Human Resources Legislative Update

Federal Government Consultation on Draft Accessibility Standards

Date: December 29, 2023

Accessibility Standards Canada (ASC) has published a draft Accessibility Standard on Emergency Measures (Draft Standard) as part of its mandate under the *Accessible Canada Act* (*ACA*).

Background

The *ACA* came into force on July 11, 2019, and the Accessible Canada Regulations (*Regulations*) made under the *ACA* came into force on December 13, 2021. The *ACA* and its *Regulations* require federally regulated entities to prepare and publish accessibility plans, set up feedback processes, and report openly on their progress in order to enhance accessibility in Canada.

The *Regulations* set out the following timeline for publishing initial accessibility plans:

- **December 31, 2022** for government entities including departments, agencies, Crown corporations, or government-related entities
- **June 1, 2023** for large federally regulated private sector entities with an average of 100 or more employees
- **June 1, 2024** for small federally regulated private sector entities with an average of between 10 and 99 employees

Items to Note in the Draft Standard

The Draft Standard is intended to set out a framework for employers to reduce the impact of emergencies on persons with disabilities, or people who may become vulnerable in an emergency pursuant to the guiding principles and legislative requirements of the *ACA* and its *Regulations*. The Draft Standard would apply to federally regulated industries and workplaces listed in the *ACA* and the *Canadian Human Rights Act*.

The Draft Standard sets out the following framework:

- **Pre-Planning:** Considering vulnerable persons in an emergency, including identifying types of vulnerabilities, vulnerable persons and how vulnerable persons could assist others, and establishing information sharing arrangements.
- **Program Planning:** Establishing a planning process to develop, implement, evaluate, and maintain an emergency and continuity management program, including the development of an emergency plan.
- **Hazards:** Identifying and evaluating hazards, conducting a risk assessment of the identified hazards, and developing a strategy to mitigate and prevent incidents that threaten life, property, operations, information, and the environment.
- **Implementation:** Based on the information collected during the planning process and the results of the hazard identification and risk assessment, implementing prevention and mitigation strategies and plans (e.g., incident management, warning systems, and public information and communications).
- **Post-Incident Response and Mitigation:** Developing strategies to recover to a defined acceptable operational level, including conducting a recovery impact assessment and establishing a recovery plan.
- **Monitoring and Review:** Monitoring processes and conducting reviews at planned intervals.

Interested stakeholders are invited to provide comments on the draft Standard to ASC by January 17, 2024 at 3:00 pm EST.

Additional Draft Standard

ASC has also published a second draft standard, EN 301 549 standard: Accessibility requirements for ICT: products and services, which describes accessibility standards for web-based, non-web and hybrid technologies.

Interested stakeholders are invited to provide comments by February 5, 2024 at 3:00 pm EST.