



NOVA SCOTIA
ACCESSIBILITY
ACT REVIEW

NOVA SCOTIA'S ACCESSIBILITY ACT

Independent Review Report

April 17, 2023

**Nova Scotia's *Accessibility*
Act Independent Review
Report April 17, 2023**

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This independent review of the Nova Scotia Accessibility Act was conducted at the Spatializing Care: Intersectional Disability Studies Lab at St. Francis Xavier University. The lab is located in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People. This territory is covered by the "Treaties of Peace and Friendship" which Mi'kmaq Wəlastəkwiyyik (Maliseet), and Passamaquoddy Peoples first signed with the British Crown in 1725. The treaties did not deal with surrender of lands and resources but in fact recognized Mi'kmaq and Wəlastəkwiyyik (Maliseet) title and established the rules for what was to be an ongoing relationship between nations. We are all Treaty people.¹

The members of the independent review team recognize that Nova Scotia is home to over 50 African Nova Scotian communities, and that African Nova Scotian communities and people of African descent have been contributing to the cultural, economic, educational, and artistic landscape of Nova Scotia for over 400 years.²

We acknowledge the connections of Mi'kmaq and African Nova Scotian communities to the land. We further acknowledge the relational connections among these and other communities forged through ongoing struggles against racism and oppression^{3,4}. Finally, we acknowledge that access should but does not currently include everyone. Historically, ideas and assumptions about disability have been used to justify displacement, dispossession, exploitation, and oppression. The accessibility barriers faced by Mi'kmaq communities, people of African descent and other historically excluded groups are a living legacy of colonialism. In our work to identify, prevent and remove accessibility barriers we commit to working in solidarity towards reconciliation⁵.

1 Battiste, M. (2016). *Living treaties: Narrating Mi'kmaw treaty relations*. Sydney, NS: Cape Breton University Press.

2 Mensah, J. (2010). *Black Canadians: History, experience, social conditions*. 2nd ed. Halifax: Fernwood Publishing.

3 Black Learners Advisory Committee. (1994). *BLAC Report on education: Redressing inequity – empowering Black learners*. Halifax, NS: Black Learners Advisory Committee.

4 Madden, P. (2009). *African Nova Scotian-Mi'kmaw relations*. Halifax: Fernwood Publishing.

5 Truth and Reconciliation Commission of Canada. (2015). *Truth and Reconciliation Commission of Canada: Calls to action*. Retrieved from http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf

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Foreword

In October 2021, I was appointed to lead the first independent review of the Nova Scotia Accessibility Act. As a Nova Scotian with lived experiences of disability and a sociologist in the academic field of disability studies, I recognize the importance of this Act in advancing the human rights of people with disabilities and enhancing social and economic wellbeing in the province. Changing definitions of disability, innovations in knowledge and technology, population aging, disability justice and pride movements, and the growing number of people who self-identify as First Voice, Deaf, neurodivergent and/or persons with disabilities or disabled persons, make this vital legislation now more important than ever.

From January 2022-2023 I led a review team comprised of First Voice and allied accessibility and disability policy researchers and subject matter experts. The review report addresses the effectiveness of the Act and the work completed on the accessibility standards over the first four years. The review also involved an assessment of progress made under *Access by Design 2030*, the Government's strategy for achieving the goal of an accessible Nova Scotia by 2030, and activities undertaken to date. We also considered issues related to priorities, human and financial resources, consultation, and timelines. In the review activities and this report person-first language is used because this is the language used in the Act. However, many people from disability communities and organizations that we spoke with in our consultations for the review, and a majority of members of our review team, identified a preference for identity-first language.

Our review found that substantive progress has been made in laying the groundwork for an accessible province, but that much work remains to be done if we are going to achieve the 2030 timeline. As the third province to introduce accessibility legislation, Nova Scotia showed leadership in advancing accessibility policy in Canada. The Province further demonstrated leadership by collaborating with First Voice accessibility champions and disability organizations in the development of the Act and centering citizen engagement. The first four years of the Act were equally ground-breaking in establishing a province-wide commitment to accessibility. The task ahead involves effectively communicating and building on these successes to move the *Access by Design 2030* strategy, accessibility plans, and accessibility standards recommendations to action. Compliance and enforcement are a focus of the Act and *Access by Design 2030*. Strategies, structures and processes, recommendations, and plans developed in the first four years have created a strong foundation. Enhanced cross-sectoral collaboration, monitoring and evaluation, and timely and effective communication from the Government will be essential in building and maintaining the momentum of the work, and the trust of Nova Scotians most directly impacted by the Act.

In closing, I want to acknowledge my gratitude to the many people we spoke with, especially people who identify as First Voice, Deaf, neurodivergent and/or people with disabilities. I am also deeply grateful to members of the review team, subject matter experts and advisors, government employees, members of the public and representatives of prescribed public sector bodies and other organizations and entities impacted by the Act. Thank you for your time, perspective, experiential knowledge, and technical expertise. This report would not be possible without your generosity and insightful contributions.

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I. Executive Summary

The *Accessibility Act* was adopted by the Nova Scotia Government in 2017. The legislation marked a historic process in which cross-disability communities from across the province worked with Government to craft the Act. The Act establishes a structure and process for developing and enforcing accessibility regulations.

The Act sets out to achieve accessibility by preventing and removing barriers in the built environment, education, employment, the delivery and receipt of goods and services, information and communication, public transportation and transportation infrastructure, and other prescribed activities with a goal of achieving accessibility in those areas by 2030. It establishes an Accessibility Directorate, Accessibility Advisory Board, and Director of Compliance and Enforcement, and puts into place a structure and process for developing and enforcing compliance with accessibility regulations and prescribing public sector bodies to develop Accessibility Advisory committees and Accessibility Plans.

Under 66 section (1) of the *Accessibility Act*, Governor in Council must appoint a reviewer to undertake a “comprehensive review of the effectiveness of the Act and the accessibility standards and report on the person’s findings to the Minister”. Reviews will take place at legislated intervals - within the first four years of the Act coming into force, and every five years thereafter.

The scope of the inaugural review included activities undertaken in the first five years of the *Accessibility Act*, Accessibility Standards and *Access by Design 2030*. Issues related to priorities, human and financial resources, consultation and timelines were also considered.

In the report we focus on the public sector bodies prescribed and regulated April 1, 2021. These organizations and entities were required to develop their Accessibility Advisory Committees and publicly post their Accessibility Plans within one year of being prescribed. They were given a one-year extension to account for challenges associated with the COVID-19 pandemic. Our consultations also included public sector bodies prescribed and regulated April 1, 2022, but the report does not focus on this group since many of these organizations and entities were only beginning their work while the review was well underway.

The Nova Scotia Accessibility Act Review Terms of Reference includes a review of the implementation of the *Government of Nova Scotia Accessibility Plan 2018-2021*. We reference the second plan (2022-2025), which was

released at the end of the review, including information from interviews and focus groups with government employees who participated on the Accessibility Interdepartmental Committee – Working Group, Advisory Committee, and other contributors who were involved in the development of their department’s commitments. At the time this report was submitted the *Government of Nova Scotia Accessibility Plan 2018-2021* had been removed from the Government of Nova Scotia website and the 2022-2025 plan posted in its place. The new plan lists achievements since 2018.

When the review consultations were launched standard development committees had been formed and work was well underway in two areas – Built Environment and Education. A standard development committee had just been formed to begin work on standard recommendations in Employment.

As part of this first review of the *Act*, the review team consulted and engaged with nearly 800 people in Nova Scotia. These included individuals who identified as Deaf, neurodivergent and people with disabilities, representatives from organizations representing people with disabilities, organizations affected by the implementation of accessibility standards, members of the Accessibility Advisory Board and standard development committees, representatives from government, and staff in the Accessibility Directorate. We consulted through virtual and in-person meetings and interviews, surveys, focus groups, community “town hall” discussion sessions, and submissions to the review’s website, by email and by telephone.

Through the consultations, we learned that the *Accessibility Act* matters to Nova Scotians. The *Act* provides an important step towards ensuring the human rights of those with disabilities in the province and towards promoting inclusive and empowering attitudes towards disability in line with the United Nations Convention on Persons with Disabilities (CRPD) (United Nations, 2006). Many individuals and organizations are eager to experience an accessible Nova Scotia within their lifetimes.

While the *Act* is undoubtedly a move in the right direction, accessibility cannot be achieved solely by articulating visions and commitments. What are also needed are concrete actions by relevant actors to advance accessibility-promoting policy reform and the delivery of programs and services that reduce accessibility barriers and allow people with disabilities to live with dignity and fulfillment. The report describes work that has been undertaken in these areas and is ongoing.

Public access to information emerged as a central theme in the review consultations. Enhanced public access to equitable and affordable, high-quality accessibility services and supports is needed to ensure all Nova Scotians know about, and can participate in, work to make the province accessible. More effective communication and education about actions, rights and responsibilities as required by the *Act* and other legislation, is needed.

The review adopted an intersectional equity approach that views disability as interwoven with other forms of marginalization related to racism, colonialism, poverty, ageism, sexism, homophobia, and xenophobia⁶. We learned that while progress is being made, work completed on the *Act* from 2017-2022 can go further to address the complexities of people’s lived experiences of disability more fully in relation to these exclusions and inequalities.

6 For more information about what an intersectional approach is and the ways this approach may be used in disability research and policy please refer to: Ben-Moshe & Magaña, 2014; Buettgen, Hardie, Wicklund, Jean-François, & Alimi, 2018; Crenshaw, 1991; Erevelles, 2014; Hankivsky et al., 2014; Hill Collins, 2015; Rice, Harrison & Friedman, 2019.

One of the key findings from the review is that there is an urgent need to include healthcare, housing, and justice as accessibility standards to start confronting the entrenched forms of marginalization and oppression that diverse people with disabilities routinely face. Programs and services directed at supporting the most socially and economically marginalized members of society are urgently needed. The perspectives of people who are positioned in ways that make them vulnerable to experiencing multiple and significant accessibility barriers must be prioritized and included in work on the *Act*.

A stated purpose of the *Act* is to “facilitate the timely implementation of accessibility standards with a goal of achieving an accessible Nova Scotia by 2030” (s 2c). It is now 2023, yet no standards have been approved for regulation. At present, only built environment and education – two of the six required standard areas – have recommendations. No prepared standards have been posted for public comment.

Timelines to achieving an accessible province as laid out in the *Access by Design 2030* roadmap are now delayed. Fulfilling the Province’s obligations under the *Act* will require renewed Government commitment and informed community action.

In our consultations with government employees, representatives of organizations representing people with disabilities and organizations that will be impacted by the implementation of accessibility standards, there was consensus that the built environment standard should be enacted without further delay. There was also strong support from some Accessibility Advisory Board members, members of the standards development committees and accessibility working groups and prescribed public sector body representatives involved in developing accessibility plans, that all accessibility standard recommendations for the remaining standards should be developed at once. It is the view of the review team that this work, while daunting, can be achieved by prioritizing which standards should be developed and implemented in the short-, medium- and long-term and more fully leveraging the collective knowledge and creativity of cross-disability community, non-government, academic, and industry groups in the province.

II. Summary of Recommendations

The review team proposes 48 recommendations that address three areas: changes to Nova Scotia's *Accessibility Act*, the accessibility standards development process, and *Access by Design 2030*. Recommendations are summarized and included below according to six themes identified in information collected as part of the review related to culture, intersectionality, capacity, accountability, autonomy, and timelines.

Include CULTURE in Definitions of Disability and Accessibility

4 recommendations

Definitions in the *Act* should be changed to reflect awareness of disability as a fluid and evolving concept and a cultural identity. Formal acknowledgement of the cultural aspects of disability and disability-related accessibility barriers presents at least two opportunities. First, it acknowledges and responds to the diversity of First Voice disability experiences and identities. Second, it more sensitively and appropriately communicates the complexities of accessibility barriers experienced by African Nova Scotian, Mi'kmaq, Francophone, immigrant and refugee, and linguistic minority people and communities.

01. Government should include reference to disability as an “evolving concept” in the Preamble of the *Act*, consistent with the preamble of the UN Convention on the Rights of Persons with Disabilities (CRPD). Recognition of the evolving and fluid meaning of disability should frame the definition of disability included in the *Act*.
02. Government should develop a regulation that provides a description that further clarifies how “impairment” is understood within the definition of disability. The clarification should include additional information about disability categories, noting that disability is an “evolving concept” and that this list is illustrative and not exhaustive.

03. Government should revise the definition of “barrier” in the Act to acknowledge the cultural dimensions of barriers experienced by disabled, Deaf, Indigenous, and Black or African Nova Scotian people and communities, and other ethnic and linguistic minorities.
04. Government should revise the Act to include a definition of “organizations representing people with disabilities” that describes how this group is being understood, and which references and includes a definition of “First Voice”.

Address INTERSECTIONALITY in the Interpretation and Administration of the Act

8 recommendations

In the review consultations poverty was identified as a significant and disabling accessibility barrier. Accessibility barriers were also identified in healthcare, justice, and housing. These areas are not currently directly referenced in the Act. For accessibility to be achieved, barriers to a living income, health equity, equal access to justice, and an appropriate place to live must be removed and prevented. These barriers are intersectional, structural and systemic. They require complex solutions and a collaborative, whole-of-government and cross-sectoral approach. These barriers disproportionately disadvantage disabled, Indigenous and diasporic people and communities, immigrants/newcomers/refugees, linguistic minorities, and women, women-identified and gender diverse and/or 2SLGBTQQIA folk, older people, children and youth.

Although not directly identified in the purpose of the Act (section 2(a)) as areas in which barriers will be prevented and removed in the Act, poverty is referenced in the preamble and housing appears in the interpretation of the built environment as a place where people live (section 3(e)) and description of how the standards will be applied in the case of private residences (section 29(c)). *Access by Design 2030* includes a statement that healthcare and continuing care should be revisited as a “key action” within the standards development process (2018, p. 10). The Province’s public commitment to improve healthcare in Nova Scotia makes a standard in this area particularly timely.

