



## **TERMS OF REFERENCE**

Accessibility Advisory Council – August 2020

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## 1. Purpose

The Accessibility Advisory Council Act established the Accessibility Advisory Council. The Accessibility Advisory Council continues under The Accessibility for Manitobans Act, which came into force on December 5, 2013. The Accessibility Advisory Council Act has since been repealed.

Since the initial posting of the Terms of Reference, recommendations stemming from the four-year review on the effectiveness of The Accessibility for Manitobans Act have been put in place. Because of these adjustments, the 2020 Revised Terms of Reference have been developed and made public.

The purpose of these Terms of Reference is to direct and guide the Council in carrying out its roles and responsibilities. Additional direction on the scope and application of activities of the Accessibility Advisory Council may be provided by the Minister responsible for The Accessibility of Manitobans Act from time to time and will form part of these revised Terms of Reference.

## 2. Mandate

The Accessibility Advisory Council will perform those actions and provide the deliverables required by The Accessibility for Manitobans Act and these Terms of Reference.

As per Section 14 of The Accessibility for Manitobans Act, the Council is to advise and make recommendations to the Minister respecting:

- priorities for the establishment of accessibility standard and, in accordance with sections 9 and 11, the content of the accessibility standards and the time periods for their implementation;
- measures, policies and practices or other requirements that may be implemented by the government to improve accessibility;
- long-term accessibility objectives for furthering the purpose of The Accessibility for Manitobans Act; and,
- any other matter relating to accessibility on which the Minister seeks the Council's advice.

### 3. Guiding Principles

As per subsection 2(2) of The Accessibility for Manitobans Act, the Council must have regard for the following principles in carrying out its mandate:

- **Access:** barriers should not prevent a person from accessing places, events and other functions that are generally available to the community.
- **Equality:** barriers should not prevent a person from accessing those things that will give the persons 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 impairment.
- **Systemic Responsibility:** the responsibility to prevent and remove barriers rests with the public or private organization that is responsible for establishing or perpetuating the barrier.

According to The Accessibility for Manitobans Act, “barrier” means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communication barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

### 4. Roles and Responsibilities

The Council will:

- Make achieving the purpose of The Accessibility for Manitobans Act the primary consideration in all of the Council's work including its deliberations, activities and deliverables.
- Appreciate and advance, in a balanced and fair way, the views and interests of the diverse Manitoba sectors, industries, organizations, groups, communities and persons with disabilities.
- Carry out Council work in a manner that preserves and enhances public trust in the integrity and skill of the Council to carry out its duties

under the AMA in the public interest and in a fair, effective and timely manner.

- Accommodate persons with disabilities on the Council in all parts of the Council's process.
- Abide by these Terms of Reference, any direction the Minister may issue, and the AMA as it relates to the Council's role and responsibilities.
- Review and consider all information, material, and guidance provided by the Minister to assist the Council in its work.
- Respond in a timely fashion to requests for information and reports as may be required by the Minister.

To the extent possible, the Council will provide all materials produced by the Council that are to be shared with the public, whether written or otherwise, are clear and in plain language to ensure the information is concise, logical, and unambiguous.

Such materials include Council meeting minutes, summary of discussions, progress reports, discussion papers and recommendations to the Minister.

## 5. Consultations

In carrying out its mandate and responsibilities, the Council must consult with:

- persons disabled by barriers or representatives from organizations of persons disabled by barriers;
- representatives of those engaged in the activity or undertaking, or representatives of the sector or the persons or organization, that may be made subject to the proposed accessibility standard;
- other representatives of the government and the boards, commissions and agencies of the government that have responsibilities relating to the activity or undertaking, sector or persons or organizations that may be made subject to the proposed accessibility standard; and,
- any other person or organizations that the Minister considers advisable.

All Council and/or Committee submissions made to the Minister will be made public and posted permanently online at [www.accessibilitymb.ca](http://www.accessibilitymb.ca). The Council will, as part of any public consultation, hold community-based open houses to receive public input.

## 6. Membership

The council is to consist of at least 6 and not more than nine members appointed by the Lieutenant Governor in Council.

