

# **Nova Scotia Accessibility Act Review**

## **TERMS OF REFERENCE**

### **1. PURPOSE**

The purpose of this Terms of Reference is to outline the responsibilities, expectations, and requirements of the first review of the Nova Scotia *Accessibility Act*; and, to guide and direct the reviewer in carrying out their responsibilities.

### **2. BACKGROUND**

The Nova Scotia *Accessibility Act* was proclaimed in 2017, demonstrating the Nova Scotia government's commitment to a more equitable and barrier free province. The Act recognizes accessibility as a human right and sets a goal of an accessible Nova Scotia by 2030.

Additional information on key elements of the Act is provided in the Appendix.

### **3. LEGISLATIVE REQUIREMENTS**

Under Section 66 of the Accessibility Act:

- (1) Within four years of the Act coming into force Governor in Council must appoint a person to undertake a comprehensive review of the effectiveness of the Act and accessibility standards and report on the person's findings to the Minister.
- (2) The person undertaking the review must consult with
  - (a) persons with disabilities;
  - (b) representatives from organizations representing persons with disabilities; and
  - (c) representatives from organizations affected by the implementation of the accessibility standards.
- (3) Within 30 days of receiving the report, the Minister is required to
  - (a) make the report publicly available; and
  - (b) table the report in the House of Assembly if the Assembly is then sitting or, where the Assembly is not then sitting, file it with the Clerk of the Assembly.

### **4. AUTHORITY**

The reviewer is appointed by Governor in Council. The Order in Council providing authority for this review will be attached to the Terms of Reference.

## 5. SCOPE OF THE REVIEW

The review will address the effectiveness of the Act and work completed on the accessibility standards over the last four years. Central to the review will be assessing progress made under Access By Design 2030, government's strategy for how it will meet the goal of an accessible Nova Scotia by 2030, and activities undertaken to date. The review may consider issues related to priorities, human and financial resources, consultation, and timelines.

The following items serve as the scope of the review. Recommendations will be made in each area.

### 5.1 Accessibility Act

Identify any changes that should be made to the Accessibility Act to better facilitate its implementation and the fulfillment of its intent and purpose.

### 5.2 Accessibility Standards

Review the effectiveness of the standard development process, including the work of standard development committees and the Accessibility Advisory Board to develop recommendations.

### 5.3 Access By Design 2030

Review the progress made and effectiveness of Access By Design 2030. Specifically review the following:

- the implementation of the Government of Nova Scotia 2018-2021 Accessibility Plan;
- the extent to which the Accessibility Directorate is fulfilling its duties under the Act;
- the extent to which the Accessibility Advisory Board is fulfilling its mandate, and the operational relationship between the Board and the Accessibility Directorate;
- the activities, measures, policies and practices that government has used to guide Prescribed Public Sector Bodies in creating their accessibility plans.

## 6. CONSULTATION

6.1 All consultation activities must be fully accessible.

6.2 The reviewer is required to consult with:

- a diversity of persons with disabilities from across the province;
- representatives from organizations from across the province representing a diversity of persons with disabilities;
- representatives from organizations affected by the implementation of the accessibility standards;
- current and past members of the Accessibility Advisory Board;
- current and past members of standard development committees;
- staff in the Accessibility Directorate;
- other provincial government representatives involved in activities related to implementing the Act, including government representatives on the Interdepartmental Committee on Accessibility;
- public sector bodies that must meet Act requirements.

6.3 The consultation methods should include, but not be restricted to:

- individual interviews
- focus groups
- public meetings
- submissions made via a website
- online surveys or email questionnaires
- existing accessibility/disability events that are occurring during the consultation period (e.g. seminars, conferences, professional association meetings, etc.)

6.4 A mix of in-person and virtual consultations can be used to maximize participation, accessibility and to ensure regional representation. Public health measures must be adhered to and may change this requirement.