Housing is critical issue in Nova Scotia. There are two things that can be addressed to enhance the effectiveness of the Act, First, the Act includes an exemption for multi-unit residences with three or less units. Excluding smaller multi-unit residences from accessibility standards does not align with current work to improve access to housing in the province. Second, some housing standards are included in the Built Environment standard recommendations currently under Ministerial review, but what is there is minimal. Developing a new accessibility standard focused on housing could provide a way to address these issues. If a new standard in housing is not developed, the Built Environment accessibility standard recommendations related to housing should be revisited and potentially revised.

An intersectional interpretation of the Act is needed to address intersecting accessibility barriers and challenges and promote disability justice. The Department of Justice is the lead Department on almost all actions identified in *Access by Design 2030*. A new accessibility standard in justice would affirm Government’s commitment to leading by example. While there are aspects of justice that could be addressed in existing accessibility standard recommendations, there are specific barriers that are unique to justice (such as accessible law reform, criminal processing, regulations for lawyers or police, access to legal advocates, etc.).



01. The Accessibility Advisory Board should instruct the Standard Development Committees (SDCs) to include a consideration of intersecting accessibility barriers related to income, healthcare, justice and housing in the development of standard recommendations in all areas.
02. Government should revise the *Act* to include achieving accessibility in Healthcare and Justice.
03. The Built Environment SDC should reconvene to revisit the built environment accessibility standard recommendations related to housing and revise the recommendations as appropriate and assess and report to the Accessibility Advisory Board on whether a new standard on housing is needed.
04. Government should revise the *Act* to remove the exemption of private multi-unit residences from the application of accessibility standards.
05. In implementing *Access by Design 2030*, and any subsequent initiative to further accessibility in Nova Scotia, greater attention should be paid to ensure approaches are consistent with principles of intersectionality and gender equity (noting reference to this in the *Nova Scotia Government Accessibility Plan 2022-2025*).
06. Government should take steps to ensure that every Prescribed Public Sector Body (PPSB) Accessibility Advisory Committee and consultation process includes diverse perspectives, including those of diverse people with and without disabilities in Black and African Nova Scotian and Mi'kmaq communities, and immigrants, newcomers and refugees (e.g., as revealed through annual and other reporting and required in PPSB Accessibility Advisory Committee Terms of Reference).
07. Government should complete the development of and make public any accessibility, equity and disability inclusivity lenses being used to guide its work and describe how these lenses will be used (multiple lenses are identified in the *Government of Nova Scotia Accessibility Plan 2022-2025* but it is unclear what the lenses are or how they are being used).
08. The Accessibility Directorate should work with the Accessibility Advisory Board to develop and implement a coordinated approach to consultation and engagement that has the dual aims of reducing consultation fatigue and reaching and engaging a more diverse group of Nova Scotians.

Collaborate to Enhance Province-Wide Accessibility CAPACITY, Expertise, and Innovation

7 recommendations

Government led and partnered awareness campaigns, resources, tools and training are helping to shift the culture of accessibility in Nova Scotia. Awareness, availability and accessibility of high-quality accessibility services are essential to meeting and exceeding obligations under the Act. The Directorate has formed valuable partnerships with disability organizations, postsecondary institutions and public sector bodies. Collaborations to develop capacity, expertise and innovation should continue to be deepened, developed and explored. Strategies for effectively reaching and engaging historically marginalized and excluded groups and supporting emerging leaders should be explored and implemented.

01. Government, through the Accessibility Directorate, should continue to work with accessibility service providers to identify and address challenges and opportunities to improve accessibility capacity and service delivery in the province.
02. The Accessibility Directorate should mobilize knowledge and capacity gained from the implementation of the *Government of Nova Scotia Accessibility Plan 2018-2021* and other initiatives to support accessibility in the non-profit sector.
03. Government should enhance financial supports for organizations representing persons with disabilities that have the express aim of building and sustaining disability civil society in the province.
04. Government, through the Accessibility Directorate, should continue to develop and grow collaborations with postsecondary institutions to leverage, develop and improve accessibility capacity and expertise in the province through the establishment of an accessibility observatory.
05. Government, through the Accessibility Directorate, should develop a structure and process for more effectively engaging the business community on issues of accessibility on an ongoing basis.
06. Government should make available the *Accessibility Act* and all related materials in plain language, ASL, braille, audio description, French and Mi'kmaw.
07. The Accessibility Advisory Board should establish a First Voice youth panel.

Continue to Model ACCOUNTABILITY in Accessibility Work

16 recommendations

The Nova Scotia Government is the first public sector body to be prescribed and regulated under the *Act*. The Government has committed to leading by example, and one way that this is achieved is by establishing clear lines of accountability in work to prevent and remove accessibility barriers. The *Act* only requires prescribed public sector bodies to create accessibility advisory committees and publicly post their accessibility plans. The *Act* should be changed to require that accessibility plans be submitted to the Directorate and assessed. Accessibility advisory committee members should also have an opportunity to share feedback on the planning process. Prescribed public sector bodies should also provide annual progress reports. All prescribed public sector body accessibility plans should be easily accessible by the public. This will have the added benefit of a shared resource for accessibility planners. Information collected related to prescribed public sector body compliance with the *Act* will be a valuable source of data for monitoring and evaluating the effectiveness of the *Act* and *Access by Design 2030*.

Positioning all Nova Scotians in work to prevent and remove barriers is one of the greatest strengths of the *Act*. It also makes clear lines of accountability even more important, especially in the early years of implementation when expectations are established for future practice. Support from the Government to implement, monitor, and evaluate plans and actions on plans, to acknowledge limits and harms as well as successes and achievements, and to course correct when needed would offer a strong version of leadership. Informational, educational, and financial resources for prescribed public sector bodies are valuable, as are responsive restorative approaches to compliance and enforcement with clearly defined enforcement triggers and timelines, and structures to ensure the integrity of compliant reporting and resolution processes.

01. Government should revise the *Act*, or introduce a regulation, to require the assessment of the PPSB accessibility plans by the Accessibility Directorate.
02. Government should develop a regulation (or amend an existing regulation) to require that anyone doing work related to the *Accessibility Act* must undergo mandatory anti-ableist, anti-bias training.
03. Government should enhance communication to the public about all monitoring and evaluation activities and results related to the *Act*.
04. Government, through the Accessibility Directorate, should clarify what will trigger enforcement actions in the compliance and enforcement process in communications.
05. Government, through the Accessibility Directorate, should clarify the role of PPSBs in compliance and enforcement.
06. Government, through the Accessibility Directorate, should clarify how transparency and accountability will be maintained in compliance complaints in which the Government is the respondent.
07. The Directorate staff should provide timely review, assessments, and follow-up analyses of PPSB accessibility plans, plans that are updated every three years, and progress reports.
08. Government should affirm its commitment to accessibility in all Departmental mandates and budgets.

09. The Government should show leadership in accountability by publicly posting and archiving all Government of Nova Scotia accessibility plans. The public should have access to all plans as well as information about progress and achievements.
10. The Accessibility Directorate should work with PPSBs to improve public access to all PPSB accessibility plans through a centralized portal.
11. Government, through the Accessibility Directorate, should continue to provide and enhance resources and supports to PPSBs to develop, implement, and update their accessibility plans.
12. PPSB accessibility plans should be required to include information about actions being taken to support disability inclusivity within the institution, organization, or community.
13. PPSBs should be required to submit standardized annual progress reports on their accessibility plans to the Accessibility Directorate.
14. As part of its overarching approach to monitoring and evaluation, and compliance and enforcement, the Accessibility Directorate should develop and implement a process for collecting, tracking, and reporting anonymous feedback from members of the PPSB Accessibility Advisory Committees on an annual basis.
15. Government should require that the composition of PPSB Accessibility Advisory Committees be made public, with evidence that at least half of the committee members are people with disabilities or are representatives of an organization that represents persons with disabilities (and distinguishing which perspective is represented), as described in section 44 (1)(2) of the Act.
16. Government should require proportional representation of collaborating PPSBs on jointly developed accessibility plans. No PPSB Accessibility Advisory Committee should have less than six people. Each participating PPSB should have at least two members, one of who is a person with a disability or a representative of an organization that represents persons with disabilities.

Strengthen the AUTONOMY of Entities Established by the Act

7 recommendations

The phrase, “Nothing about us without us” from James Charlton’s (1998) book of the same name, has become a slogan for disability communities in the struggle for self-representation and determination. A central premise of this call to action is that people with disabilities have access to information about what is being done for and about us. A key finding from the review is that there is an opportunity to improve public communication about the *Act*, the *Accessibility Directorate*, and the *Accessibility Advisory Board*. Even within Government, knowledge of the Board was limited, and we learned from some Board members that their knowledge of who the Directorate staff were or what they did was limited.

The close relationship between the Board and the Directorate also created some confusion among Board members and Directorate staff about where one body ends and the other begins. This may be due, in part, to the accessibility and administrative supports that Directorate staff provide for the Board. As required by the *Act*, the governance

model for the Board involves a Chair and Vice Chair. The Chair liaises with the Executive Director of the Directorate, and the Vice Chair fills in when the Chair is absent. Introducing a Co-Chair governance model for the Board and providing the Board with a budget that is independent from the Directorate to support accessibility and administrative activities would offer a way to address confusion and improve the operational relationship between the Board and the Directorate, which aside from some confusion about roles and responsibilities, was described as strong. Requiring that one Chair be a representative of a First Voice organization representing persons with disabilities and developing a process for engaging other organizations in the Board's work will further ensure that a disability community perspective is centered in advice to the Minister.

Relatedly, the Accessibility Directorate may also benefit from enhanced autonomy as a Government Department rather than a Directorate. The scope of the Directorate's work is significant, as is the need within Government and across the province for accessibility policy, programs and service delivery. While evidence of the need for such a change was not conclusive in this review, this is an issue that should continue to be explored.

01. Government should continue to develop and improve public awareness of the *Accessibility Act*, *Access by Design 2030*, the Accessibility Directorate, and the Accessibility Advisory Board, with a focus on people, communities, actions, and impacts.
02. Government should assess and consider whether the Accessibility Directorate would be better positioned to effectively fulfill its mandate as a separate Department rather than as a unit under the Department of Justice.
03. Government should revise the *Act* to identify a Co-Chair governance model for the Accessibility Advisory Board that requires one Co-Chair represent a First Voice organization representing persons with disabilities.
04. Government should adopt measures to ensure the Accessibility Advisory Board's composition, governance, and operations function at greater arms-length from Government.
05. The Accessibility Advisory Board should develop and implement a process that will support the Board in including and engaging diverse First Voice disability organizations in work it undertakes to fulfill its mandate.
06. Within the parameters laid out in the *Accessibility Act* on the minimum frequency of Accessibility Advisory Board meetings, the Board should continuously assess the efficacy of the frequency of its meetings and adjust where appropriate.
07. The Accessibility Advisory Board should work with the Accessibility Directorate on an annual basis to assess the appropriateness of honoraria for volunteers on the Board, standard development committees and working groups, and adjust where appropriate.

Specify, Explain and Achieve Accessibility TIMELINES

6 recommendations

Access by Design 2030 should be revised and more specific timelines on the various phases of work provided, the Act should be changed to require timelines on ministerial approval, and all remaining standard committees should start their work so the goal of an accessible Nova Scotia by 2030 can be achieved. The meaning of 2030 must also be clarified so that all Nova Scotians have a clear sense of where we are headed and what we are working towards. Where only one set of recommendations have moved on to the Minister for approval, meeting the 2030 timeline will be a formidable feat. Making changes to the Act and/or introducing regulations to develop a process for reviewing and revising standards and adding new standards to standard areas that have been approved, could potentially support standard development committees in establishing priority accessibility standards and setting short-, medium- and long-term goals for standards development. A coordinated and concurrent rather than sequential approach to standards development presents new opportunities for improving consultation and engagement processes and addressing respondent burden and consultation fatigue. It may also reveal opportunities for collaboration and among standard development committees. Clear communication with committee members and the public and well-defined expectations in the committees' Terms of Reference will be important to the success of a concurrent approach to standards development and implementation.

01. Government should revise the Act to specify a maximum time period from the Minister's receipt of the Accessibility Advisory Board's recommendations to when the Minister recommends the accessibility standard to Governor-in-Council for approval as a regulation.
02. The SDCs should discontinue the two-phased approach to developing standard recommendations and be required to adopt a single-phase approach in all remaining standard development work.
03. The Accessibility Advisory Board should review and revise the SDCs' Terms of Reference based on lessons learned to date.
04. The Accessibility Advisory Board should convene SDCs for any remaining standards in 2023 and immediately launch work to complete recommendations in these areas.
05. The Accessibility Advisory Board should develop and implement a process for developing new recommendations for an accessibility standard area that has already been enacted.
06. Government should review and update *Access by Design 2030* by 2024 to effectively guide work in the remaining six years.

III. Introduction and Overview

This is a review of the effectiveness of the *Accessibility Act* and its related provisions to date. Respondents who live with a disability and who participated in the consultations we conducted described inaccessibility as a fundamental affront to their personhood. They shared a range of humiliating, compromising, and even threatening, experiences arising from the barriers they encounter daily. We learned about the extraordinary measures needed to navigate spaces and services that persons without disabilities take for granted. We also learned about personal histories, and in some cases the ongoing experiences, of people with disabilities being bullied and stigmatized. Respondents described a persistent onus placed on them to explain their disability and themselves to others and shared how intersecting personal identities (e.g., related to gender, age, and ethno-racial diversity) add complexity to the barriers they face. It is such issues that the *Accessibility Act* is intended to address.

