

The Accessibility for Manitobans Act

Accessibility Standard for the Design of Public Spaces

TERMS OF REFERENCE

"Original signed by"

Hon. Heather Stefanson
Minister of Families

"Original dated February 28, 2019"

Date of Ministerial approval

This document is available in alternate formats on request.

Please contact the Disabilities Issues Office by email at DIO@gov.mb.ca or by phone at 204-945-7613 (in Winnipeg) or toll free at 1-800-282-8069, ext. 7613 (outside Winnipeg).

Purpose: Terms of Reference

Per subsection (s.) 5(1) of [The Accessibility for Manitobans Act](#) (AMA), the Minister is responsible for overseeing the development of accessibility standards in Manitoba. To this end, the Minister of Families (currently responsible for the administration of the AMA) has prepared these Terms of Reference (ToR) for the development of an Accessibility Standard for the Design of Public Spaces (standard).

A standard development committee is established under s. 16(1) of the AMA to be known as the Design of Public Spaces Standard Development Committee (committee).

These ToR serve the purpose of outlining responsibilities, expectations and requirements of the committee and The Accessibility Advisory Council (council). The Minister may provide additional direction on or changes to the scope and application of the proposed standard as the committee and council undertake their work.

Committee & Council Deliverables & Timelines

The committee is responsible for developing a set of recommendations for an Accessibility Standard for the Design of Public Spaces. These recommendations are to be submitted to and considered by council. Council is required to consult on the recommendations with groups specified in s. 9(3) of the AMA.

Under s. 9(4) of the AMA, the council's recommendations must be submitted to the minister in the form and within the time specified by the minister. The council must submit to the Minister for consideration a set of recommendations in plain language that is based on the committee's recommendations and consultation feedback.

Major Deliverables & Timelines (see the appendix for timeline detail)

The committee is to submit its set of recommendations to the council no later than **May 31, 2019**.

The council is required to let committee members and the Deputy Minister know which recommendations from the committee it plans to bring forward for public consultation.

This is to happen three weeks after the committee's written submission to council (i.e., by **June 21, 2019**).

Note: This is only to share information, not to seek approval from the committee or Deputy Minister.

The council is to consult with stakeholders and to submit a final set of recommendations to the Minister not later than **August 30, 2019**.

Note: Funds for council's consultations will be subject to approval by the Deputy Minister.

There shall be no extensions on these timelines unless approved in advance by the Deputy Minister.

Scope of Proposed Standard

As noted in s. 2(1) of the AMA, the built environment includes various aspects: facilities, buildings, structures and premises. This standard will apply to accessibility in the design of exterior public spaces. It will deal with access to only those areas outside the jurisdiction of The Manitoba Building Code, such as sidewalks, pathways, parks and other aspects of the environment that are designed and constructed.

Exterior public spaces for the purposes of these ToR refer to premises and structures that are in public spaces (out of doors). Examples include, but are not limited to:

- Pedestrian access routes and signal systems
- Aspects of sidewalks and exterior paths and walkways that are not covered under The Manitoba Building Code
- Recreational elements, like trails and beach access routes
- Outdoor public eating areas
- Outdoor parks, play spaces and play structures
- Accessible parking spaces

The proposed standard must specify how the design of exterior public spaces can address accessibility barriers to using, accessing and moving around in exterior public spaces and structures built on them (excluding buildings and facilities).

For a person who has a physical, mental, intellectual or sensory disability, a barrier is defined in the AMA as: "anything that interacts with that disability in a way that may hinder the person's full and effective participation in society on an equal basis." The proposed standard should promote the integration of accessibility needs in the design of exterior public spaces.

Recommendations made by the committee and council should focus on:

1. the accessibility objectives for the activity or undertaking, the sectors or the persons or organizations to which the proposed accessible standard relates; and
2. the measures, policies, practices or other requirements that should be implemented, including:
 - how and by whom they should be implemented, and
 - the time periods for implementing them.

In making recommendations about time periods for implementing the standard, the committee and council must also consider:

3. the nature of the barriers that the measures, policies, practices or other requirements are intended to identify, prevent or remove; and
4. any technical and economic considerations that may be associated with implementing the standard.

The committee and council may make recommendations to the Minister regarding whether and when to consider other aspects of the built environment.

Recommendations made by the committee and council should also:

- Complement and not duplicate existing legislative and regulatory frameworks, including The Manitoba Building Code.
- Be specific enough that one can determine when the requirements have been met.
- Be sufficiently flexible to encourage rather than inhibit innovation.
- Take into account the concepts of 'reasonable accommodation' and 'undue hardship,' as defined by The Human Rights Code and/or interpreted by Manitoba's Human Rights Commission.

The committee will and council must:

- Make achieving the purpose of the AMA the primary consideration of all of its work, including its deliberations, activities and deliverables.
- Encourage practical and evidence-based best practices in the area of accessibility in the design of public spaces.
- Consider the full range of disabilities in identifying barriers in the design of exterior public spaces.
- Appreciate and advance, in a balanced and fair way, the views and interests pertaining to persons with disabilities, the sectors to be affected by the standard, as well as other relevant stakeholders.
- Ensure that materials produced are concise, logical, written in plain language, and unambiguous.
- Provide explanations and rationales for recommendations.
- Abide by these ToR, any direction the Minister may issue, and the AMA.
- Have regard for the following principles set out in the AMA: access, equality, universal design and systemic responsibility.