The Accessibility Advisory Council is made up of members of the disability community and other affected stakeholders, including representatives of business, labour and municipalities, and will be designed to represent the interests of stakeholders most affected by measures aimed at achieving greater accessibility. The Council will also include representatives of the sectors or organizations who may have obligations under the recommendations that are developed.

A member of Council members will have terms not exceeding three years. A member whose term expires continues to hold office until he or she is re-appointed, the appointment is revoked, or a successor is appointed.

## 7. Member Roles and Responsibilities

In addition to contributing to the fulfillment of the roles and responsibilities assigned to the Council as a whole, individual members will:

- actively participate in all scheduled Council meetings;
- review materials and background information prior to the committee meetings and be prepared to discuss materials at committee meetings;
- review committee minutes for accuracy and check that interests are properly documented;
- carry out individual assignments within set timelines;
- participate effectively and in good faith in all committee activities;
- work collaboratively with other committee members to achieve consensus on all decisions;

- provide input into committee agenda items and priorities; participate in committees, if required; and,
- work with individuals and organizations outside the council if required to support the work of the council.

## 8. Chair

As per section 15(5) of the Accessibility for Manitobans Act, the Lieutenant Governor in Council must designate one member of the Council as Chairperson and another as Vice-Chairperson to perform this role in the absence of the Chairperson.

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

- a) Not vote in the decisions of the committee.
- b) Act in an impartial manner and be non-partisan.
- c) Encourage the balanced analysis of all relevant issues and questions for a variety of perspectives.
- d) Determine when a consensus is reached.
- e) Record in writing any declared conflict of interest and provide to the Minister.
- f) Verify that minutes of the meetings are accurately recorded.
- g) Monitor the work of the committee, and sub-committees if any, against the requirements of the Act, these Terms of Reference, with a view to keeping it on track to meet timelines.

## 9. Operational Process

In performing its mandate, the Council shall work along the following guidelines:

1. Participants will seek consensus and work towards a shared, collaborative understanding with an acknowledgement of difference and similarities.

2. Information will be shared among Council Members and viewed and discussed in confidence within the context of the development of Council's advice and recommendations to the Minister respecting accessibility legislation.
3. While deliberations of the Council are held in strict confidence, what information can be provided to principals of Council members will be determined by a majority of Council members.

Council will be required to achieve consensus on Council decisions and recommendations. 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 stated in the *Act*, one or more members may submit separate recommendations if Council does not achieve a consensus on recommendations.

The council will submit its recommendations to the minister in the form and within the time specified by the minister.

## 10. Meetings

Council meetings will be approximately two hours in length and will be held according to the requirements of the Council. The meeting dates will be determined by the Chairperson and the greatest availability of Council members. The meeting schedule for the Accessibility Advisory Council will be established on an annual basis.

Minutes of meetings will be taken and disseminated to Council members but will not be available for public viewing.

A Summary of Discussion of meetings of the Council will be prepared based on the minutes of the meeting within 14 days of the meeting and be posted on the Disabilities Issues Office website, [www.AccessibilityMB.ca](http://www.AccessibilityMB.ca). The names of Council members will not be used in these summaries to



encourage free discussion. Decisions and Action items will be included in all Summary of Discussions.

## 11. Committees

As per section 16(1) of The Accessibility for Manitobans Act, the Minister will approve the formation of committees of the Council. Committees will be created to provide advice to the Council on certain matters under consideration, and members will be selected by the full Council in consultation with and with the approval of the Minister. Committee members need not be members of the Council.

The ability to appoint these committees will allow the Council to call upon technical experts and parties familiar with specific issues to provide input. Separate Terms of Reference will be developed for all Committee formed under the Council setting out specific roles and responsibilities depending on the determined mandate of the Committee.

## 12. Conflict of Interest

Where a member believes they are in a conflict of interest with respect to any matter before the Council, 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.

Where necessary, the member may consult with Disabilities Issues Office staff with respect to the conflict. Disabilities Issues Office staff may call on the services of the Department of Justice staff to come to a determination on the matter.

## 13. Administration

Administration and coordination support to the Accessibility Advisory Council will be provided by the Disabilities Issues Office.

Council members and members of Council committees will receive remuneration and payment of reasonable expenses for meetings and activities supporting the Council's work