Section IV of the present document provides some background and context information for the *Accessibility Act*. The section includes basic demographic information about people with disabilities in Nova Scotia and describes some common forms of overt, systemic, and formally reported discrimination people with disabilities commonly experience and which hamper their full and equal participation in society. The section provides a brief description of laws and structures for addressing human rights complaints, including the *Nova Scotia Human Rights Act*. The section also provides basic context information about other human rights legislation in Canada and about the United Nations *Convention on the Rights of Persons with Disabilities* [CRPD] (United Nations, 2006). The CRPD informs many other human rights laws in Canada and elsewhere, including Nova Scotia's *Accessibility Act*. Section IV also briefly discusses the impacts of the COVID-19 pandemic on the processes established to implement the *Accessibility Act*.

Section V provides a thumbnail sketch of the consultation process we conducted. Further details can be found in the Appendix and in a separate document that contains the interview guides that we used.

Section VI contains the “meat” of the review. It provides some basic descriptive information about structures and processes that have been established under the *Accessibility Act* and what we learned through our consultations about:

- How the intent and purposes of the *Act* are being fulfilled overall.
- Details on accessibility standards, including:
 - The work of standard development committees
 - The work of the Accessibility Advisory Board, and

- The effectiveness of the standards development process.

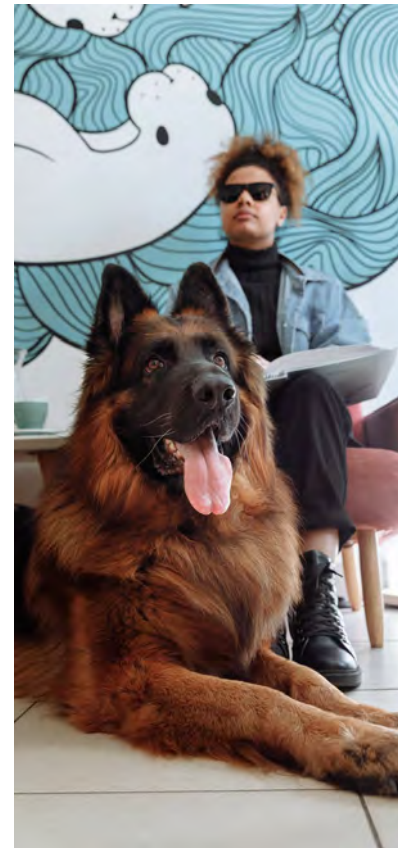
Section VI also explores *Access by Design 2030*, with attention to:

- The implementation of the *Government of Nova Scotia Accessibility Plan 2018-2021* (including achievements as reported in the 2022-2025 plan),
- The extent to which the Accessibility Directorate is fulfilling its mandate under the *Act*,
- The extent to which the Accessibility Advisory Board is fulfilling its mandate,
- The operational relationship between the Accessibility Advisory Board and the Accessibility Directorate,
- How the Government has guided Prescribed Public Sector Bodies in creating their accessibility plans, and
- Other findings.

Section VII provides our recommendations and Section VIII Concludes this review. Section IX provides a list of references we drew upon. The Appendix (Section X) provides details on the consultation process we developed and adhered to.

While many people in Nova Scotia are familiar with the *Accessibility Act* and what it requires, many are not. Accordingly, we have provided basic information throughout for readers who may need it on why the *Act* was introduced, what it is intended to achieve, the administrative structures and processes it provides for, and what it requires of individuals and organizations with obligations under the *Act*. Specific objectives for guiding key organizations are provided in context throughout this report.

We used a variety of data gathering methods for this review. These include online and paper-based surveys, individual interviews, focus groups, community “town hall” discussions, and written and telephone submissions from persons with disabilities, representatives from organizations representing persons with disabilities, and representatives from organizations affected by the implementation of the accessibility standards. For simplicity’s sake, when we use a phrase like “... in the consultations, we learned...” we mean the key messages that were brought to our attention through one or more of the data gathering methods we used.



IV. Background and Context

A. Demographic context

This section provides a brief high-level synopsis of selected statistics about people with disabilities in Canada and Nova Scotia⁷. The most recently released Canadian statistics are based on 2017 data from Statistics Canada's Canadian Survey on Disability, which is based on interviews with (or proxy interviews about) adults with disabilities who are 15 years and older who reside in households. At 30.4%, Nova Scotia claims the highest percentage of persons who identify as having one or more disabilities in Canada. This is 8.1% higher than the Canadian average (22.3%) and 14.3% higher than Quebec, which has the lowest prevalence rate (16.1% – Nova Scotia, Accessibility Directorate, 2020). More women identify as having disabilities than men nationally and in Nova Scotia. The Canadian averages are 24% for women and 20% for men (Morris et al., 2018). In Nova Scotia, 32.4% of women and 28.1% of men have a disability (Nova Scotia, Accessibility Directorate, 2020). According to 2021 census data, Nova Scotia has the highest proportion of transgender and non-binary people aged 15 years and older in Canada. While Nova Scotia now officially allows for a third gender option, "gender X" (Service Nova Scotia, 2018), this data is not yet available for the prevalence of disability among people whose gender identify is neither male nor female. At 41%, older Nova Scotians 65 years and older are considerably more likely to have one or more disabilities than either youth 15 to 24 years old (21%) or working-aged people 25 to 64 years (29% – Nova Scotia, Accessibility Directorate, 2020).

Reports from Statistics Canada show that people with disabilities are less likely to be employed and more likely to live in poverty than other Canadians, with factors like gender, age, and severity of disability influencing the experience (Morris, Fawcett, Brisebois, & Hughes, 2018). For example, among working-age people (25 to 64 years old) in Canada overall, 59% with disabilities and 80% without disabilities are employed. Among Nova Scotians, 55.4% with disabilities are employed compared to 78.8% without disabilities (Nova Scotia, Accessibility Directorate, 2020). Published material on the poverty rate among Nova Scotians based on the Canadian Survey on Disability (CSD) of

7 Much of the information in this subsection is based on data from the 2017 Census and Statistics Canada's Canadian Survey on Disability, which Nova Scotia's Department of Finance, Department of Justice, and the Accessibility Directorate have used in their reports on disability in Nova Scotia. Statistics Canada recently completed data gathering for a more up-to-date version of the Canadian Survey on Disability in follow-up to the 2021 Census. It is anticipated that data and reports will be forthcoming, beginning sometime in December 2023 (Statistics Canada, 2022).

2017 is difficult to find. However, in Canada overall, working-aged people with disabilities are more than twice as likely as others to be living in poverty, a problem that increases with the severity of disability (Morris et al., 2018; Statistics Canada, 2023).

People with disabilities experience barriers to participating in society in part because of the way their circumstances are influenced by systems of power. Dimensions of identity (e.g., disability, race, Indigeneity, gender, sexuality, age), systemic discrimination (e.g., ableism, racism, sexism, heterosexism, ageism), and social institutions (e.g., governments, education, the media, the economic system) converge to adversely impact many people with disabilities in their daily lives and social transactions. For example, research has shown that intersections between disability and gender significantly influence the choices and experiences of people with disabilities when it comes to transportation, housing, employment, and participating in community consultations, to name a few issues (Acker-Verney, 2016, 2017, 2020; Cattapan et al., 2020).

While Nova Scotia is one of Canada's smallest provinces and has the highest rate of disability in Canada, it also has a percentage of older adults that is among the highest in the country (Statistics Canada, 2022b). By 2030, which is the Nova Scotia government's target date for an accessible province, more than a quarter of the population in this province will be aged 65 and over. The prevalence of disability increases with age. Aging Nova Scotians have long advocated for age-friendly communities that acknowledge and respond to the reality of increasing disability with advancing years. Aging Nova Scotians highlight that accessible communities go beyond physical access and include supports for aging in place, appropriate access to transportation, and support for community engagement and/or employment.



B. Overt and systemic discrimination as barriers to the full and equal participation in society and enjoyment of life

Forms of discrimination that people with disabilities experience in Nova Scotia

Engage Nova Scotia conducted the Nova Scotia Quality of Life Survey of 13,000 individuals in 2019 to measure the wellbeing and quality of life of residents in this province. The survey's 230 questions covered eight key domains which enabled a holistic and comprehensive assessment. The survey findings shed light on the key challenges to wellbeing and quality of life facing Nova Scotians, including people with disabilities. There was a high response rate to the survey (Engage Nova Scotia, 2020a and 2020b).

Those with a disability and/or chronic illness who responded to the Engage Nova Scotia survey were more likely than other respondents to report the following:

- Low self-assessed physical and mental health,
- Feeling discriminated against in the community based on disability,
- Struggle to afford basic necessities,
- Loneliness and social isolation, and
- Insecure employment.

As well, compared with provincial average, people with a disability or chronic illness were three times more likely to report experiencing poor mental health, twice as likely to report food insecurity, and were more likely to report feeling lonely and underpaid (Engage Nova Scotia, 2020a and 2020b). These findings align with current national and international evidence citing health and healthcare inequities (Stienstra, 2018; World Health Organization, 2022). Such difficulties are often layered and intertwined. For example, it is not unusual for someone who is insecure in their employment to also experience difficulties affording basic necessities, to be unable to afford to go out and visit with friends at a café or see a movie, to feel lonely and socially isolated, and even to feel unwelcome in the community, all of which takes a toll on a person's physical and mental health. These issues can become even more pronounced when devaluations based on gender, ethno-racial difference, age, family status and living arrangements, regional variations in economic and social-service conditions, and other factors are added to the mix (United Nations, 2014). For example, seniors are more prone than younger people to experience social isolation and loneliness. Lone parents are even more likely than others to experience poverty. Young people may be more likely to feel excluded from their community when they cannot afford or otherwise obtain the transportation they need to participate in recreational and other activities with friends (Engage Nova Scotia, 2020a and 2020b).

The Engage Nova Scotia research data strongly suggest that overt and systemic discrimination related to disability are key factors that negatively affect the quality of life that people with disabilities or chronic illnesses experience. The data also indicate that people with disabilities in Nova Scotia are even more likely than others to face the poverty, loneliness and social isolation, and poor physical and mental health that negatively impacts the quality of life of Nova Scotian citizens. These findings align with other existing research on disability in Atlantic Canada (Department of Justice Canada, 2021).

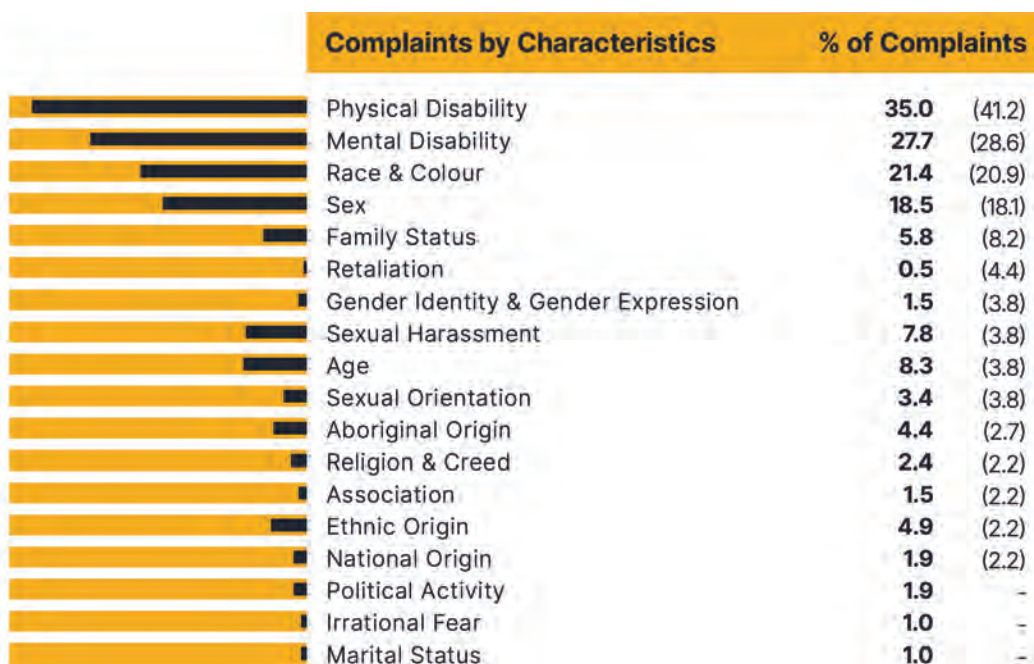
One step towards addressing such issues is for the Government to engage people with disabilities and other groups in public consultations and to distribute information needed for full participation in those consultations. However, here again, certain demographic groups such as older people (e.g., aged 55+), people on low income, and people living in areas of the province with limited internet connectivity, face barriers to accessing information about issues and opportunities and face barriers to sharing their experiences and perspectives. Social media platforms have expanded access for some people with disabilities, but not for everyone.

Such, then, is the social context for considering issues of disability and human rights that gave rise to the *Accessibility Act*. Such also is the context for examining the effectiveness of the *Accessibility Act* on the specific matters the *Act* is designed to address.

Formal human rights complaints in Nova Scotia

Whether discrimination is systemic and unintended, or overt and intentional, people with disabilities bring their experiences of disability forward for the Nova Scotia Human Rights Commission to address. As in most other jurisdictions in Canada, this province's Commission fields more cases based on disability than any other prohibited ground of discrimination. For example, in 2020-2021, complaints of discrimination based on physical disability made up 35% of all complaints and mental disability, 27.7% (Figure 1). Complaints in the social area of employment (78.2% overall) accounted for most of these complaints. Multiple intersecting grounds of discrimination, such as gender and disability, make up nearly two-thirds of all cases (Figure 2 – Nova Scotia Human Rights Commission, 2022).

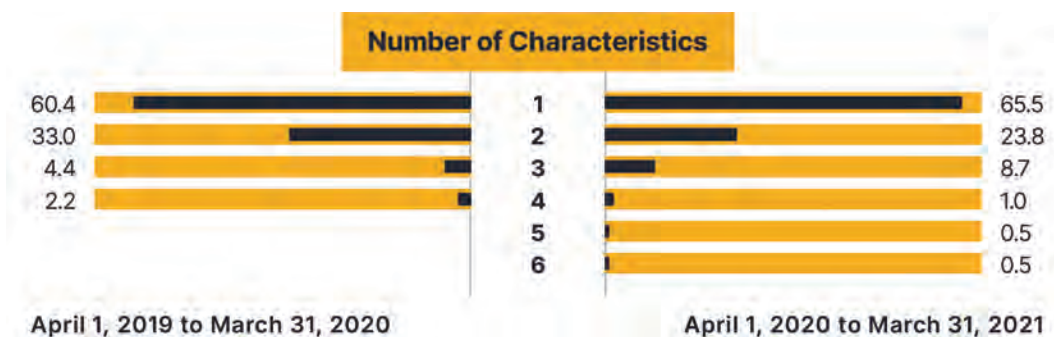
Figure 1: Percent of Human Rights Complaints in Nova Scotia by Characteristic, 2020-2021 (and 2019-2020).



