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**Accessibility for All
Manitoba's 2022 Mid-Term Report Card**

OVERALL GRADE



This Report Card was authored by Barrier-Free Manitoba (BFM). BFM is a non-partisan, non-profit, pan-disability initiative. Our mandate is to ensure the Government of Manitoba develops accessibility standards that meet the true intention and full promise of the Accessibility for Manitobans Act (AMA) and that it conducts this work through meaningful and inclusive consultation with persons disabled by barriers.

A fulsome review of the progress made toward the full implementation of the AMA, and the policy choices prioritized through the development of Accessibility Standards, yields the Government of Manitoba an overall D grade. As detailed in our report card, there are numerous issues we have identified for immediate remediation. With just one year remaining before the AMA must become fully implemented, the clock is running out. Over the next year, we will continue to monitor the Government of Manitoba's work to see what improvements it will make over 2023. And we will continue to publish public reviews of its work to ensure the Government of Manitoba is held accountable to the AMA and to persons with disabilities. Per the AMA legislation, another five-year external review is due soon. It is our hope that our mid-term report card will be received by the Government of Manitoba as an opportunity to redress its poor performance. Time is of the essence. And we are watching.



The Government of Manitoba fails to recognize accessibility as a protected Human Right.

The Accessibility for Manitobans Act (AMA) commits to four guiding principles that emphasize the rights-based philosophical underpinnings of Manitoba's accessibility legislation (2013, p. 3-4), as follows:

1. Access: Persons should have barrier-free access to places, events and other functions that are generally available in the community.
2. Equality: Persons should have barrier-free access to those things that will give them equality of opportunity and outcome.
3. Universal design: Access should be provided in a manner that does not establish or perpetuate differences based on a person's impairment.
4. Systemic responsibility: The responsibility to prevent and remove barriers rests with the person or organization that is responsible for establishing or perpetuating the barrier.

Sadly, time and time again, the Government of Manitoba has failed to recognize and honour the human rights principle embedded within the AMA. For example, most recently, in its newly enacted Accessibility Standard for Information and Communications (2022), the Accessibility Advisory Council removed the original reference to The Human Rights Code from its 2020 version of the proposed standard.

Recommended remediation: We continue to call upon the Government of Manitoba to commission a non-partisan independent review of its enacted and forthcoming accessibility standards using a Human Rights Impact Assessment framework. We also believe all enacted and forthcoming accessibility standards must include a statement affirming the right of every Manitoban to barrier-free access, protected inclusion, and the equal opportunity to full participation in societal life. This affirmation would help address persistent attitudinal barriers associated with a charity-based view of disability, a degrading social construct that has had—and continues to have—a damaging impact on Manitobans with disabilities. Moreover, this

approach would signal to the public that it honours and recognizes the inherent human rights of all persons, including persons with disabilities.



The Government of Manitoba fails to honour the true intention of the AMA.

The Government of Manitoba has narrowed the scope of the Built Environment Standard to exterior public spaces, and it has delegated authority for the accessibility of public buildings to the Manitoba Building Code. Such an approach effectively protects monuments of segregation for persons disabled by barriers. Barrier-free access to the built environment is a fundamental human right protected by the Canadian Human Rights Act. Yet, barriers related to the built environment represent the single most-cited human rights violation complaint by persons with disabilities. According to the AMA, the Government of Manitoba must develop an Accessibility Standard for the built environment, defined as including facilities, buildings, structures and premises, as well as public transportation and transportation infrastructure. Through its current position to narrow the scope of the built environment to the design of outdoor public spaces, the Government of Manitoba has failed to honour the true intention of the AMA.

Recommended remediation: We continue to call upon the Government of Manitoba to uphold its responsibility to the AMA, including the development and implementation of an Accessibility Standard for the Built Environment.



The Government of Manitoba demonstrates limited capacity to enforce the AMA.

The Government of Manitoba continues to under-resource the Compliance Secretariat. As noted above, while we were pleased to learn that the staff team for the Compliance Secretariat is expected to increase from one staffer to two, we remain doubtful that this staffing complement is sufficient to enforce and oversee compliance with Manitoba's Accessibility Standards. Moreover, we fear the lack of resources for the Compliance

Secretariat sends a devaluing message regarding the importance of the AMA, especially to persons with lived experience. Further, the Government of Manitoba fails to articulate a progressive enforcement model with a fully resourced structure responsible for inspections, audits, and penalties.

Recommended remediation: We continue to call upon the Government of Manitoba to fully resource its Compliance Secretariat and issue a detailed plan that identifies how it will enforce the AMA.



The Government of Manitoba fails to remove the burdensome process of complaint from Persons with disabilities.

The Government of Manitoba unduly places responsibility for accessibility on persons disabled by barriers. Per its [compliance framework](#) for the AMA, the Accessibility Compliance Secretariat does not investigate or mediate individual complaints of inaccessibility concerns. While Manitobans disabled by barriers may lodge a human rights complaint with the Manitoba Human Rights Commission (MHRC), this process unfairly rests the burden of remediation with the person disabled by a barrier. The complaint mechanism of the MHRC is meant to mediate legal precedent-setting matters of human rights (e.g., discriminatory hiring practices), not the day-to-day accessibility obstacles (e.g., failure to ensure snow-removal from an access ramp in a timely manner) that persons with disabilities encounter on a regular basis.