Out of Scope

- Aspects of the built environment that fall under the authority of The Manitoba Building Code.
- Determining the need for creating or amending government policies, programs or laws.
- Consultations with stakeholders are not required to be held by the committee. Council is required to consult on the set of recommendations as noted in 9(3) of the AMA.

Consensus

The committee will attempt to seek consensus in its proposed recommendations to council. 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.

If consensus is not achieved, one or more committee members may submit separate recommendations to the council. All recommendations, including those that are separate, are to be submitted to the council at the same time and within the specified deadline (i.e., by **May 31, 2019**). *** Note: This process also applies to council's recommendations to the Minister (i.e., by **August 30, 2019**).

Council will review and determine which recommendations from the committee it wishes to submit to the Minister.

Council will provide committee members with a rationale for its decisions in writing or by means of a meeting with the committee. This is to happen within four weeks after council's formal submission to the Minister (i.e., by **September 27, 2019**).

Membership

The committee is to be made up of no more than nine members. 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 the design of public spaces in Manitoba and representatives of the organizations who may have obligations under the proposed standard. The committee is also representative of individuals experiencing barriers in accessing exterior public spaces.

Co-chair Responsibilities

Co-chairs will be appointed to facilitate committee proceedings, one of whom will be a senior provincial public servant with experience in the design of exterior public spaces and/or the built environment. In the absence of the co-chairs, a committee member will be asked to take on this role during a meeting.

In carrying out her or his duties, the co-chairs will:

- Act in an impartial manner and be non-partisan;
- Encourage the balanced analysis of all relevant issues and questions for a variety of perspectives;
- Determine when consensus is reached;
- Assess real or perceived conflict of interest of any members, and record in writing any declared conflict of interest;
- Verify that minutes of the meetings are accurately recorded, and include actions and decisions in the minutes;
- Monitor the work of the committee with a view to keeping it on track to meet timelines;
- Report to the Chair of the council on a monthly basis, and on request;
- Provide final recommendations to council by the deadline set out in this document (i.e., by **May 31, 2019**);
- Present the recommendations to council, within two weeks of the committee's written submission (i.e., by **June 14, 2019**); and
- Share information with committee members when council:
 - decides which recommendations it selects for public consultation and

- submits its final set of recommendations and rationale to the Minister.

Meetings & Remuneration

Co-chairs will facilitate meetings. Staff from the Department of Families will provide impartial administration, research, writing and coordination support, in the role of Secretary to the Committee.

Meetings will be scheduled in advance to allow for proper planning and attendance of members. It is anticipated that considerable work by committee members will take place between meetings (e.g., review and approval of documents by email).

Reimbursement for up to 15 committee meetings, each lasting less than three hours will be as follows:

- Co-chairs will be remunerated \$256.00 per meeting, for a total of \$3,840.00 (unless the a co-chair is a public servant)
- Members will be remunerated \$146.00 per meeting, for a total of \$2,190.00

Parking and other transportation costs will also be covered, subject to the provision of receipts and in line with the Government of Manitoba General Manual of Administration (GMA).

All committee meetings will be accessible to members with disabilities. Members will be required to identify to the co-chairs any specific accessibility supports that will be required for their full participation in meetings.

Should technical expertise be required to support the work of the committee, the co-chairs may invite experts to present to the committee. These individuals may receive an honorarium subject to advance approval by the Deputy Minister.

Conflict of Interest

Where a committee member believes she/he is in a conflict of interest or a concern is raised about a potential conflict of interest with respect to any matter before the committee, the member must immediately contact the co-chairs to discuss the issue and the potential conflict.

Where the co-chairs determine that the member is in a conflict of interest with respect to the issue, the co-chairs will ask the member to withdraw themselves from the discussion/decision making. The co-chairs may consult with the Director of the AMA, with respect to the conflict.

Appendix: Committee Timelines

Friday, May 31, 2019: Committee to submit written set of recommendations to council.

Committee meetings are no longer required after this date.

Friday, May 31 – Friday, June 14, 2019: Council to review and discuss recommendations.

Friday, June 14, 2019: Committee co-chairs to present to council on the set of recommendations and answer any questions posed by council members.

Friday, June 14 – Friday, June 21, 2019: Council to deliberate and make decisions on which recommendations it will use for public consultation.

Friday, June 21, 2019: Council to decide which of the set of recommendations it will use for public consultation, and let Deputy Minister and committee co-chairs know (only for information sharing purposes, not for approval).

Co-chairs to inform committee members.

July and August 2019: Council to conduct public consultations (as per section 9(3) of the AMA).

Friday, August 30, 2019: Council to submit final set of recommendations to the Minister.

Friday, September 27, 2019: Council to provide to the committee co-chairs with a rationale for its decisions in writing or by meeting with committee. Co-chairs to provide to committee members.

Committee is formally dissolved.

Note for information only: After the committee has been dissolved, and after council submits its final set of recommendations to the Minister, the Minister is to prepare a proposed standard.

The proposed standard will be in the form of a Consultation Draft Regulation, provided by Manitoba.

Sub-section 10(3) of the AMA requires the Minister to consult on this document for a 60-day period before finalizing.