# Legislation - Canada

## Relevant Acts

The Accessible Canada Act is the country wide legislation that applies to the federal public sector, federally regulated organisations and Crown corporations. If covered by the act, then the legislation states these organisations must:

- Consult people with disabilities
- Publish accessibility plans about how they are finding, removing, and preventing barriers
- Set up ways to receive and respond to feedback about accessibility
- Publish progress reports about how they are following their accessibility plans

Accessibility Standards Canada has developed the National Standard of Canada as a voluntary measure for all private and public sector organisations in federally regulated sectors. It is essentially an adoption of the European harmonised standard on Information and Communication Technology EN 301 549, which directly references WCAG 2.1 Level AA.

Canada has additional provincial regulations that provide more clarity.

### Ontario

Accessibility for Ontarians with Disabilities Act (AODA)

The AODA mandates a set of standards that public, private, and non-profit organisations with more than 50 employees must comply with, and one of these is the Information and Communications Standard. This mentions WCAG 2.0 Level AA.

### Manitoba

Accessibility for Manitobans Act (AMA)

The AMA is made up of five accessibility standards and one of these is the Accessible Information and Communication Standard Regulation. It mandates that both private and public sector organisations need to meet WCAG 2.1 Level AA.

### Nova Scotia

Nova Scotia Accessibility Act

Standards under this Act are still being developed in six areas, including Information and Communication. There is just one of these areas that has been completed, which is the Build Environment, and the others can be expected over the coming years.

## British Columbia

Accessible British Columbia

Standards under this Act are still being developed, and this will eventually include Information and Communication, but work on that has not begun yet.

## Quebec

The Act Respecting the Governance and Management of Information Resources of Public Bodies and Government Enterprises (Loi sur la gouvernance et la gestion des ressources informationnelles des organismes publics et des entreprises du gouvernement) covers public bodies and government enterprises. There is also the Standard sur l'accessibilité des sites Web which applies to government web content and mentions WCAG 2.1 Level AA

## Saskatchewan

Accessible Saskatchewan Act

This act applies to public sector bodies and requires them to create accessibility plans. Standards including those relating to information and communication have not yet been developed.

## New Brunswick

New Brunswick Accessibility Act

This act applies universally, however work on standards, including for information and communication, has not yet begun.

## Newfoundland and Labrador

Newfoundland and Labrador Accessibility Act

This act applies to a range of organisations, however work on standards, including for information and communication, has not yet begun.

## Alberta

Alberta currently does not have any relevant legislative acts.

### Prince Edward Island (PEI)

PEI currently does not have any relevant legislative acts.

## Interpretation of whether these acts apply to small publishers

The country wide legislation, the Accessible Canada Act, only applies to federally regulated organisations, and therefore usually this would not apply to small publishers.

In Ontario and Manitoba, yes the legislation does apply and there are standards relating to information and communication, including digital publications.

In Nova Scotia, New Brunswick and Newfoundland & Labrador, it will apply in the future, but currently there are no standards described so there is currently nothing expected.

In British Columbia it could apply in the future to all public bodies, but currently there are no standards described so there is currently nothing expected.

In Quebec and Saskatchewan, it probably will not apply in the future as the public bodies are listed and are quite specific, and also currently there are no standards described so there is currently nothing expected.

In Alberta and Prince Edward Island, there is no legislation.

**This does not constitute legal advice.**

## More information about legislative requirements:

Government of Canada - Summary of the Accessible Canada Act

Level Access - Canadian Accessibility Laws

SiteImprove A complete overview of Canada’s Accessibility Laws

# Standards referenced in these acts and how they are audited

The Canada wide legislation is in line with the European harmonised standard on Information and Communication Technology EN 301 549, which directly references:

Web Content Accessibility Guidelines (WCAG) 2.1 AA

Manitoba and Quebec legislation also mention WCAG 2.1 Level AA. However, Ontario mentions WCAG 2.0 Level AA, and the other provinces do not mention a standard as yet. We recommend using the latest version (2.1) where there are different standards mentioned.

The Accessibility Commissioner enforces the Canadian wide legislation for most organisations, but that generally doesn't apply in this context.

In Ontario, organisations that the legislation applies to are required to submit an Accessibility Compliance Report and they may also be audited. These reports are different to Accessibility Conformance Reports linked to VPATs, and consist of answering declaration questions in an official online portal. In Manitoba, enforcement is not systematic and is driven by individual complaints, which may trigger an inspection.

# Accessibility Plans

The national level, and some provincial level legislations, mandate a publicly available accessibility plan. Seeing as we presume the national level legislation does not apply, then here are some provincial level requirements.

**Ontario** - How to create an accessibility plan and policy

**Manitoba** - How to Create Your Accessibility Plan for Public Sector Organisations

**Nova Scotia** - does mention accessibility plans, but there are only standards for the built environment, and no specific guidance

**British Columbia** - does mention accessibility plans, but there are no specific standards developed yet, see Developing your First Accessibility Plan

**Quebec** - does mention accessibility statements, but only for government related web content.

# Exemptions

**Canada national** - most non-profits are exempt unless federally regulated.

**Ontario** - small organisations (<20 employees) are exempt from reporting, but must still comply with standards, unless it is not technically feasible or causes an undue hardship.

**Manitoba** - contains exemptions for technical infeasibility and undue hardship.

# Copyright Legislation

Copyright in Canada is covered by the Copyright Act. Exceptions to copyright are required under international legislation covered by the Marrakesh Treaty for print disabled/visually impaired people. This also forms part of the Canadian Copyright Act.

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