATIVE REQUIREMENTS

Pursuant to section 39 of the AMA,

(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.

4. SCOPE OF THE REVIEW

The four-year review of the AMA should focus on those activities already undertaken in carrying out the purpose of the AMA. They include, but are 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 Government and Public Sectors

- Review the activities, measures, policies and practices of the Disabilities Issues Office to guide affected organizations in creating and implementing their accessibility plans in accordance with the AMA section 33.
- Review the implementation of accessibility plans in the Manitoba Government and among a sample of larger public sector organizations, with plans due in 2016, and smaller public sector organizations, with plans due in 2017.
- Offer recommendations to strengthen the effectiveness of accessibility plans.

4.3 Implementation of the Customer Service Standard

- Review the activities of the Disabilities Issues Office to guide affected organizations in creating and implementing the Customer Service Standard in accordance with the Customer Service Standard Regulation.
- Review the implementation of the Customer Service Standard in accordance with the Customer Service Standard Regulation by the Manitoba Government and public sector organizations with deadlines of November 1, 2016 and November 1, 2017 respectively.
- Review the activities of the Disabilities Issues Office, and more broadly of the Manitoba Government, to create awareness among private organizations with a November 1, 2018 deadline to comply with the Customer Service Standard.
- Review the activities of the Disabilities Issues Office, and more broadly of the Manitoba Government, to create public awareness about the Customer Service Standard.
- 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 Disabilities Issues Office to monitor and educate toward AMA compliance.
- Review the steps taken by Compliance Director to develop a compliance framework to support AMA.

4.5 Public Education

- While public education and awareness are not directly aligned with a particular section of the AMA, education is a key component in ensuring greater public awareness of the benefits of full accessibility, and in creating a clear understanding of the obligations individuals and organizations will have under standards established by the act.

4.6 Disabilities Issues Office

- Evaluate the level of resources, time and activities required by the Disabilities Issues Office to support implementation of the AMA and respond to the needs and expectations of affected organizations, the disability community, and the general public.

5. PROPOSED REVIEW ACTIVITIES

- 5.1 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 Disabilities Issues Office and other Government representatives; organizations that must meet AMA requirements; and, the public, particularly with persons disabled by barriers or representatives from organizations of persons disabled by barriers.
- 5.2 Consultations should be independent of government staff to ensure neutrality in the feedback obtained.
- 5.3 The consultations can involve, but not be restricted to, an online survey or email questionnaire, small group and individual meetings, and one large public consultation in Winnipeg. Limited car travel may be included.

6. DELIVERABLES

- 6.1 The appointed individual will conduct consultations (as per section 5).
- 6.2 Complete a final report with recommendations. This report will be submitted to the Minister no later than December 15, 2018.

7. SUPPORT FOR REVIEWER

The Disabilities Issues Office serves as the government's administrative body for the AMA. The Disabilities Issues Office 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;
- background information about the AMA, its activities and contact information of key informants; and
- some logistical support, including meeting rooms, disability accommodations and the coordination of a public forum.