Further, as articulated in its newly enacted accessibility standard for Information and Communications (2022), we fear case by case complaints brought forward by persons disabled by barriers to information and communications will be dismissed if the accessibility accommodation places “undue hardship” on the offending organization. In this way, organizations that fail to uphold the enacted accessibility standard for information and communications are forgiven from upholding legislated accessibility requirements, while persons disabled by barriers are tasked with the responsibility for challenging offending organizations that fail to comply with accessibility legislation.

Recommended remediation: We continue to call upon the Government of Manitoba to redress the burdensome process of complaint for persons disabled by barriers by implementing a fully resourced complaints process, and publicly promote and advertise same.



The Government of Manitoba shows limited improvement in applying best practices in meaningful engagement.

Meaningful engagement with persons most impacted by accessibility barriers is fundamental to the effective implementation of the AMA. However, time and time again, the Government of Manitoba has failed to apply best practices in accessible engagement. For example, its public consultations on Accessibility Standards have been limited to a single event, located in Winnipeg, followed by a poorly circulated invitations for online submission of feedback. Further, the Government of Manitoba did not hold a public consultation process for the compliance framework. While it is not required to do so (the AMA does not call for a public consultation process for its compliance framework), efforts to engage with persons most impacted by the compliance framework would signal to persons disabled by barriers that the Government of Manitoba recognizes the value of their lived/living experiences. It is our belief that the current compliance framework for the AMA lacks progressive enforcement mechanisms, a limitation that undermines the true intention of the AMA.

Recommended remediation:

We continue to call upon the Government of Manitoba to commit to best practices in meaningful engagement on all matters related to the AMA and accessibility, including multiple in-person and on-line consultation events throughout the province. Additionally, revisiting the compliance framework in consultation with persons with disabilities would ensure persons with disabilities the opportunity to provide input into one of the most critical components of the AMA.



The Government of Manitoba promises to implement (nearly) all recommendations put forward by its Accessibility Advisory Council.

Alongside the Accessibility Advisory Council's issued Information and Communications Accessibility Standard, it recommended 22 accessibility recommendations. Importantly, the Government of Manitoba has committed to implementing 21 of these recommendations; however, a transparent plan for how these recommendations will be resourced and implemented has yet to be released for public review. We are also concerned that the 11th recommendation (re-evaluating returning to the lower threshold of 20 employees or more) will not be endorsed. By way of background, in 2018, the originally proposed Customer Service Accessibility Standard stated that organizations with 20 employees or more would be required to develop and document accessible customer service policies. In 2019, this threshold was changed to 50 employees, which effectively exempts 95% of organizations in Manitoba from this requirement, and significantly threatens the ability to remove and prevent barriers among the majority of Manitoba's businesses and organizations.

Recommended remediation: We continue to call upon the Government of Manitoba to endorse all 22 recommendations by its Accessibility Advisory Council, including the return to the original guideline of 20 employees.



The Government of Manitoba demonstrates poor leadership in removing barriers in Manitoba.

The Government of Manitoba demonstrates poor leadership qualities by divesting its responsibility for the AMA to municipalities—without providing them with the resources or guidance they need to be successful. Without this support, municipalities are at significant risk of failing in their responsibility to implementing the AMA. While the Government of Manitoba has issued an Accessibility Fund that may be accessed by municipalities and organizations to support their efforts in becoming fully compliant with Manitoba's Accessibility Standards, this resource is not sufficient to

address the significant remediation needs of communities, especially accessibility barriers to the built environment.

Recommended remediation: We continue to call upon the Government of Manitoba to resource the implementation of the AMA, including the provision of financial supports to municipalities.



The Government of Manitoba fails to protect Manitobans with disabilities throughout the COVID-19 pandemic.

Despite our repeated calls to action, the Government of Manitoba has failed to ensure critical care guidelines and triage protocols, free of ableist bias, for Manitoba. This failure of responsibility puts the lives of many persons with disabilities at risk. Bioethicists have published statements on the life and death stakes for such guidelines; however, the Government of Manitoba continues to ignore these calls for best practice. Alongside this issue, we continue to advocate for barrier-free information and communications related to COVID-19 healthcare service and vaccination. Sadly, however, we must call attention to the recently released Accessibility Standard for Information and Communications, which removes the category of emergency procedures. In the earlier version of this proposed standard (September 2021), this category of communications had been included. By removing this category, there is no longer an obligation for the Government of Manitoba, public sector organizations, and all other organizations to ensure accessibility for emergency-related content that predates their respective enactment dates (2023, 2024, and 2025). The decision to remove this category of communications will undermine efforts to fail-safe emergency information published prior to these dates.

Recommended remediation: We continue to call upon the Government of Manitoba to ensure critical care guidelines and triage protocols, free of ableist bias, are developed and upheld; and we also recommend the Government of Manitoba reverse the decision to remove the category of emergency procedures from the Accessibility Standard for Information and Communications.

About Barrier-Free Manitoba:

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BFM works with the Government of Manitoba and its stakeholders (e.g., Minister responsible for Accessibility and Manitoba Families; Manitoba Accessibility Office; Accessibility Advisory Council) toward the shared goal of the implementation of the AMA by the deadline of 2023. Given our mandate, we call attention to issues that threaten the spirit and intention of the AMA, as identified below.

Should you have any questions related to our Accessibility for Manitobans Report Card, please contact us at: info@barrierfreemb.com.