

Barrier-Free BC – 13 Principles for a British Columbians with Disabilities Act

Date: 28 November 2015

1. The Act SETS A TIMELINE:

The purpose of the British Columbians with Disabilities Act is to achieve a Barrier-Free British Columbia for persons with disabilities by a deadline that the Act will set, and that will be within as short a time as is reasonably possible, with implementation to begin immediately upon proclamation, to effectively ensure to all persons with disabilities in British Columbia the equal opportunity to fully and meaningfully participate in all aspects of life in British Columbia based on their individual merit.

2. The Act APPLIES TO ALL:

The British Columbians with Disabilities Act should apply to all persons with disabilities whether they have a physical, mental, sensory, communication, learning and/or intellectual disability or mental health condition, or are regarded as having one, and whether their disability is visible or invisible to others. It should apply to all accessibility barriers, for example physical, legal, bureaucratic, information, communication, attitudinal, technological, policy or other barriers. It should apply to the British Columbia Legislature as well as to all British Columbia government entities, British Columbia-owned public premises and facilities, companies and organizations within British Columbia or which British Columbia can regulate, recipients of British Columbia grants, subsidies, loans or other funds, and any other persons or organizations to which the British Columbia Government can apply it.

3. The Act SETS THE BAR:

The British Columbians with Disabilities Act's requirements should supersede all other legislation, regulations or policies which provide lesser protections and entitlements to persons with disabilities. The Act and regulations made under it should not take away any rights that British Columbians with disabilities now enjoy;

4. The Act REMOVES BARRIERS:

The British Columbians with Disabilities Act should require British Columbia, including organizations to which it applies, to be made fully accessible to all persons with disabilities through the removal of existing barriers and the prevention of the creation of new barriers, within strict time frames to be prescribed in the legislation or regulations;

5. The Act CHAMPIONS BARRIER-FREE GOODS, SERVICES & FACILITIES:

The British Columbians with Disabilities Act should require providers of goods, services and facilities to which the Act applies to ensure that their goods, services and facilities are fully usable by persons with disabilities, and that they are designed based on principles of universal design, to accommodate the needs of persons with disabilities. Providers of these goods, services and facilities should be required to devise and implement detailed plans to remove existing barriers and to prevent new barriers within legislated timetables;

6. The Act CHAMPIONS BARRIER-FREE WORKPLACES & EMPLOYMENT

The British Columbians with Disabilities Act should require organizations to which it applies to take proactive steps to achieve barrier-free workplaces and employment within prescribed time limits. Among other things, those employers should be required to identify existing employment and workplace barriers which impede persons with disabilities, and then to devise and implement plans for the removal of these barriers, and for the prevention of new workplace and employment barriers;

7. The Act CHARGES GOVERNMENT TO LEAD, EDUCATE, TRAIN, INFORM & REVIEW

The British Columbians with Disabilities Act should require the British Columbia Government to lead British Columbia to achieving the Act's goals. It should specify actions the British Columbia Government will take to fulfil this mandate. Among other things, it should require the British Columbia Government to provide education and other information resources to organizations, individuals and groups who need to comply with the Act. It should also require the British Columbia Government to appoint an independent person to periodically review and publicly report on progress towards full accessibility, and to make recommendations on any actions needed to achieve the Act's goals;

8. The Act IS ENFORCEABLE:

The British Columbians with Disabilities Act should provide for a prompt, independent and effective process for enforcement, and should require that the Act be effectively enforced. This should include, among other things, an effective avenue for persons with disabilities to raise with enforcement officials violations of the Act that they have encountered. It should not simply incorporate the existing procedures for filing discrimination complaints with the British Columbia Human Rights Tribunal or under the Canadian Charter of Rights and Freedoms, as these are too slow and cumbersome, and can yield inadequate remedies;

9. The Act IS MADE REAL THROUGH REGULATIONS:

As part of its requirement that the British Columbia Government lead British Columbia to the goal of full accessibility for British Columbians with disabilities, the Act should require the British Columbia Government to make regulations needed to define, with clarity, the steps required for compliance with the British Columbians with Disabilities Act. It should be open for such regulations to be made on an industry-by-industry or sector-by-sector basis. This should include a requirement that input be obtained from affected groups such as persons with disabilities and obligated organizations, before those regulations are enacted. It should also provide persons with disabilities with the opportunity to apply to have regulations made in specific sectors of the economy to which the Act can apply. The Act should require the British Columbia Government to make all the accessibility standards regulations needed to ensure that its goals are achieved, and that these regulations be independently reviewed for sufficiency every four years after they were enacted;

10. The Act ENSURES PUBLIC MONIES DO NOT CREATE OR PERPETUATE BARRIERS:

The British Columbians with Disabilities Act should require that the British Columbia Government ensure that no public money is used to create or perpetuate barriers against persons with disabilities. For example, all British Columbia Government departments, agencies, and crown corporations should be required to make it a strict condition of funding any program, or any capital or other infrastructure project, or of any transfer payment, subsidy, loan, grant (such as research grants) or other payment of public funds, that no such funds may be used to create or perpetuate barriers against persons with disabilities. They should also be required to make it a condition of any procurement of any services, goods or facilities, that these be designed to be fully accessible to and usable by persons with disabilities. Any grant (including for example, research grant), loan, subsidy, contract or other such payment which does not so provide is void and unenforceable by the grant-recipient or contractor with the department, agency, or crown corporation in question. The British Columbia Government should be required to monitor and enforce these requirements and to periodically report to the public on compliance.

11. The Act IS A LENS THROUGH WHICH TO VET LEGISLATION:

The British Columbians with Disabilities Act should require the British Columbia Government to review all British Columbia legislation and regulations to identify possible accessibility barriers that they may impose or permit, and to propose omnibus legislation within a specified time to address these barriers. It should require the British Columbia Government to review all future proposed legislation and regulations, before they are enacted, to certify and ensure that they do not create, perpetuate or allow for accessibility barriers in them or in activity or programs operated under them. As an immediate priority under these activities, the British Columbia Government should get input from voters with disabilities on accessibility barriers in provincial and municipal election campaigns and the voting process, and should develop reforms to remove and prevent such barriers.

12. The Act SETS POLICY:

The British Columbians with Disabilities Act should set as a provincial policy the fostering of international and inter-provincial trade aimed at better meeting the market of up to one billion persons with disabilities around the world.

13. The Act HAS REAL FORCE & REAL EFFECT:

The British Columbians with Disabilities Act must be more than mere window dressing. It should contribute meaningfully to the improvement of the position of persons with disabilities in British Columbia. It must have real force, effect and teeth.