April 1, 2020 to March 31, 2021 (April 1, 2019 to March 31, 2020)

Source: Nova Scotia Human Rights Commission, 2022.

Figure 2. Percent of Human Rights Complaints in Nova Scotia Based on Multiple Characteristics, 2019-2020 and 2020-2021.



Source: Nova Scotia Human Rights Commission, 2022.

Some matters experienced as discriminatory do not fall squarely within the scope of the *Human Rights Act* or the *Accessibility Act* but do fall within the scope of other provincial legislation and the powers of the provincial Government to address, (e.g., *Service Dog Act*). In the consultations conducted for the present review, respondents shared their view that the province of Nova Scotia is at a pivotal moment in history: in recognizing systemic ableism and discrimination and working towards remediation, the government is taking important steps in the right direction. For instance, a longstanding issue in this province has been the struggle by disability rights advocates for access to community-based housing and supports for supported independent living instead of institutionalization (e.g., Kendrick, 2001).

The rights of people to decide where to live and with whom, and to access the support required to live and be included in the community, are recognized under the UN *Convention on the Rights of Persons with Disabilities*. People who participated in the review pointed to how the government has been working with some success since October 2021, in collaboration with the Disability Rights Coalition, on a systemic human rights remedy to barriers to access to housing and services and supports under the Social Assistance Act, leading to institutionalization: funding and other resources for community and supported living have been allocated for 22 residents to make the transition out of a large institutional facility in Yarmouth into community-based living. Close to 1000 people reside in an institutional setting, many in one of the province's eight adult residential and rehabilitation centres (Doucette, 2022; Inclusion Canada, 2021). Nova Scotia is the last province in Canada to close institutions. The provincial Accessibility Advisory Board had publicly advocated in support of this collaboration (Penfound, 2021).



C. Legislative Context on Human Rights

We situated this review in the context of selected provincial, national, and international legal and related frameworks and structures related to disability rights and accessibility. This section provides a brief thumbnail sketch of those frameworks and structures. Further details are provided in context throughout the remainder of this report.

The Nova Scotia Human Rights Act

Nova Scotia's *Human Rights Act* prohibits discrimination and the Human Rights Commission addresses complaints in prohibited areas. These include employment, housing (or accommodation), the provision of or access to services and facilities (such as stores, restaurants or provincially funded programs), the purchase or sale of property, volunteer public service, publication, broadcasting or advertisement, and membership in a professional, business or trade association, or in an employers' or employees' organization. Mental and physical disability are among seventeen specifically listed personal characteristics (in section 5.1) against which the *Human Rights Act* prohibits discrimination. Nova Scotia's *Accessibility Act* is a form of human rights legislation; we deal with its provisions throughout the remainder of this report.

Other human rights legislation in Canada

Basic rights for all Canadians are protected under the *Canadian Charter of Rights and Freedoms* (Canada, 1982) and include, among other protections equality before and under the law and equal protection and benefit of the law without discrimination, whether based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability (section 15). Specific human rights protections are safeguarded under the *Canadian Human Rights Act* (1977) for selected matters that fall within the federal jurisdiction⁸. The *Accessible Canada Act* (ACA) (Canada, 2019) is a form of human rights legislation and seeks to advance accessibility for people with disabilities in several priority areas that fall within the federal jurisdiction. These include employment, the built environment, information and communication technologies (ICTs), communication other than ICTs, the design and delivery of programs and services, the procurement of goods, services and facilities, and transportation. The ACA applies to a wide range of federally regulated entities, including industry sectors such as banking, telecommunications and transportation, Government of Canada departments and agencies, Parliament, Crown corporations, Canadian Armed Forces, Royal Canadian Mounted Police, and First Nations band councils. The Preamble of the ACA refers to Canada's obligations under the UN *Convention on the Rights of Persons with Disabilities* (CRPD) (discussed below) as a rationale for Canada to take "appropriate measures respecting accessibility and to develop and monitor minimum accessibility

8 Section 3(1) of the Canadian Human Rights Act lists the prohibited grounds of discrimination under the Act as "race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered".

standards". A process has been initiated to develop accessibility standards that will apply to areas that fall within the scope of the ACA.

Provincial/territorial human rights laws in Canada afford protections against discrimination for individuals and groups in matters that fall within provincial/territorial jurisdiction. These matters vary somewhat across jurisdictions but commonly include protections against discrimination in services (e.g., restaurants, stores, schools), housing, and most workplaces. Mental and physical disability are spelled out as two of the individual characteristics for which provincial/territorial human rights laws provide legal protections against discrimination. The *Accessibility for Ontarians with Disabilities Act* of Ontario (2005), the *Accessibility for Manitobans Act* (2013), the *Accessibility Act* of Newfoundland and Labrador (2021), and the *Accessible British Columbia Act* (2021) are other human rights laws that seek to advance accessibility through the identification, removal, and prevention of barriers in selected matters within the jurisdictions of those provinces. Those provinces have established processes and committees, have developed (or are developing) accessibility standards and regulations for obligated individuals and organizations, and have adopted strategies for advancing accessibility within government ministries/departments and related agencies.

International disability rights

In 2010, Canada signed the United Nations *Convention on the Rights of Persons with Disabilities* (CRPD). Disabled people's organizations played key roles in the formulation of the CRPD, which is guided by the social and human rights models of disability (Lawson & Beckett, 2021). Rather than framing people with disabilities as objects of interventions based on charity or medicine who need "help", handouts, or "cure" because they are presumed "needy", "defective", or "sick", the human rights and social model approaches conceive of people with disabilities as subjects who hold full and equal rights to participate and flourish in society along with others. In this regard, the CRPD is the first international framework of its kind for disability rights and has been described as a "paradigm shift" – a "catalyst for a radical reappraisal" – that is potentially "transformative" in how international and national signatories to the *Convention* think about disability and protect the rights of people with disabilities (Mittler, 2015). Speaking practically, the CRPD means that Canada, including all provinces and territories, has undertaken a commitment to scrutinize current and future laws and practices for conformity with the rights laid out in the CRPD, and to ensure that public authorities and institutions implement those rights (article 4).

The CRPD does not contain a strict or formal definition of disability. Instead, the Convention recognizes that disability is "an evolving concept" which arises because of both a person's impairments *and* the diverse barriers that the person faces in their environments, which include the attitudes of people around them. These factors often hinder the ability of people with disabilities to participate fully in society and mean they routinely face human rights violations (Preamble(e)(k)). The CRPD goes further to define "people with disabilities" to include those with "long-term physical, mental, intellectual or sensory impairments" which interact with external barriers to hinder their full and equal participation in society (Art. 1). In the consultations we conducted for this review, there was generally widespread support for such an approach to disability, which recognizes the interactions between individuals' impairments/restrictions and the environmental barriers that can aggravate and amplify the effects of person-level limitations.

Worth highlighting, are some of the rights set out in the CRPD and the issues they draw attention to for Nova Scotia. First, the CRPD links individual rights to social, cultural, and economic rights such as housing, an adequate standard

of living, and inclusion in communities. For example, the CRPD explicitly recognizes that the “majority of persons with disabilities live in conditions of poverty” and underscores the “critical need to address the negative impact of poverty on persons with disabilities” (Preamble (t)). Article 28 obliges state signatories to address poverty and other forms of inequality, which often intersect, that people with disabilities face. Accordingly, the CRPD’s holistic and systematic approach to disability rights would ideally prompt signatory states to consider how pro-disability policies may be undermined by wider systems, policies, and practices that may be violating the rights of people with disabilities, including political-economic systems that create poverty (Stienstra 2018). The deep and widespread poverty that people with disabilities experience was frequently the topic of discussion in the consultations we conducted and in other inputs we received for this review.

Second, the CRPD contains rights to liberty and security of the person and equal recognition under the law. These rights are often denied to those with psychosocial or intellectual disabilities, especially within the mental health and criminal justice systems through practices such as involuntary psychiatric interventions and substitute decision-making (Wildeman, 2013; UNICEF, 2021). While Canada has so far sought to retain use of these practices despite their incongruence with the CRPD, participants in the consultations we conducted voiced their concerns about such practices.

Third, in terms of the recognition of people with disabilities as minorities, the CRPD offers hope for greater recognition of disability cultures, such as through sign language policies and programs that will accord greater recognition and support for this mode of communication (Batterbury 2012). People who are d/Deaf flagged the need for such recognition as an issue that should be addressed in all matters that fall within the scope of the *Accessibility Act*.



D. The COVID-19 pandemic

The COVID-19 pandemic and pandemic-related responses are crucial to address in work to prevent and remove barriers to accessibility in Nova Scotia. It has been well established that the pandemic disproportionately impacts people who are already experiencing accessibility barriers (Live Work Well, 2021; Statistics Canada, 2020a), especially people who immunocompromised. A disability equity, inclusion and accessibility lens is crucial in pandemic responses. Responses to prevent and remove accessibility barriers for some people and groups have the potential to create new barriers for others. The review team recognizes COVID-19 is a critical issue to Nova Scotians with disabilities, their families and the organizations that serve and represent people with disabilities. A consideration of the effectiveness of provincial pandemic responses for disability communities and specific recommendations related to the COVID-19 pandemic were outside of the scope of the review. According to the Terms of Reference, the scope includes identifying changes to be made to the *Act*, effectiveness of the standard development process, and progress made and effectiveness of *Access by Design 2030* (Nova Scotia Accessibility Directorate, 2021).

In the consultations we learned that the Accessibility Directorate and Accessibility Advisory Board led and collaborated with government and non-government partners on initiatives to raise awareness of the disproportionate impact of the pandemic and pandemic responses on persons with disabilities, identify accessibility barriers and advocate for their prevention and removal. Communications Nova Scotia introduction of ASL and Communications Access Real-time Translation (CART) during COVID-19 Government briefings offers a key example of an important initiative in this area (Communications Nova Scotia, 2022).

The impact of the pandemic on the effectiveness of the standard development process, and progress made and effectiveness of *Access by Design 2030*, was considered. Consultees representing government, prescribed public sector bodies and disability organizations acknowledged that the timeline for developing standards under the *Accessibility Act* was established without considering the possibility of a global pandemic. Some aspects of work to develop the accessibility standards recommendations undertaken during the first four years generally adhered to the timelines set out in the *Access by Design 2030* policy document (discussed below). However, the enactment and implementation of standards is significantly delayed. Other priorities identified in *Access by Design 2030* are represented as ongoing. Unspecified timelines for these priorities make it more difficult to assess the progress and effectiveness of *Access by Design 2030* overall. For example, there are no specific timelines for awareness and capacity building activities. We learned from consultations with government representatives involved in implementing the *Act* and information collected in a document scan and review that there was a COVID-19 related one-year delay in the launch of the public awareness campaign on disability, "Access Includes Everyone in Everyday Life" (Communications Nova Scotia, 2022). More specific timelines in *Access by Design 2030* would improve public awareness of when to expect key actions, with potential to enhance effective and informed decisions and public trust. Specific timelines could be used to trigger communications explaining when and why timelines may not be able to be followed (as for example, was the case with the public awareness campaign delayed by COVID-19 restrictions).

V. The Consultation Process and the People we Consulted

Section 66(2) of the *Act* states that the reviewer must consult with persons with disabilities, representatives from organizations representing persons with disabilities, and representatives from organizations affected by the implementation of the accessibility standards.

For this review, we consulted directly with people from the three designated groups identified in the *Act*, through virtual and in-person meetings, online and paper-based surveys, interviews, focus groups, community sessions, and submissions from interested parties to the review's website. Public consultations took place from April to October 2022. Usable data were obtained from 791 respondents and consultees who live in Nova Scotia by means of:

- A long-form online survey on a range of issues consistent with the Terms of Reference for this review – 319 respondents.
- A short-form survey that was made available online and distributed at public events for the Formal Proclamation and Flag Raising Ceremony, Mel Hebb Hourglass Action Awards, the Nova Scotia League of Equal Opportunity's annual Scholarship Luncheon for Students with disabilities, and Nova Scotia's Access Awareness Week – 29 respondents.
- Semi-structured interviews with most current and former Accessibility Advisory Board members and most members of each of its standard development committees, all staff at the Accessibility Directorate, and government's interdepartmental committee on accessibility – 217 consultees.
- Community discussion sessions and focus groups with representation from all designated groups – 211 consultees.
- Written submissions by email – 15 respondents.

Community interest in the review was high. Other activities that helped bring awareness to the review included the review's website, social media outreach, press releases, and local and national print and radio stories.

We consulted with diverse people for the review. For example, of those who completed the long-form survey, half of the respondents (50.8%) lived in the central area of Nova Scotia that includes the Halifax area, Eastern Shore and West Hants. About one in five (22.3%) lived in the western region (Annapolis Valley, South Shore, and South West), about one in seven (14.1%) lived in the eastern region (Cape Breton, Guysborough and Antigonish areas), and about one in eight (12.9%) lived in the northern region (Colchester-East Hants, Cumberland, and Pictou areas). Nearly half of the people consulted lived in rural communities or small towns of less than 10,000 people (48%). The next largest group lived in cities of more than 30,000 people (37.6%), followed by people living in large towns or other urban communities of between 10,000 and 50,000 people. A few (2.5%) lived in remote or difficult-to-reach communities.

