# CNIB Survey Analysis and Recommendations: The Accessible Canada Act

# Background

CNIB applauds the government for tabling Bill C-81, An Act to Ensure a Barrier Free Canada. However, we see significant room for improvement. We surveyed our community of supporters for their reactions to the Accessible Canada Act, and asked them what would truly help achieve a barrier-free Canada.

For a complete breakdown of respondent demographics, see Appendix 1.

# What We Heard

Being a person with a disability means having to navigate life differently. Sometimes these barriers are physical, like an inaccessible pedestrian crossing. Others include, barriers to information and communication, such as when relevant information is not provided in an alternate format like braille or an accessible electronic document. Often, the biggest barrier is attitudinal – people assume that people with disabilities, and especially people with sight loss, always need help and are not independent. Strengthened national accessibility legislation, with a public education and awareness component, can change the assumption people have of persons with disabilities.

Respondents to our survey are generally satisfied with Bill C-81, with 57 percent having a favourable impression of the Bill. Most of our respondents think the introduction of the Canadian Accessibility Standards Development Organization (CASDO) is the strongest piece of the legislation, followed by the new monetary penalties for accessibility violations.

Though these parts of Bill C-81 were generally viewed favourably, CNIB received many suggestions for improvement. Almost all the qualitative responses we received in this survey centered around six recurring themes: enforcement, representation, timelines, procurement, complaints processes, and rights for guide dog users. We have broken down the themes below.

1. **Enforcement**

"I think continuing to leave transportation and broadcasting to their existing, respective organizations is a mistake. They should all fall under one Act, and one Commissioner, with one set of rules." Canadian with sight loss, 42

The biggest complaint about Bill C-81 from our respondents is a lack of confidence when it comes to enforcement. Several respondents expressed concern that monetary penalties would be nothing more than a license to continue as usual. Respondents said they wanted to see stricter punishments for non-compliance and higher monetary penalties to ensure organizations under the scope of the Bill comply with the standards and regulations.

Most respondents to our survey are encouraged by the administrative monetary penalties for non-compliance. However, they caution that splintering enforcement among different agencies might allow some establishments to slip through the cracks. We heard, time and again, that the only way to ensure compliance is to streamline enforcement and ensure high penalties for non-compliance.

1. **Representation**

"I am a strong believer that people only know what they experience. If they have never experienced life with some sort of disability, they will not know what it's like." Canadian with sight loss, 44

Sixty-one percent of respondents saw the creation of CASDO as the strongest piece of the legislation. However, many respondents question the make-up of CASDO and suggested that a simple majority is not enough representation. Respondents noted that they want to see a majority between 60 and 80 percent persons with disabilities on CASDO.

Respondents also want to see the Accessibility Commissioner and Chief Accessibility Officer be people with disabilities; it is widely felt that this will ensure those in charge of dealing with complaints and enforcing standards have lived experience with accessibility barriers themselves.

Further, we heard from several respondents that the process for regulated entities to receive feedback from persons with disabilities should be more clearly defined, to ensure the feedback is substantial and not superficial.

1. **Timelines**

"Timelines are an essential element in ensuring that a task is accomplished. This is true for most of us in our day-to-day jobs, and it's true when implementing legislation." – Canadian with sight loss, 44

Almost all the respondents to our survey indicated the need for timelines within the legislation, to make sure it is impactful as soon as possible. It was widely noted that timelines are a way to keep the government and federally regulated entities accountable.

Several respondents noted that they do not feel confident that this legislation will have impactful change on their daily lives and feel that timelines would give the legislation more teeth. We heard that Canadians with sight loss are not confident that change will happen quickly, based on the pace of change in Ontario with the AODA, and that legislation without timelines will have little, if any, impact. Legislation must do much more than simply creating mechanisms for setting standards; it must have teeth to bring about desired change.

1. **Procurement**

"I hope it makes transportation infrastructure funding contingent on accessibility. I would like to be able to get to work, visit family, attend classes, run errands, and take my kids to school and programs safely." – Canadian with sight loss, 42

Several respondents indicated that they wanted to see the government use procurement and federal funding to strengthen the Bill and broaden its scope. We heard from many respondents that they want to see the legislation require the federal government to only procure accessible materials, technologies, or services. This, in turn, will see a change in private sector entities who want to do business with the federal government.

Many rural respondents to the survey felt procurement and government funding contingent on accessibility would create a shift in their region of the country. Otherwise, respondents say that places out of the eye of enforcement will not be required to make their goods and services accessible.

We also heard that it is important to look beyond physical accessibility in public places. To a person who is blind or partially sighted, access to information is often the greatest barrier. Canadians with sight loss want more clarification and higher standards for digital accessibility, both from the government and from entities the government does business with.