## **7. DELIVERABLES**

The reviewer will deliver a draft report followed by a final report to the Minister of Justice. The reports will include recommendations. The final report will be publicly available.

## **8. SUPPORT FOR REVIEWER**

- 8.1 This review is to be completed independent of government. The reviewer is expected to develop their own team that they deem necessary to fulfil the terms of reference.
- 8.2 The Accessibility Directorate will support the reviewer by providing timely and appropriate information, including:
- background information and documents related to the Accessibility Act, its activities, and any output and outcome data;
  - contact information for key informants for the consultations; and
  - any other information, where available, that the reviewer may need to make informed decisions on matters within the review's terms of reference.

## **Appendix: Overview of key elements of the Accessibility Act**

The Nova Scotia *Accessibility Act* (“the Act”) was enacted in September 2017. The purpose of the legislation is to achieve accessibility by preventing and removing barriers that disable people. Areas specifically referenced in the Act are: the delivery and receipt of goods and services, information and communication, public transportation and transportation infrastructure, employment, the built environment, education, and any other prescribed activity or undertaking. A cornerstone of the Act is the requirement to involve and consult with persons with disabilities. The Act recognizes the importance of having lived experience inform the identification, removal and prevention of accessibility barriers.

Barriers will be removed and prevented through the development and implementation of accessibility standards in the above areas. These standards can apply to the Government of Nova Scotia, prescribed public sector bodies such as municipalities and post secondary institutions, the private sector, and not for profit organizations. The Act also enables the development of mechanisms to monitor, review and enforce compliance with standards and other related regulations.

The Act established the Accessibility Directorate within the Nova Scotia Department of Justice to support the implementation and administration of the Act and regulations, as well as address broader disability-related initiatives. The Act also establishes an Accessibility Advisory Board consisting of 12 members, at least 50 percent of whom must be persons with a disability. The mandate of the Board is to advise and make recommendations to the Minister about accessibility, including the content and implementation of accessibility standards.

### **Accessibility Directorate**

Section 10 (2) of the Act outlines the role of the Accessibility Directorate: (a) to support the implementation and administration of this Act and the regulations; and (b) to address broader disability-related initiatives by acting as a central government mechanism to ensure that the concerns of persons with disabilities respecting policy, program development and delivery are advanced and considered by Government.

The specific duties of the Accessibility Directorate are outlined in Section 12: (a) provide policy, programming, communication and administrative support on all aspects of this Act and the regulations; (b) conduct research and develop and implement programs of public education and awareness on the purpose of this Act; (c) examine and review measures, policies, practices and other requirements to improve opportunities for persons with disabilities; and (d) identify and study issues of concern to persons with disabilities and recommend action where appropriate.

### Mandate of the Accessibility Advisory Board

The role of the Accessibility Advisory Board is to advise and make recommendations to the Minister about accessibility. In particular, the Board shall: (a) suggest measures, policies, practices and requirements that may be implemented by the Government to achieve accessibility; (b) assess whether existing measures, policies, practices and requirements are consistent with the purpose of this Act; (c) set priorities for the establishment and content of accessibility standards and the timelines for their implementation; (d) set long-term accessibility objectives for furthering the purpose of this Act; and (e) respond to requests for accessibility advice from the Minister (Section 17(a-e)).

### Standard development process

The development and implementation of accessibility standards is a key activity under the Act. The Act does not specify the areas in which standards must be developed; these have been identified based on the areas specified in the Act where barriers must be prevented and removed: the delivery and receipt of goods and services, information and communication, public transportation and transportation infrastructure, employment, the built environment, education, and any other prescribed activity or undertaking.

### Prescribed Public Sector Bodies

Under the Act, Government has prescribed public sector bodies that must create and implement accessibility plans and establish accessibility advisory committees. PPSBs are at varying stages of plan development and implementation.

The Government of Nova Scotia is required to develop an accessibility plan. Nova Scotia's first plan was developed and implemented for the period 2018-2021. A second plan is being developed for 2022-2025.