

UPDATE FOR FEDERAL EMPLOYERS: UPCOMING DEADLINES UNDER THE *ACCESSIBLE CANADA ACT*

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Federally regulated employers with 100 or more employees must publish their first accessibility plan by June 1, 2023, in compliance with the [Accessible Canada Act](#) (the “**Act**”) and [Accessible Canada Regulations](#) (the “**Regulations**”). Employers with 10 to 99 employees will have until June 1, 2024 to comply.

The Act came into force in 2019. It requires federally regulated entities to prepare and publish accessibility plans, set up feedback processes, and report on progress. Regulated entities are required to consult people with disabilities when creating and updating their plans.

Regulated entities, which include federally regulated private employers, are required to include the following headings and information in their accessibility plan:

- **General:** This section must set out the position title of the person designated to receive feedback on behalf of the organization and the manner and information by which the public can communicate with the organization, including a mailing address, telephone number, and email address. A member of the public may use this information to request the organization’s accessibility plan in an alternate format, request a description of the feedback process, or provide feedback.
- **Areas described under Section 5 of the Act:** The body of the accessibility plan should describe the organization’s policies, programs, practices and services in relation to the identification and removal of barriers, and the prevention of new barriers, under the following required headings:
 - Employment;
 - The built environment;
 - Information and communication technologies;
 - Communication, other than information and communication technologies;
 - The procurement of goods, services and facilities;
 - The design and delivery of programs and services; and
 - Transportation.
- **Consultations:** This section must set out the manner in which the organization consulted persons with disabilities in the preparation of the plan.

- For organizations regulated by the *Broadcasting Act*, *Telecommunications Act*, and *Canada Transportation Act*, the Act contains additional regulations developed by the Canadian Radio-Television and Telecommunications Commission (“**CRTC**”) and the Canadian Transportation Agency (“**CTA**”). The Act requires that such organizations’ accessibility plans address their policies, programs, practices and services in a way that conforms to other regulations and laws that apply to the organization.
 - Organizations regulated by the *Broadcasting Act* must comply with [sections 42 through 50](#) of the Act;
 - Organizations regulated by the *Telecommunications Act* must comply with [sections 51 through 59](#) of the Act; and
 - Organizations regulated by the *Canada Transportation Act* must comply with [sections 60 through 68](#) of the Act.

In addition, it is recommended^[1] that organizations include the following information in their accessibility plan:

- Specific short and long-term accessibility goals;
- Concrete steps the organization is taking to identify, remove, and prevent barriers;
- What the organization is currently doing, what it plans to do, and what it hopes to achieve in improving accessibility;
- Accessibility related information for clients and employees;
- The organization’s approach to accessibility training; and
- A description of how accessibility is included in the organization’s internal culture.

Organizations should also consider the standards published by Accessibility Standards Canada (“**ASC**”) in developing their accessibility plan. Of the three standards recently published by ASC and the CSA Group, outlined below, organizations should pay particular attention to the guidance provided regarding the built environment. For employers in the transportation industry, the “built environment” may include passenger aircraft, trains, busses, vessels, stations and terminals.

- *CSA/ASC B651, Accessible design for the built environment*: This updated standard contains requirements for making buildings and other facilities accessible to individuals with a range of physical, sensory, and cognitive disabilities. It addresses the design aspects of physical spaces and the elements within them to remove barriers to access.
- *CSA/ASC B651.2, Accessible design for self-service interactive devices including automated banking machines*: This standard addresses the technical requirements for accessibility and usability of automated banking machines and other self-service interactive devices intended for public use. This standard updates and combines the previous standards CAN/CSA-B651.1:09 (R2020) and CAN/CSA-

B651.2-07 (R2017).

- *CSA/ASC B652, Accessible dwellings*: This standard provides guidance to assist those who design, construct, or modify homes to make them more accessible.

Organizations must update and publish their accessibility plans every three years. In the interim years, organizations are required to prepare and publish progress reports that describe the actions that the organization has taken to implement their accessibility plan. Progress reports must also include information on any feedback received and how the organization considered the feedback.

The accessibility plan must be published on the organization's main digital platform used to communicate with the public and the publication must at least meet the Web Content Accessibility Guidelines (WCAG) AA-level criteria. If an organization does not have a digital presence, then the accessibility plan must be displayed in the organization's reception area or entrance to each place of business, in a place that is clearly visible to the public. Additionally, an organization is required to notify the Accessibility Commissioner by email within 48 hours of publishing an accessibility plan or progress report. Applicable organizations must also notify the CRTC or CTA.

McMillan LLP can assist federally regulated employers in dealing with complex regulatory regimes to ensure that they are in compliance at all times. Federally regulated employers should be proactively developing their accessibility plans in accordance with the above noted deadlines.

[1] Employment and Social Development Canada, [Guidance on the Accessible Canada Regulations](#), December 2021.

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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