1. **Complaints Processes**

"It would be stressful for those making a complaint because it appears that they are always trying to advocate for themselves in almost EVERY situation in an 'able-bodied' world." – Canadian with sight loss, 58

We received several responses regarding the complaints process, with many respondents noting complaints mechanisms are not clearly defined. Further, most of our respondents say they would not feel comfortable filing a complaint, with the enforcement splintered across different agencies.

Many respondents felt they would require legal assistance to file a complaint, and that it might be too onerous to file an official complaint. We had several respondents indicate that they would rather engage local media, or not complain at all, than take on a difficult and overly bureaucratic complaints process.

1. **Guide Dog Users**

"I would like to be able to travel freely about the country with my service dog, without having to worry." Canadian with sight loss, 66

For many guide dog users, traveling with a guide dog offers independence in their daily lives. However, we heard that they are often denied entry to restaurants, businesses, and taxi services because they are traveling with a guide dog. Respondents want to see specific mention of guide dogs in the Bill, to ensure that all federally regulated entities are fully aware of their duty to accommodate guide dog users. A Canada without barriers means public access rights for people who use guide dogs, and real consequences for any enterprise that infringes upon those rights.

## Conclusion

"One of the biggest challenges people with disabilities face is the attitudinal barriers. Those are the hardest to eliminate because you can't legislate what's in people's hearts." – Canadian with sight loss, 44

We heard overwhelmingly that for Canadians who are blind or partially sighted, the Accessible Canada Act provides a positive first step towards a Canada without barriers. However, almost all respondents to our survey said they felt the Bill needed to be strengthened. Most responses shared the same six themes: our respondents want the see the Bill strengthened to ensure enforcement, include timelines and appropriate representation, ensure accessible procurement practices and fair complaints processes, and include regulations for guide dog users.

We also heard repeatedly that without an educational component, this Bill will fall far short of combating the attitudinal barriers that are often the most difficult to overcome. We heard from our clients and advocates that they want to see a concerted effort by the federal government to educate Canadians about new accessibility requirements, so all Canadians know the federal government is taking accessibility seriously. Overwhelmingly, our respondents feel this component, done outside the legislative process, will have a big effect on their daily interactions and go a long way in combating the attitudinal barriers they face daily.

## CNIB Recommendations

1. CNIB recommends including timelines for regulations and standards to be implemented under the Accessible Canada Act.
2. CNIB recommends the Government of Canada use the Accessible Canada Act to ensure no public money is used to create further barriers for accessibility. As such, CNIB recommends all government procurement, grants and contributions, and provincial transfer payments, be contingent on compliance with the Act.
3. CNIB recommends Bill C-81 designate the Accessibility Commissioner as the single body solely responsible for complaints and enforcement. The Accessibility Commissioner should leverage subject-matter expertise from the relevant federal government departments and agencies when needed. This would ensure a person-centered approach, enabling an easier complaint and enforcement process for persons with disabilities.
4. CNIB recommends Bill C-81 limit accessibility exemptions. CNIB recommends the disability community be consulted on any request for an exemption, and if an exemption is provided, information is published online, including the rationale for that exemption.
5. CNIB recommends updating Section 117.1 to reflect the recommendation of the Canadian Human Rights Commission:
   1. that section 117.1 be amended to change the word "may" to "shall" and add "which may include" to the end of the paragraph and;
   2. section 117.1 c. be amended to add the words "and timelines for their implementation" to the end of the sentence. The proposed wording would read:  
      **Regulations**

**117 (1)**Subject to sections 118 to 120, the Governor in Council **shall** make regulations **which may include:**

**(c)**establishing standards intended to remove barriers and to improve accessibility in the areas referred to in section 5 **and timelines for their implementation**;

## Appendix 1: Survey Demographics

Forty three percent of respondents were unsatisfied with Bill C-81; 44 percent were somewhat satisfied, and 13 percent were completely satisfied.

Province/ Territory Percentage of Respondents  
British Columbia 13.1%  
Alberta 17.0%  
Saskatchewan 0.7%  
Manitoba 2.6%  
Ontario 51.6%  
Quebec 5.9%  
New Brunswick 2.0%  
Nova Scotia 3.3%  
Prince Edward Island 0.7%  
Newfoundland and Labrador 2.0%  
Nunavut 1.3%

Vision Loss Percentage of Respondents  
Mild 18.0%  
Moderate 20.0%  
Significant 18.0%  
Total 17.3%  
Varies depending on environment 5.3%  
No sight loss 21.3%