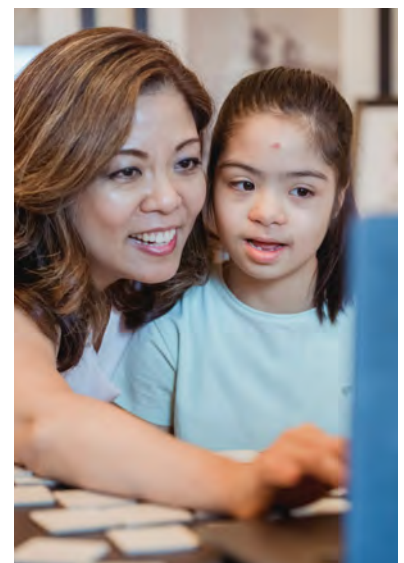
Four in ten respondents to the long-form survey (39.5%) identified as having disability within the meaning of the *Accessibility Act*, leaving 6 in ten (60.5%) who did not. Most respondents who reported having a disability reported one that was physical (34.8%), followed by mental (e.g., cognitive, memory – 19.5%), sensory (hearing or seeing – 16.7%), psychosocial (mental health – 8.1%), learning (8.1%), and developmental (2.7%). A few said they preferred to self-describe their disability (8.6%) or preferred not to say (1.4%). Many but not all the self-reported disabilities could be “slotted” in the aforementioned categories. Many individuals reported two or more disabilities, which is consistent with the wider experience of disability in Canada (Morris et al., 2018).

Most respondents to the long-form survey were white (81.5%). However, 3.6% self-identified as Black (e.g., African, African Canadian, or Afro-Caribbean descent), 1.5% as First Nations, Inuk/Inuit and/or Métis, 1.5% as of South Asian descent (e.g., East Indian, Pakistani, or Sri Lankan), 1.2% as of East Asian descent (e.g., Chinese, Japanese, Korean, or Taiwanese), and 1.2% as of Middle Eastern descent (e.g., Arab, Persian, or West Asian). Very few (0.6%) self-identified as of Southeast Asian descent (e.g., Cambodian, Filipino, Indonesian, Thai, Vietnamese or other Southeast Asian). A few (1.2%) said they preferred to self-describe and quite a few (7.6%) said they preferred not to disclose. Overall, and leaving aside people who preferred to self-describe or not disclose their ethno-racial characteristics, 9.8% of the people we consulted were “visible minorities” or racialized people, which compares favorably with the 6.5% of “visible minorities” the Nova Scotia Finance and Treasury Board reported in 2017 for the province based on the Census of 2016.

The median age of those consulted was from 45 to 54 years, who made up 28% of those who provided their age. The others were roughly evenly divided between those younger than 45 (28.0%) and 55 or older (35.4%). At both ends of the age spectrum, 3.5% were younger than 25 and 0.6% were 75 or older.

Most respondents were women (69%), and a quarter (24.1%) were men. 2.2% were non-binary, 0.63% preferred to self-describe, and 4.1% said they preferred not to say. In terms of sexual orientation, two-thirds self-identified as straight or heterosexual (66.4%). Some 5.2% self-identified as asexual, 5.2% as bisexual, 0.9% as gay, 2.1% as lesbian, 2.7% as pansexual, 3.9% as queer, and 0.6% as questioning their sexual orientation. About one in eight (12.1%) said they preferred not to provide this information and 0.9% said they preferred to self-describe.

The main language spoken by most (98.4%) was English, with 0.3% speaking mainly French and 1.3% another language. Only 0.3% immigrated to Canada in the past five years.



In terms of their highest level of education or schooling, 0.9% attended high school without obtaining a diploma, 5.6% obtained a high school or General Equivalency Diploma, 12.5% held a college degree/diploma, 65.5% a university degree, and 10.7% had completed some post-secondary but without obtaining a diploma or degree. Another 4.7% preferred to self-describe or not to provide this information.

Employment-wise, most respondents were working for pay at a job or business (76.8%), 10.3% were not working for pay at a job or business, and another 10.3% said their employment situation was something else, which for many was retirement. However, a few individuals who said their situation was something else were self-employed, working on contract, working part time, homemakers, providing homeschooling, or were students or volunteering. The remaining 2.5% preferred not to provide this information. Most people who were working (83.8%) had full-time jobs of 30 hours or more per week.

The household incomes from all sources of respondents to the long-form survey were high overall. Quite a few people did not want to share this information (16.6%). However, among those who did provide the information, most (57.9%) had total household incomes of \$75,000 or more. Only 5.6% had household incomes of less than \$20,000. The household incomes of 16.2% were from \$20,000 to \$49,999 and of 20.3% in the \$50,000 to \$74,999 range.

A little more than a third of respondents to the long-form survey (37.6%) were involved with a disability organization and the remainder (62.4%) were not. Some of those who were involved with disability organizations had several involvements (e.g., as a Board member and member of another committee). About four in ten (38.7%) were staff persons of disability organizations, followed by rank-and-file members (17.8%), volunteers (16.6%), and those who were involved in some other way (16%). Some 11% were members of the organizations' Boards of Directors. For the most part the disability organizations represented by the people we consulted operate on a province-wide basis in Nova Scotia (46.7%), followed next by those operating in local communities only (32.5%), and those that operate on a regional level in more than one community but not province-wide (20.9%).

Nearly a third (29.2%) of respondents to the long-form survey were involved with private sector (e.g., business) or non-governmental organizations that have or will have duties under one or more of the accessibility standards. These organizations tend to operate in local communities (43%). However, more than a third (34.4%) operate province-wide and nearly a quarter (22.6%) operate regionally in more than one community but not across the whole province.

Further details about the characteristics, perceptions, and assessments of the people we consulted are provided in context throughout this review. In reporting key messages from the consultations, we have not systematically mined all the statistical details from the long-form and short-form surveys. Instead, we provide a few key statistical details from the long-form survey that illustrate major patterns and that are indicative of the patterns in other data sources we drew upon. Those other data sources tend to provide information that is more qualitative (e.g., open-ended, descriptive, explanatory) than quantitative (e.g., yes/no, how much/how little, etc.).

Fuller details on the consultation process are provided in the Appendix.

VI. What Was Learned

A. *The Accessibility Act*

What the Act intends and requires, and the process that brought it about

Nova Scotia's *Accessibility Act* opens in its preamble with references to several key points that serve as context for the Act:

- The UN *Convention on the Rights of Persons with Disabilities* and Canada's agreement under that Convention "to take appropriate measures to achieve accessibility and to develop and monitor minimum accessibility standards."
- The *Canadian Charter of Rights and Freedoms* and its granting of "equality rights to all persons without discrimination on the basis of a disability."
- Nova Scotia's own *Human Rights Act*, which recognizes the responsibility of "the Government, public agencies and all persons ... to ensure equal opportunity for every individual to enjoy a full and productive life."
- Recognition of the disproportionate poverty in which Nova Scotians with disabilities live, the diversity that characterizes people with disabilities, the attitudinal and environmental barriers that prevent people with disabilities from achieving their full and equal participation in society, and that people who experience multiple forms of discrimination face additional barriers.

The *Accessibility Act* and its Preamble, then, were not developed in isolation. Accordingly, the Act should be understood in the context of the widespread experiences of disadvantage among people with disabilities in Nova Scotia, and key principles and values that underlay what the Act is intended to achieve. Those principles and values are set out in the *Charter*, Nova Scotia's *Human Rights Act*, the spirit of other human rights legislation in Canada, and the UN *Convention*.

Commitments to such principles and values were clear among the people who participated in the consultations for this review. Such principles and values are not mainly about disability but are instead about safeguarding and upholding the rights, social inclusion, and participation that should extend to *everyone*, including people with disabilities.

In that context, then, the *Accessibility Act* aims to make Nova Scotia inclusive and barrier-free by 2030. The Act aims to achieve accessibility by:

- Preventing and removing barriers
- Providing for the involvement of people with disabilities, the public sector, and other interested parties in the development of accessibility standards
- Facilitating the timely implementation of accessibility standards with a goal of achieving an accessible Nova Scotia by 2030
- Monitoring, reviewing, and enforcing compliance with accessibility standards, and
- Establishing an Accessibility Directorate with responsibilities for supporting accessibility initiatives and advancing broader disability-related issues.

Specific areas covered under the Act for removing and preventing barriers are in:

- The delivery and receipt of goods and services
- Information and communication
- Public transportation and transportation infrastructure
- Employment
- The built environment
- Education and
- Any other activities or undertakings prescribed by the regulations for the Act.

The Act requires the creation of an Accessibility Advisory Board and an Accessibility Directorate, the development of accessibility standards, committees to assist the Board with the development of recommendations for standards and creates obligations for prescribed public sector bodies. Public sector bodies with obligations under the Act that are within the scope of this review are the Government of Nova Scotia and the municipalities, universities, and organizations prescribed by the regulations. Private sector bodies will be expected to comply with accessibility standards.

A draft of Bill 59 was opened to public commentary through the Law Amendments Committee process in late 2016 and early 2017. At that time, a wide range of interested parties expressed concerns about the content of the bill and about the lack of accessible options for making their concerns known. Members of the public criticized the short notice given for committee presentations, the 60-day period to comment on standards, and the perceived lack of government transparency leading up to the draft legislation. Advocacy groups from across Nova Scotia, including The Bill 59 Community Alliance representing a coalition of 35 disabled persons groups, called for a re-drafting of the bill. Among their demands was that the legislation be clearly centred in a human rights perspective and that the

bill prioritize the engagement and perspectives of people with disabilities. Disability advocates called for specific timelines for achieving accessibility, more transparency in developing accessibility standards, and greater arm's length from the government for the development and enforcement of the standards. The government responded to a number of these demands and the bill was revised with the support of all parties before being enacted into law in September 2017.

Intervention by the Bill 59 Alliance in the law amendment process resulted in community-government collaboration in redrafting the bill. The intervention of the community and collaboration between community and government represent what some consultees for this review consider significant and unique precedents in Canada: it was the Alliance, representing diverse Nova Scotians with disabilities, that influenced lawmakers and the final contents of the *Act*. However, the fact that the government halted Bill 59 after its first reading to choose to work closely with the Alliance also showed a willingness by government to compromise and to devise an *Act* that would work for all. The choice by legislators to pause the amendment process is uncommon in Canada and illustrates a shared commitment to an accessible Nova Scotia, which many people who participated in this review appreciated.

When proclaimed in 2017, the *Accessibility Act* was perceived as a historical moment for Nova Scotia, and something that positioned the province as a leader in Canada and abroad. At the time, Nova Scotia was one of only three provinces with legislation promoting the human rights of people with disabilities and the only province in the Atlantic region with accessibility legislation. Unanimous, nonpartisan support for Bill 59 made the *Act* even more momentous. While not a large province population-wise, Nova Scotia emerged in the vanguard of advancing Canada's international human rights treaty obligations under the recently proclaimed UN *Convention on the Rights of People with Disabilities* and in paving a new way forward for social and economic development in the Atlantic region. Hope, high expectations, and enthusiasm were strong within diverse disability communities in Nova Scotia over what promised to be a new chapter in disability rights in this province. Hope and high expectations continued to be expressed in the consultations we conducted.

An issue to be addressed in the *Act* itself: The definition of disability

While there was widespread appreciation in the consultations for the proclamation of the *Accessibility Act* and for what it sets out to achieve, one of the key areas where change was perceived as needed is in the way the *Act* defines "disability".

A concern was that the current definition does not fully account for the diverse ways that people with disabilities and disability communities in Nova Scotia self-identify. Despite the adoption of person-first language (person with a disability) in the *Act* and government work, many people we consulted with stated a preference for identity-first language (disabled person). In the latter case, disability is recognized as culture and claimed as a socio-political identity (Best, Mortenson, Lauzière-Fitzgerald, & Smith, 2022; Aubrecht, 2012; Titchkosky, 2001).

People who self-identified as d/Deaf also shared their view that Deafness is a cultural identity. Accordingly, people who consider themselves culturally d/Deaf do not always identify as having a

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"Any meaningful definition of disability really needs to embrace a social model. It's got to be about the interaction with barriers."

**INDIVIDUAL FROM A
POSTSECONDARY
INSTITUTION**

disability (World Federation of the Deaf, 2017; Canadian Hearing Services, 2013). This lack of clarity in definitions raises the question: How does the *Accessibility Act* apply to d/Deaf people, then?

From people who self-identified as Autistic or neurodivergent, we learned about their preference to move away from pathologized and deficit-based understandings of disability towards greater recognition of human diversity (Botha, Hanlon, & Williams, 2023).

It was further pointed out that the definition of disability in the *Act* is ambiguous about what “mental” disability includes, and whether there is any distinction between “physical” disability and “mobility” disability. Other terms that people identified as requiring clarification were related to mental health. Consultees posed questions over whether and how “mental” included people with psychiatric diagnoses, people who may identify as experiencing emotional distress, psycho-social disability, as people who were psychiatric consumers, survivors, ex-patients, or Mad. For example, are cognitive impairment, brain injury, stroke, neurodivergences and addictions included in the meaning of “mental” disability? It was further noted that multiple co-existing disabilities are common. Consultees and survey respondents identified accessibility barriers related to discriminatory and ableist assumptions related to body size and a failure to consider the body-size related barriers, yet this is a characteristic that is not clearly represented in the definition of disability.

An overarching message from the consultations is that disability is highly complex, as is how diversely it is experienced and understood. Clarification on matters that do and do not fall within the scope of the *Act* could be provided in a regulation. For instance, section 2 of the *Accessibility for Ontarians with Disabilities Act* spells out numerous descriptors for disability that are covered within the meaning of that piece of legislation. We also see this in the *Americans with Disabilities Act* (1990), which includes addictions in its classification of substance abuse disorder as a disability. Something similar could be embedded in a regulation for Nova Scotia's *Accessibility Act*.

Other strengths and limitations of specific features of the *Act* and its implementation arrangements are discussed in the remaining sections of this report.

