

August 2016

## September is BC Disability Employment Month – Is Your Business Aware of Government Efforts to Create a More Inclusive, Diverse, and Accessible Workforce?

Increasing accessibility and decreasing barriers in the workplace for people with disabilities is an important issue in employment law. The government of British Columbia has implemented *Accessibility 2024*, an extensive public program designed to make BC the most progressive jurisdiction in Canada for people with disabilities (mental or physical impairments) by 2024.<sup>1</sup>

### *Canadian Employment Law: Current Accessibility Legislation*

Unlike the United States, Australia, and the United Kingdom—all of which have some form of disability act that provides clear and consolidated standards for addressing discrimination against persons with disabilities—Canada employs a regulatory patchwork.

BC workers who have a disability are currently afforded protections under the *Canadian Human Rights Act, 1986*, the *Charter of Rights and Freedoms, 1982*, the *B.C. Human Rights Code, 1996*, and the *Employment Equity Act, 1986*. There is also a common law duty for

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<sup>1</sup> The Province of British Columbia, [Accessibility 2024](#).

employers to accommodate their employees with disabilities to the point of undue hardship.

Recently, the federal government has commenced a consultation regarding Canadian accessibility legislation. The public consultation is currently taking place and will remain open until February 2017.<sup>2</sup> At this time, there is little information regarding the form and effect of the legislation. However, the federal government is looking for ideas regarding the overall approach to the legislation, the scope of the legislation, what accessibility issues the law should address, how the law should be monitored and enforced, and how to raise accessibility awareness more generally and support organizations in improving accessibility.

#### *Accessibility 2024: Is BC Going to Be the Most Accessible Province?*

With “inclusive government” being one of the 12 building blocks of *Accessibility 2024*, the BC government supports the federal initiative and is committed to incorporating a “made-in-B.C. approach” to accessibility legislation. The other building blocks are as follows: employment, income support, financial security, accessible service delivery, accessible internet, accessible built environment, accessible housing, accessible transportation, inclusive communities, emergency preparedness, and consumer experience. Each building block encompasses goals and commitments, which are gradually making the province more accessible.

The primary goal of the employment building block is for BC to have the highest labour participation rate in Canada for persons with disabilities by 2024. So far, the province has invested in creating training and mentorship programs that focus on promoting disability awareness and creating career opportunities by connecting students

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<sup>2</sup> The Government of Canada, [Consulting with Canadians on planned accessibility legislation](#).

with industry. Furthermore, the Presidents Group, an advisory committee to the government comprised of influential business leaders in BC, is actively working towards creating more effective industry mechanisms and standards that will enable employers to hire more persons with disabilities. The government will be investing \$9 million over the next three years into the Technology@Work Program operated by the Neil Squire Society. This program matches people with the assistive technology they require in order to help both the employer and the employee find the best solution to remove barriers and make the workplace more accessible.

### *The Future: Is Change Likely?*

It is unclear whether and to what extent government initiatives will impact employers' legal obligations with respect to persons with disabilities. Despite *Accessibility 2024* and the federal consultation being both in their infancy, both initiatives demonstrate a clear intention towards increasing accessibility in the workplace. Accordingly, in addition to understanding current legislative and common law protections afforded to persons with disabilities, employers should keep abreast of ongoing and future government initiatives regarding accessibility to ensure they have adequate and updated diversity policies.

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### [a cautionary note](#)

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