



July 22, 2024

Dear Accessibility Directorate,

We are members of the BC Disability Collaborative (BCDC), a group of provincial organizations with experience supporting tens of thousands of children and youth with disabilities and complex needs (see <https://www.bcdisabilitycollab.ca/>). The purpose of the BCDC is “to unify disparate voices in the disability community, in order to ensure that government policies honour and respect the protected rights of disabled citizens, and address systemic inequities and advocate for tailored support needs for disabled children and youth” (BCDC Terms of Reference, 2024).

We are writing to provide feedback about the draft Accessible Service Delivery Standard and the draft Employment Accessibility Standard under the Accessible British Columbia Act (ABCA). Although we are pleased that the BC government recognizes the need to develop Standards under the Act, the BCDC cannot support the Standards as they are currently written, as we believe that they fall far short of the goal of making BC “a truly inclusive province for all people with disabilities” (Accessibility Directorate website). Our primary concerns are as follows:

- **The Financial Cost of Accessibility**

Both the Accessible Service Delivery Standard and the Employment Accessibility Standard include troubling statements which indicate to organizations that they are only required to accommodate persons with disabilities IF the cost is not too high:

“Organizations need to make sure that accessibility features and services they offer to people are: Free for people to use (as much as possible for the organization)” (Accessible Service Delivery Standard: Availability of Accessibility Features and Services, p. 10);

“When these barriers can be removed for very little or no money...” (Accessible Service Delivery Standard: Physical Environment, p. 15); and

“To the point of undue hardship, employers need to identify, remove, and prevent barriers to accessibility...” (Employment Accessibility Standard: Physical and Digital Tools and Technology, p. 10).

This type of vague and permissive language means that organizations could charge people with disabilities for the provision of accommodations and lets organizations self-determine what “undue hardship” is, which allows organizations to make decisions about accessibility based on their financial bottom line, not their legal duty to accommodate. This is discriminatory and unacceptable. **The requirement that organizations make their environments accessible only if this can be achieved at “very little or no cost” or without “undue hardship” must be removed from the respective Standards related to the Act.**

- **Accountability and Oversight**

There is no oversight of the approximately 750 organizations that are currently prescribed under the Accessible BC Regulation. While these organizations must have a tool to receive feedback on accessibility, these organizations are not required to share that information, report to the Accessibility Directorate, or otherwise be held accountable in any way.

- **Compliance and Enforcement**

The BCDC strongly believes that compliance should be embedded within the individual Standards, not developed separately at an unspecified time in the future. Without clear and specific consequences, including financial penalties, there is nothing to require organizations to comply with Standards under the Act. **A process for inspecting, remediating, and potentially penalizing organizations that are governed under the ABCA must be in place within both the Service Delivery Standards and the Employment Accessibility Standards documents.**

Without changes to both the Accessible Service Delivery Standard and the Employment Accessibility Standard, the BCDC is concerned that any adopted regulations under the ABCA will not be enforceable and will require government and other organizations to accommodate persons with disabilities only if it is convenient to do so and won't cost too much money. We appreciate the opportunity to provide input about the Standards drafts and urge the Directorate to strengthen the current versions by removing the limiting language and incorporating explicit information about accountability, oversight, compliance, and enforcement.

Respectfully,



Pat Mirinda, Ph.D.

Chair, BC Disability Collaborative

on behalf of the following BCDC member organizations:

ACT – Autism Community Training
ADHD Advocacy Society of BC
Autism Support Network
Autism BC
BC Association for Behaviour Analysis
BC Complex Kids
BC Prader-Will Syndrome Association
Canadian Deafblind Association – BC Chapter
Children's Autism Federation of BC
Children's Hearing & Speech Centre of BC
Deaf Children's Society of BC
Down Syndrome BC
Dyslexia BC
Family Network for Deaf Children
Family Support Institute of BC
Inspire Kids FASD Support Society of BC
Physiotherapy Association of BC
Reach Child and Youth Development Society