The Accessibility for Manitobans Act

published 12/01/2015

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Timelines Start Now

Manitoba legislation requiring barrier-free delivery of services in both the public and the private sectors has begun the phase-in process.

The Accessibility for Manitobans Act (the "Act"), passed in 2013, created certain timelines for adherence to the Act's requirements to provide accessible services, create policies, provide training and monitor ongoing compliance.

The Act applies widely to private operations and undertakings, in addition to Manitoba government departments and the wider public sector, with different timelines depending on the sector. Although the Act has been in force for two years, the clock started ticking on November 1, 2015 for the first substantial area of the Act's compliance requirements - customer service.

Whether an organization is subject to the Act and its regulations, and if so to what extent, requires a careful reading of the legislative scheme. The following are highlights of the compliance scheme that must be adhered to by organizations covered by the Act.

Five compliance areas

The Act contemplates compliance with accessibility standards in five areas:

1. Customer service.
2. Accessible information and communications.
3. The built environment (will potentially have implications for the Building Code).
4. Employment.
5. Transportation.

Customer Service: Compliance timelines

The Province selected customer service as the first compliance area. With the registration of Manitoba's Customer Service Standard Regulation (the "Regulation"), compliance timelines began running on November 1, 2015. Time periods are 1, 2 or 3 years depending on the type of organization offering services. Some but not all of the applicable deadlines include:

Type of organization	Compliance deadline

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Government departments	October 31, 2016
Government agencies**[1]**	October 31, 2017
Universities and Colleges	October 31, 2017
Regional Health Authorities	October 31, 2017
City of Winnipeg	October 31, 2017
Some municipalities**[2]**	October 31, 2017
Any other organization subject to the Act**[3]**	October 31, 2018

The Manitoba government and broader public sector organizations have already been subject to a requirement, for the 2016 calendar year, to deliver an Accessibility Plan that addresses the identification, prevention and removal of barriers.

Compliance Ingredients

For many organizations, the primary first step will be the establishment and implementation of measures, policies and practices (collectively "policies") for the organization's provision of barrier-free access to goods or services.

The various compliance ingredients required to be addressed in an organization's policies are fairly significant and include but are not limited to:

- Arrangements for providing barrier-free physical access, facilitating entrance of support persons and service animals.
- Posting of notices.
- Arrangements to receive feedback.
- Training for those staff on the front line providing service and for those developing policies.
- Organizations that provide public events are under additional responsibilities under the Regulation.

Non-compliance: Consequences

Similar to other regulatory regimes, the Act contains a scheme of enforcement, investigation, and ultimately prosecution and penalties for non-compliance.

What about *The Human Rights Code*?

Most organizations that provide services to the public and/or have employees will be familiar with their existing legal obligations not to discriminate on the basis of disability. The Act's compliance structure is in addition to the complaint-driven mechanisms long available under

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The Human Rights Code.

What happens next?

Manitoba has identified employment as the next area for regulatory compliance under the Act. The Province has made it known that its employment-related regulation will address matters that create barriers for persons with disabilities to secure and maintain employment. As announced, Manitoba's plan calls for a consultation process starting in the spring of 2016.

Any questions?

Compliance with the Act and its regulatory framework will require careful attention to whether an organization falls within the regulatory structure, the applicable compliance timelines, the appropriate drafting of policies, and the implementation of compliance mechanisms within the organization, failing which an organization can be faced with investigation, penalties and other legal consequences. Legal advice to guide an organization through these processes may go a long way to prevent gaps in service delivery to customers, clients and employees, and ultimately costly consequences.

[1] Refer to Act and Regulation for definitions.

[2] Only municipalities as listed in Schedule A of the *Municipal Status and Boundaries Regulation*, Manitoba Regulation 567/88 R

[3] Additionally such organizations must provide goods or services directly to the public or to another organization in

Manitoba, and have one or more employees in Manitoba.

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