How the intent and purposes of the *Act* are being fulfilled

To understand how the intent and purposes of the *Accessibility Act* are being fulfilled requires an examination of the activities and effectiveness of key bodies and processes that have been established to implement the *Act*. We examine those bodies and processes in the subsections of this report that follow the present one. However, a few over-riding concerns were raised in the consultations that we address here. These concerns pertain to the rate of progress in achieving greater accessibility, compliance and enforcement under the *Act*, the monitoring and evaluation of the *Act*, and concerns about matters related to the *Act* but which that piece of legislation does not directly address.

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“When the *Act* was signed in 2017 that was the first time that the community felt like maybe it was being heard by the Province, and maybe the Province is really going to try to make improvements so we can see more equity, more equality, within Nova Scotia.

I’m concerned that if we change the deadline, how are we going to message that to community?”

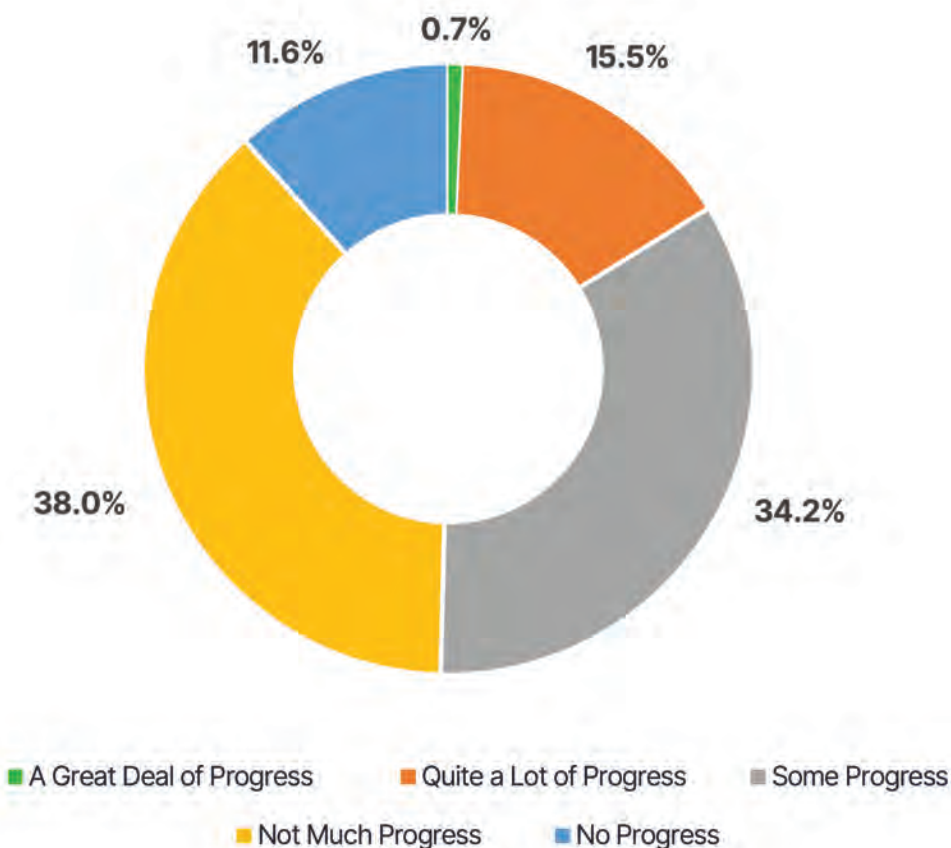
**MUNICIPAL ACCESSIBILITY
COORDINATOR**

Overall

Nearly half of the people we consulted (47%) said they were familiar with the *Accessibility Act* and more than an additional third (35.4%) said they were somewhat familiar with it. Only 17.6% said they were unfamiliar with the Act.

- When asked whether the Act covers enough subject areas, most of the 237 people who had an opinion said “yes” (57.4%). Nearly another third (30.0%) said “somewhat”, and about one in eight (12.7%) said “no”.
- Among the 319 people who we asked about the extent of progress in achieving greater accessibility for Nova Scotians with disabilities since the Act was introduced in 2017, 11% said they did not know. However, among the remaining 284 people who had an opinion, 50.4% said that a great deal, quite a lot, or some progress had been achieved, with 16.2% saying a great deal or quite a lot. Some 38.8% said there had been not much progress. Only 11.6% said there had been none (Figure 3).

Figure 3. Overall progress achieved in achieving greater accessibility under the Accessibility Act since 2017 (respondents with an opinion, N=284).



When asked whether they think the processes and administration of the Act have been helping to prevent and remove barriers to accessibility so far, 16.4% said they “don’t know”. However, among the remaining 266 respondents who had an opinion, 15% said “yes” and 57.5% said “somewhat”. A little over a quarter (27.4%) said “no”.

We asked people whether diverse people with disabilities are meaningfully included in the strategies, plans and processes being implemented to prevent and remove barriers to accessibility in Nova Scotia. More than a quarter (29.2%) said they “don’t know”. Among the 226 who had an opinion, 25.2% said that, yes, diverse people were being included and nearly half (45.6%) said “somewhat”. The remaining 29.2% said “no”.

Overall, then, about half of the people we consulted said that the Act’s coverage is sufficient and that at least some progress has been achieved in furthering greater accessibility. Most said that the processes and administration of the Act have been at least somewhat effective in helping to prevent and remove barriers, and most people consulted said that diverse people with disabilities are at least somewhat included in meaningful ways in strategies, plans and processes to prevent and remove barriers. While there is clearly room for improvement, here, also in need of being addressed are the large percentages of people who should be knowledgeable but “don’t know” and therefore do not have opinions about these issues.

Rate of progress

There was a widespread perception among the people we consulted, then, that some progress has been made in bringing about greater accessibility in Nova Scotia since the proclamation of the Accessibility Act, but that progress has been slow. Many respondents to the short-form survey that we conducted indicated that the incremental approach presently being used to realize the Act may perhaps be moving things forward a little too slowly. There was a widespread sense that people with disabilities are “a little” more included in decisions that affect their lives than they were before the Act was proclaimed. However, there was also a widespread sense that the public is “not so aware” of disability-related access barriers in Nova Scotia, that government and prescribed public sector bodies are addressing disability issues “a little”, and that people with diverse disabilities have not been included very well, yet, in the planning and other work on accessibility.

As well, the 2030 date was set for meeting the objectives of the Act with no way of knowing COVID-19 was on the horizon. The effects of pandemic related disruptions were varied. Some of the work was slowed by the pandemic, some uninterrupted, and other work accelerated.

Some consultees discussed the lack of a prescribed timeline for implementing the standards after the submission of standard recommendations to the Minister from the Accessibility Advisory Board. Several respondents indicated challenges related to the complexity of what is being proposed, as well as government priorities. A limited availability of qualified accessibility service providers, such as ASL interpreters, may place further strains on timelines. However, having no set timelines on implementation was described as making it difficult for organizations impacted by the Act to adopt a proactive and responsive approach.

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“Slow is to be expected.... you cannot change systemic issues in one shot. It’s an incremental process.”

**GOVERNMENT
INTERDEPARTMENTAL
COMMITTEE MEMBER**

“Take immediate steps that you can address immediately but put the steps in place for better changes in the long run, so it’s not just an afterthought.”

**INTERESTED MEMBER
OF THE PUBLIC**

“We can’t wait if the deadline is still going to be 2030... We can’t sit on the sidelines and wait until the Province decides what these standards are going to be... This is something we have to budget for, and it is hard to know how to budget when you don’t know from the Province what the expectations are.”

**MUNICIPAL ACCESSIBILITY
COORDINATOR**

The perception that progress was slow was tempered to some degree by a sense that it takes time to change the entrenched “narratives” (e.g., stories, beliefs, attitudes, stereotypes, and practices) on disability. Some government officials expressed the view that overall progress was slow, but that is to be expected. However, several people with disabilities, their families, and allies who we consulted shared with some dismay the thought that they may not live to see the benefits of the work that is presently underway to further accessibility in this province.

There have been delays in multiple timelines specified in *Access by Design 2030* (discussed below), which lays out timetables for developing accessibility standards and other details pertaining to the *Accessibility Act*.

Regardless of whether people consulted viewed 2030 as a realistic, aspirational, or arbitrary date for achieving the objectives of the Accessibility Act, there was a clear sense in the consultations that 2030 matters and should not be abandoned. Many consultees considered the 2030 timeline a great victory that was won in the Bill 59 amendment process; the timeline reflects an agreed-to outcome and an expression of meaningful and authentic collaboration between diverse disability communities and the Government. Consultees generally indicated that, moving forward, it is essential for 2030 to be upheld and vigorously pursued.

Compliance and enforcement

One of the stated purposes of the Act is to “monitor, review and enforce compliance with accessibility standards” (section 2(d)). The Act also requires that the Minister appoint a Director of Compliance and Enforcement. The Minister may also engage inspectors and others to administer compliance and enforcement of the Act and regulations.

There are two key actions related to compliance and enforcement in *Access by Design 2030*. The first listed is to “Establish an immediate focus on compliance with existing regulations related to accessibility” (p. 13). The second action is to “Establish compliance and enforcement mechanisms, including appointing a Director of Compliance and Enforcement, and utilizing inspectors to monitor and enforce compliance with the Act and standards” (p. 13). The Accessibility Directorate is the identified lead on both actions. Work in this area is included in the timeline as set to begin in 2019.

Two focal areas for compliance and enforcement activities are the PPSB requirements and the accessibility standards. Under the Act the Governor-in-Council may make regulations that prescribe organizations as public sector bodies. In addition to being subject to accessibility standards, PPSBs are required to develop and make public accessibility plans and to establish Accessibility Advisory Committees within one year of being prescribed (sections 39–44). Currently the only requirement related to the PPSB Accessibility Advisory Committees is that at least half of the members be people with disabilities or individuals from organizations that represent persons with disabilities. The size of committees and their mandate is up to the organization. PPSB Accessibility Advisory Committees can be jointly developed across PPSBs, in which

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“2030 is very important. How we think about 2030 and talk about 2030 and how we position 2030 will be critical to the ongoing success of the work.”

LEGAL EXPERT IN HUMAN RIGHTS

“We need to, to get it right, and I think we’re on the on the right path. I think we need to have commitment from the current government to supporting implementation of the Act and meeting the Act’s deadline... we need to be vigilant and have commitment from every government that accessibility and Access for All is a critical piece to inclusion for everybody in society in general.”

EDUCATION STANDARD COMMITTEE MEMBER

case the membership must be approved by all participating PPSBs. Accessibility plans must include a report on measures taken to identify, remove and prevent barriers and information about how the effects on accessibility will be assessed. PPSB accessibility plans must be posted publicly and updated every three years.

Although the standards and some accessibility plans are still in development, work on compliance and enforcement is underway. In August 2022 the current Executive Director of the Directorate was appointed as the interim Director of Compliance for a two-year term to advise the Minister. In early 2023 an advertisement was posted for a Director of Policy and Standards with the Accessibility Directorate in the Department of Justice.

In September 2022, the Accessibility Directorate published a high-level framework document on how obligated entities are to comply with the *Accessibility Act* and its regulations (Nova Scotia. Accessibility Directorate, 2022a). This framework was developed collaboratively with members of the disability community, Government of Nova Scotia departments that will be impacted as accessibility standards are enacted and representatives from other sectors such as businesses and prescribed public sector bodies.

One of the objectives of the framework is to communicate the collaborative approach the Government will use with regulated organizations to foster their compliance with the Act. To that end, the document employs phrases such as “[o]rganizations... will be supported and encouraged”, and “government staff and organizations will work together”, and “organizations may receive extra tools and resources, such as education, training, and guidance, to help achieve compliance.” Another objective of the document is to communicate the underlying principles for helping organizations meet their obligations under the Act. The principles are:

- First Voice-centred (i.e., the importance of listening to the experiences and perspectives of people with disabilities),
- Restorative (i.e., listening to groups and organizations about how following the Act is affecting them), and
- Responsiveness (i.e., responding in a timely and collaborative manner to non-compliance, providing support for organizations to develop plans to change, and using penalties as a last resort).

There is to be a phased-in approach to meeting the aims of *Access by Design 2030*, beginning with government, then moving to include PPSBs, followed by other entities, such as businesses and organizations. The approach will initially emphasize education on the barriers people with disabilities encounter, on the aims and rationales of the Act, and on the duties it creates. There was widespread support for this phased-in approach and an early emphasis on educating those with obligations under the Act. Such priorities had been articulated in a consultation document the Directorate published on its website based on consultations Government convened from late December 2017 to June of 2018 (Nova Scotia. Accessibility Directorate, 2018). The Compliance and Enforcement Framework has identified that the

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“If a complaint is made, how can we expect unbiased decisions? What steps will be taken to protect people seeking accommodations from getting caught up in the bureaucracy of Government?”

PARENT OF A CHILD WITH A DISABILITY

“I think if there were a way to legislate by creating and providing opportunities, as opposed to establishing restrictions, that would be where we need to be. The challenge is for any kind of financially precarious practice or institution to handle and react to regulation.”

INDIVIDUAL FROM A COMMUNITY ARTS ORGANIZATION THAT COLLABORATES WITH DISABILITY ORGANIZATIONS

Directorate will accept, track and verify individual complaints, which is distinct from accessibility legislation in other provinces.

The responsive restorative approach to compliance⁹ and enforcement addresses section 38 of the *Act*, which includes a provision for the Minister to introduce incentive-based measures for meeting or exceeding accessibility standards if deemed in the public interest. This approach offers an alternative to a legalistic and adversarial approach. The responsive restorative approach is not a substitute for other existing complaint processes such as may be pursued through the civil courts or Human Rights Commission.

The framework document also references a process to determine whether complaints, public feedback, proactive inspections, or other information about an organization's alleged non-compliance falls under the *Accessibility Act* and regulations or another *Act* and regulations. Complaints that do not fall under the *Accessibility Act* or regulations will be addressed by the appropriate departments or agencies that have responsibility.

That document outlines steps that may be used to address situations where non-compliance with the requirements of the legislation is detected. Measures include issuing orders with steps to be followed and deadlines for remedy, the imposition of administrative orders, and a summary conviction fine of up to \$250,000 for remaining failure to comply. The document does not include information about organizations' accessibility plans, anticipated timelines for activities related to compliance, or enforcement once the first standard is enacted. For the most part, roles and responsibilities have yet to be defined for the public and it remains unclear what will trigger enforcement activity or how accountability and transparency will be achieved in situations involving complaints against the Government.

Generally, there was support for the responsive restorative approach to compliance and enforcement from the members of the Compliance and Enforcement Working Group and government consultees who were aware of it. The strengths of the approach that they identified include flexibility to changes in knowledge and circumstance, an iterative approach that supports continuous learning and improvement, and relationship building. Public awareness was more limited. Several people involved with organizations representing people with disabilities who were aware of the approach emphasized the need for clear timelines in the path from education to enforcement.

We learned from the consultations about contextual barriers related to geography and / or access to resources, accessibility knowledge gaps, capacity issues, and challenges accessing qualified accessibility service providers to support compliance efforts. We also learned that while most people and organizations want to comply, they do not necessarily know what to do or how to do it, or when they may be expected to do so. Consultees representing multiple and diverse perspectives described the importance of also celebrating accessibility champions and successes and encouraging inclusivity and innovation.

Communication about work on compliance and enforcement will be critical to maintaining cross-disability communities' trust in government processes. Short of providing specific information on individual situations or cases that require remedies, general reporting on compliance efforts and the results of those efforts would ideally be made public.

9 The responsive restorative approach to compliance is informed by developments related to a human rights board of inquiry decision requiring all restaurants in Nova Scotia have an accessible bathroom resulting in a new provincial regulation in 2020 (Environment, 2020).

Clarifying the role of the PPSBs in this process will be essential. Our discussions with municipal leaders highlighted the lack of clarity on the role of municipalities in the compliance and enforcement process related to built environment as well as other areas such as transportation. Some areas covered by the built environment accessibility standard recommendations fall under municipal jurisdiction. We learned from municipal officials that the role of municipal governments needs to be better defined, particularly in connection with inspection and oversight. The municipal building permit process offers an existing mechanism for enforcing *Building Code* compliance. A permit is only granted if, upon review, new construction or renovation plans are compliant with *Building Code* requirements. Inspection upon completion also takes place before occupancy is allowed. This is an important first tier of enforcement for the built environment. Details of enforcing any new standard would have to be worked out and must involve additional training of inspectors and public education.

Other issues related to the role of PPSBs in compliance and enforcement are expected to emerge with the development of other accessibility standards, next of which is education. It also remains unclear what role, if any, schools and postsecondary institutions will play in the compliance and enforcement of the education standard.

Interviews with people employed by government and involved in work related to the Act identified the PPSB Accessibility Advisory Committees as potential conduits of information and communication to and from the Directorate in compliance and enforcement. Present inconsistencies in committee mandates, size, variances in whether they represent one or more PPSBs (as in the case of joint committees), number and frequency of meetings, and level of engagement and influence within the organization, pose risks to relying too heavily on these committees in their current form.

Monitoring and evaluation

As noted, the Act requires monitoring and compliance with accessibility standards. The *Access by Design 2030* strategy includes three Directorate-led actions related to monitoring and evaluation related to working with government and partners on the development of implementation plans, process evaluations, and undertaking a review of the effectiveness of Act and accessibility standards.

To fully measure the effectiveness of the *Accessibility Act* and related provisions, baseline information is needed on accessibility in the province. Currently, the information is limited. For each year from 2019-2021, the Directorate had collaborated with Communications Nova Scotia on an omnibus survey. The survey includes questions that respondents can answer as: True, False, or Don't know. Such questions include, "Accessibility is considered to be a human right", "Nova Scotia has a goal to be accessible by 2030", "You can always tell if a person has a disability" and "The only barriers people with disabilities experience are accessing buildings and public spaces." There are also open-ended questions where respondents can describe barriers and questions that ask respondents to rank priorities. The results from these surveys suggest that Nova

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"There need to be measurement tools... if we don't benchmark where we started, where we are, and if we have no idea what has been effective, what we fail at and where the opportunities are.... you don't ... have a direct line of accountability based on goals [so] nothing changes, right?"

INDUSTRY LEADER

"We need an inclusive approach to monitoring compliance with the standards. Design forums where people are able to share innovations and experiences."

MUNICIPAL ENGINEER

Scotians understand accessibility is a human right, value accessibility and understand accessibility well. However, the baseline developed here relies on whether people think the statement is “True” or “False”, or “Don’t Know”.

Despite the omnibus survey findings that Nova Scotians understand accessibility well and understand that accessibility is more than mobility barriers, we learned in the consultations that progress on the goals of the Act has been understood and assessed primarily in terms of *progress on the development of accessibility plans* to identify, remove and prevent barriers.

We learned from the Directorate that monitoring and evaluation is a current priority. The Directorate is working on developing a stronger baseline of information for monitoring progress on meeting the obligations of the Act, and better understanding and addressing the factors that contribute to the disparities in matters that fall within the scope of the Act. Such details include the extent of difficulties and disparities people with disabilities experience in education, employment, access to information and communication, access to services and transportation, and details about the factors that contribute to those difficulties.

Better information is also needed on other important matters that directly affect the lives and wellbeing of people with disabilities, such as the situation of people with disabilities when it comes to adequate income and poverty reduction, housing, effective health care, and access to aids/devices and services for disability, to name but a few issues of concern. Measurement tools are needed to assess the progress achieved by initiatives for addressing accessibility in these areas. Making this information public will support awareness and accountability.

A recent collaboration involving the Directorate, Engage Nova Scotia and the Capstone Student Project at Dalhousie University engaged students in the analysis of information collected by Engage Nova Scotia’s 2019 Quality of Life Survey. Building on this work, the Directorate has engaged Nova Scotia League of Equal Opportunities¹⁰ to develop an independent Quality of Life Index (QoLI) for persons with disabilities to be used to measure progress of increasing accessibility in the province, target government policies and educate the public about disability and accessibility. The Directorate and Engage Nova Scotia will support this work as non-voting partners. The anticipated timeline for completing and publishing the index is late Fall 2023, with a baseline Index report expected in Spring 2024. Work on the QoLI will involve a 20-person committee comprised of people with disabilities and/or organizations that serve them, legal and subject matter experts, and a member of the Accessibility Advisory Board. The Committee’s work will align with the CRPD and be guided by a disability lens.

Another recent initiative is the development of a tool to support monitoring and learning among municipalities. This collaborative work involves municipal accessibility leads, staff from the Association of Municipal Administrators, and the Directorate.

These activities will contribute to a broader monitoring and evaluation framework that is currently in development. This framework is expected to include ongoing monitoring and evaluation of work with the PPSBs. A PPSB check-in in 2021 invited PPSBs regulated in April 2021 to share their progress in complying with the regulation, developing their Accessibility Advisory Committees and accessibility plans, and their perceptions and experiences related to the PPSB resources provided by the Directorate. Approximately 80% participated. A report on the check-in states that

¹⁰ Nova Scotia League of Equal Opportunities (NSLEO) is a league that aims to build social, community and political leadership of persons with disabilities in Nova Scotia (<https://www.nsleo.com/>). NS LEO is a member of the Council of Canadians with Disabilities (CCD). CCD is a national human rights organization of people with disabilities working for an accessible and inclusive Canada (<http://www.ccdonline.ca/en/>).

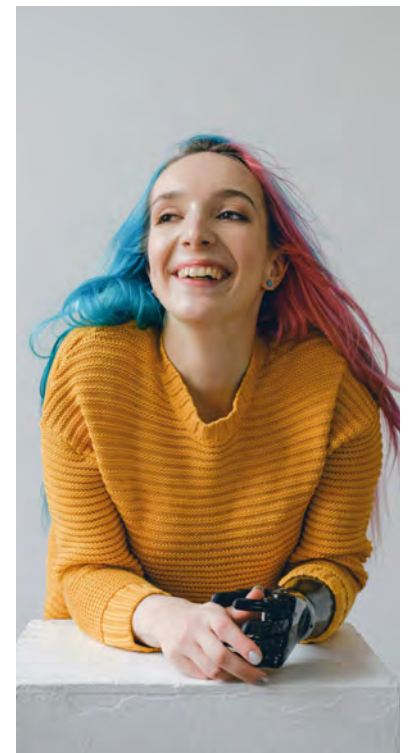
PPSB participation in information and education meetings and events was moderate to low, but that the majority of those who participated found it helpful or very helpful. A third of respondents said they received direct support from the Directorate, and of that group most indicated that it was helpful or very helpful. 81% of respondents reported that they strongly agreed progress was being made in accessibility at their institutions.

Another issue that came up concerned the role of the independent review in monitoring and evaluation. The independent review of the *Accessibility Act* is another key monitoring and evaluation activity. As previously noted, the *Act* sets out a schedule for independent reviews of the effectiveness of the *Act*. The first review (the present one) was to take place within four years of proclamation, followed by subsequent reviews at least every five years. If the review is understood as a central part of the approach, it will be necessary that it occur more frequently than every five years. First Voice, PPBS and government representatives involved in work related to the *Act* on committees and working groups that were consulted for the review expressed concern that five-year intervals for reviews of the *Act* are not sufficient to identify issues and gaps and to adjust where necessary. It was pointed out that Ontario's accessibility legislation requires reviews every three years. It was urged that Nova Scotia's *Accessibility Act* reviews should similarly be conducted every three years to provide timely information about progress.

One proposal the review team received that a First Voice centered "observatory" be established that is independent from government and located in one or more postsecondary institutions. The observatory would engage researchers with relevant content expertise to clarify and build a living provincial evidence base on wise practices and promising directions in accessibility. The observatory could also be involved in research and knowledge sharing that would support Government in monitoring what is happening on the ground in the province, identify successes and opportunities for improvement, collecting and analyzing data, and advancing public understanding of accessibility science. Such a body could play a coordinating role in a collaborative cross-sectoral approach to achieving the priorities listed in *Access by Design 2030*, and implementing the proactive, responsive and restorative approach to compliance and enforcement being adopted by the province.

Other matters not addressed by the Accessibility Act

We learned about a range of concerns about issues that directly affect people with disabilities, but which do not fall squarely within the scope of the *Accessibility Act*. Some of these concerns were also raised in consultations with people with disabilities before the proclamation of the *Act* which are laid out in the Accessibility Directorate's 2018 publication entitled, *What We Heard: Accessibility in Nova Scotia*. The present review also learned about such issues, which we address in Section VI.D on Other Findings.



B. Accessibility Standards

Currently, there are no standards to review. In this subsection we examine the effectiveness of the standard development process by exploring the work of standard development committees, inter-departmental committees and working groups, and the Accessibility Advisory Board.

The work of standard development committees

Under the legislation, an Accessibility Advisory Board (discussed below) is to be created. It is to establish standard development committees to assist the Board in making recommendations to the Minister on the content and implementation of accessibility standards.

Accessibility standards provide means of identifying, removing, and preventing barriers to people with disabilities so they can participate fully and equally in society. As such, the standards are tools for achieving and measuring progress towards a Nova Scotia everyone can enjoy and participate in equally.

Half the members of each standard development committee (SDC) are to be people with disabilities and representatives from organizations representing people with disabilities. Other SDC members are also to be representatives of organizations and classes of organizations likely to be affected by the standard and representatives from the government departments with responsibilities related to the standard.

When developing recommendations for an accessibility standard, section 21 of the *Accessibility Act* lays out that each SDC is to consider matters such as the accessibility objectives for an activity or undertaking, who or what the activity or activity pertains to, measures, policies, practices, and other requirements that the committee believes should be implemented, how and by whom those measures should be implemented, and the timeframe for implementation. After recommendations are approved, they provide a foundation for the *Accessibility Act's* regulations.

The recommendations are submitted by the SDC to the Accessibility Advisory Board for approval, who then submit them to the Minister of Justice. The Minister is responsible for drafting the standard and must make the proposed standard public and open for public comments for at least 60 days. The proposed standard may be modified and discussed with the Accessibility Board. The proposed standard is then recommended to Governor in Council for approval.

An incremental approach to standard development

The Accessibility Advisory Board and Accessibility Directorate established the first two standard development committees (SDCs) in 2019 in the areas of Built Environment and Education. The third and fourth SDC areas were announced in 2022 in the areas of Employment and Goods and Services. A SDC has been formed for Employment

and a call for expressions of interest in joining the Goods and Services SDC closed in January 2023. Relevant parties and the public were invited to provide feedback on all recommendations prior to being submitted to the Directorate.

The Built Environment and Education SDCs adopted an incremental approach to standard development (the Employment SDC has not). Phase 1 of this approach involves the development of initial recommendations and foundational commitments. Phase 2 includes technical recommendations and specific expectations for how Phase 1 recommendations will be implemented.

The Built Environment and Education SDCs submitted their Phase 1 recommendations to the Accessibility Advisory Board in July 2020. The Minister of Justice received the recommendations from the Accessibility Advisory Board for Education in August 2020 and Built Environment October 2020. Recommendations are made public after the Board submits their recommendations to Minister. Phase 1 recommendations in both Education and Built Environment are publicly posted. Phase 2 recommendations for the Built Environment were submitted to the Board in July 2021, approved for submission to the Minister in August 2021 and are publicly posted. Phase 2 recommendations for Education were submitted to the Accessibility Advisory Board in November 2022 but have yet to be submitted to the Minister. At present no regulations have been implemented.

The Employment SDC is not taking a phased approach to their work. They expect to submit their recommendations in full to the Accessibility Advisory Board in early 2024.

a. Leveraging the potential of people with disabilities on standard development committees

People with disabilities are to be considered experts on accessibility and their experiences and views must be listened to. While it is up to the Minister, with input from the Accessibility Advisory Board, to make the final decision about how accessibility standards are to be implemented, the *Act* lays out that a role of the SDCs is to “to assist the Board with making recommendations to the Minister on the content and implementation of accessibility standards” (s. 18(1)). As described in section 21 of the *Act*, the SDCs are to recommend the content and implementation details for the standards. The SDCs and the people with disabilities on those committees, then, have the potential to have a major influence in shaping the Accessibility Advisory Board’s recommendations to the Minister.

Concerns were expressed in the consultations that this potential may not be getting sufficiently capitalized upon. Indeed, a little over half (55.5%) of the people who completed the long-form survey were not familiar with the work of the SDCs. Lack of awareness of the SDCs or progress on their work was also reflected in the interviews and focus groups. This points to a problem in how work on the *Act* is being communicated by Government since part of the Minister’s mandate involves, “ensuring persons in the Province are consulted in the development of accessibility standards and informed about their duties and responsibilities once created” as noted in 7(1)(e) of the *Act*.

“

“Don’t rely on the same people to share their ideas over and over. The rest of us have ideas too!”

**FIRST VOICE
COMMUNITY MEMBER**

“We don’t often have opportunities to be involved in committees and if we do, we are the only one on the committee.”

**DEAF COMMUNITY
MEMBER**

Multiple members of the Built Environment SDC shared that even they lacked awareness about progress on the standard development process following the submission of the Phase 2 recommendations to the Accessibility Advisory Board. They acknowledged that their work was done but were unsure of whether and how they would be engaged moving forward. Having clearly defined end dates in the SDC Terms of Reference and a communication plan for keeping SDC members informed of progress could help support respectful engagement of people with disabilities on the SDCs.

b. Coordinating diverse perspectives and contributions of SDC members

The SDCs consist of people with diverse perspectives. Members of the committees we consulted tended to perceive the diversity as both a strength and a challenge. On the one hand, the diversity has expanded and enriched understandings about the range of issues related to barriers and their solutions in accessibility standard areas. On the other hand, the diversity has also highlighted competing interests, conflicts in interpretation, and power differentials among SDC members. In this connection, a value that informs the standard recommendations development process is what many people consulted for this review understood as a “consensus” approach. People we consulted indicated that the consensus model of decision-making used by the SDCs, as well as by the Accessibility Advisory Board, provided an important basis for moving the conversations forward. Concerns were expressed, however, that the consensus approach may not be sufficient to address all conflicts in interpretations and priorities that are shaped by members’ diverse experiences and perspectives. Both the Act and the Board’s Terms of Reference encourage a consensus approach while also permitting the submission of alternative recommendations and majority votes. SDCs would benefit from improved processes and guidance for anticipating and navigating power relations among members.

c. The need for concurrent development of standards

Several people consulted for this review indicated that the phased and largely sequential approach to developing accessibility standard recommendations, which has been adopted so far, had utility on a pilot basis, but that a parallel (concurrent) standard development process should be implemented moving forward. The current phased process is inefficient. Concurrent standard recommendations and standard development in all remaining standard areas, beginning with the formation of standard development committees for the remaining areas, could help deal with the perceived slowness of the sequential process. For example, engagement related to recommendations for accessibility standards in multiple (or all) areas could be addressed at one time. It would make it possible to achieve progress on the standards overall without necessarily reducing the time standard development committees have to do their work.

“

“... one question I had is why are the standards committees working sequentially... it seems there’s some overlap.”

**ACCESSIBILITY ADVISORY
BOARD MEMBER**

It was further suggested that, rather than trying to cover all possible issues that may need to be addressed in each accessibility standard area at the outset, a targeted approach to developing recommendations should be implemented. Such an approach would focus on key priorities and develop corresponding features of a standard for recommendation, on the understanding that the issues will continue to be revisited and the features of the standard will continue to be revised and updated over time. The view was expressed that such an approach will provide a practical basis for continued development. This approach would also support a more coordinated engagement of

First Voices and subject matter experts in standards development, as well as a more focused and coordinated public engagement, making for better use of community and government resources. Consultations for recommendations for multiple standard areas could be streamlined to occur at the same time.

d. Better integration of standards

Some people consulted felt that a more iterative and concurrent process for standards development will also provide opportunities for identifying where standards can be integrated. For example, organizations that provide a service to the public typically do so in a built environment, employ staff, and have expectations of staff in terms of their interactions with the people served. Such organizations would fall within the scope of three standards in Nova Scotia. Under the *Accessibility for Ontarians with Disabilities Act*, Ontario's Regulation 191/11 has an integrated accessibility standard that covers the areas of employment, the design of public spaces (built environment), customer service, and transportation. However, a more widespread opinion in the consultations was that separate standard development committees for each standard area should be maintained, as presently the support for one overarching accessibility standard development committee is lacking. That said, a measure of coordination and integration across standards would still be feasible if standard development committees were fully aware of one another's work.

e. The pace of the SDCs' work

People consulted for this review had several observations and concerns about the standards for built environments and education, which are explored immediately below. Generally, however, nearly three quarters (73%) of the respondents to the long-form survey who were familiar with the SDCs and who had an opinion about the pace of their work, felt that the pace of standards development in these two areas was at least somewhat appropriate: 7.4% said the pace was very appropriate, 28.7% said it was quite appropriate, and 36.9% said it was somewhat appropriate. However, a sizeable minority (27%) said the pace was either not very appropriate (16.4%) or inappropriate (10.7%).

It is not possible to determine whether these assessments were related *only* to the detailed work of the committees themselves or also included elements of the broader standards development process, which included the time it took for the Accessibility Advisory Board to review and provide feedback on the draft standard recommendations and for the subsequent ministerial review, drafting of the standard, consultation, and approval. The volunteer composition of committees, background research on a wide scope of issues and the preparation of materials in multiple accessible formats were recognized and described in consultations with Directorate staff and SDC committee members as contributing factors.



The standard on education

In the review consultations we learned that many students and families are not getting the educational services and supports they need to fully participate and benefit from education in the province. School buildings and playgrounds, transportation, and programs and activities are not fully accessible. Across the province there are gaps in the availability of appropriately resourced human supports. There are also gaps in the understanding and use of flexible

and responsive pedagogical approaches that prevent and remove barriers (such as universal design learning or inclusive design learning), and adaptive equipment and assistive devices. There are gaps in who receives supports, with many students struggling but falling under the radar and through the cracks because they lack a formal diagnosis. Families of students with rare or complex and chronic conditions feel their children are invisible, isolated, and excluded. Educators and advocates decry progress towards equity in the educational system for students and families from racialized and other historically excluded groups as limited and precarious. These students are more likely to experience accessibility barriers and less likely to receive and experience benefit from educational accommodations. Finally, while there may be some awareness of some students with disabilities in the educational system, very little attention is paid to families and guardians with disabilities, or to First Voice educational employees, volunteers, or administrators. In short, we learned that intersectional and equity-promoting accessibility standards in education are urgently needed.

a. Scope

In 2018 the Government committed to the development of an accessibility standard in education. The Education SDC was appointed by the Accessibility Advisory Board in 2019. The Education SDC is responsible for developing recommendations for a standard in education that will promote equitable access to education as a human right. The Accessibility Advisory Board considers the education system as including early childhood education, elementary and secondary education, post-secondary, adult learning, and the Government of Nova Scotia (Department of Education, Department of Labour and Advanced Education, and elementary and postsecondary education delivered by Departments of Justice, Community Service, and Health and Wellness).

Accessibility Standards in Education recommendations are being delivered in two phases. The Accessibility Advisory Board submitted the Phase 1 recommendations to the Minister of Justice. These recommendations are publicly posted on the Accessibility Directorate website. The Phase 2 recommendations were still in development at the time of the review.¹¹

The Phase 1 Education standard recommendations document advises that implementation include the development of a tool such as a Government endorsed provincial charter on accessible education endorsed and signed by government and other entities or provincial accessible education guidelines endorsed by Government through an administrative order or Ministerial directive. To ensure successful implementation, regulations should require prescribed educational public sector bodies to implement Charter commitments in their accessibility plans, and the education system should commit to the imperatives for success in the Charter.

The Accessibility Advisory Board proposes that these recommendations be taken up by the education system in the form of a framework that is guided by seven essential conditions for success (First Voice, equity, Inclusive decision making, intersectionality, collaboration and consistency, sufficient and sustainable resources, and continuous learning and improvement), and six foundational commitments (capacity building, teaching and learning, accessibility services; communication and navigation; research; accountability). The recommendations also state that the charter or guidelines should be required to be identified and addressed in educational PPSB accessibility plans and reflected in progress indicators.

¹¹ The Recommendations to the Government of Nova Scotia on Accessibility Standards in Education: Phase 1 document states the Phase 2 recommendations would be submitted to Government by the Accessibility Advisory Committee by March 2022 (p. 4).

Below we identify issues related to the accessibility standards in education identified in the review consultations with people who were directly or indirectly involved in the standards development process (i.e., as SDC members or educational PPSB representatives).

b. Broad scope of process

More than half of the people we consulted with who were either members of the Education SDC, or representatives of prescribed educational public sector bodies, described the scope of standards development in Education as too broad. While almost all committee members we spoke with shared a sense of pride in the work and resulting recommendations, many also described feeling overwhelmed by the scope of the work, the frequency of large and small group meetings, and the quantity of information they received during the standard development process.

c. Oversight of the accessibility standard in education

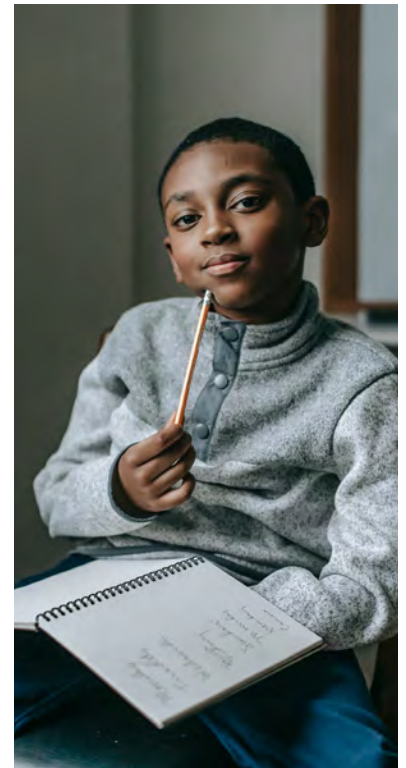
People we spoke with from the education sector highlighted the need for effective mechanisms to ensure compliance with accessibility standards. They noted distinct challenges for enforcement, including diverse interpretations about what is involved in universal design learning and how it is practiced. Several suggested existing accessibility, equity and inclusion guidelines are not being followed, or if so, are not followed consistently. Phase I recommendations identify integration of the recommendations in accessibility plans. At present the Act only requires that the plans be publicly posted.

d. Improve Indigenous and African Nova Scotian representation and ethno-racial/cultural diversity of standard development committees

We also learned of opportunities to better diversify the membership of the Education SDC. Consultees identified that representatives of historically marginalized and excluded communities were invited to share knowledge and perspective but were not adequately represented in decision-making processes. The equity rights-based intersectional approach needed to realize the goals and commitments of the Education SDC requires that diverse perspectives be represented at all levels of decision making related to accessibility standard recommendations.

e. The need for interim “tools” on accessibility

The opinion was advanced that most educational institutions know the standards are coming and will not wait for the regulations. However, in the meantime, educational institutions require tools to further accessibility that they can use now. Ideally, these would continue to be relevant once the regulations are enacted. One example was curriculum learning resources provided for schools and teacher education programs via a partnership between the Rick Hansen Foundation and the Nova Scotia Department of Education and Early Childhood Development (Nova Scotia, Education and Early Childhood Development, 2021).



Other developments include Universal Design for Learning (UDL) and Culturally Responsive Pedagogy (CRP) modules for post-secondary faculty which were developed by the Social Equity Working Group through the Department of Advanced Education, and the Accessibility Teaching and Learning Guide developed by the Post-Secondary Accessibility Working Group. The Department of Advanced Education's Post-Secondary Accessibility Services coordinated multiple meetings with private career colleges to provide information and support around accessibility, including a guide for admissions staff on navigating conversations with students with disabilities about program expectations and students' needs. The Department of Education and Early Childhood Development provides professional learning and resources in inclusive education to the Regional Centres for Education and CSAP.

f. A directly related issue: Assessments and accommodations

A particular detail that was flagged as needing more attention in accessibility standard development for education was related to barriers to formal assessments and diagnoses currently required to access accommodations. There are significant financial barriers to psycho-educational assessments and diagnostic tests for learning disabilities, attention deficit hyperactivity disorder (ADHD), autism, and other neurodivergences. A lack of assessment specialists and services in publicly funded schools has led to late or no diagnosis for many young people. The costs of assessments through private clinics for children and adults was cited as prohibitive for many people and families.

Across the education system, a documented medical diagnosis must be provided for students to receive educational supports. We learned from postsecondary current and former students, faculty, and accessibility services staff and administration that this requirement poses a significant accessibility barrier to many students. The range of accommodations being offered in the education system were viewed as limited; reflecting deficit-based medical understandings of disability and focusing primarily on 'extra time'. The definitions of disability guiding existing accommodation policies and practices were viewed by many consultees as restrictive and exclusionary.

The standard on built environments

a. Scope

In 2018 the Government committed to the development of an accessibility standard in built environment. The Built Environment SDC was appointed by the Accessibility Advisory Board in 2019. The Built Environment SDC is responsible for developing recommendations related to the prevention and removal of barriers to accessibility within the "human-made space in which people live, work, learn and play and includes buildings, rights-of way, and outdoor spaces" (Built Environment SDC, 2020). Federal infrastructure is beyond the SDC mandate.

Like the Education SDC, this committee developed recommendations in two phases: initial recommendations in Phase I were related to gaps in existing codes and approaches, followed by technical recommendations in Phase 2. The Phase 2 draft recommendations were shared for public engagement via a series of nine online group discussions. 64 people representing different sectors from across the province participated in the discussions.

Recommendations are made in the areas of accessible parking, exterior design, interiors, wayfinding and signage, parks and recreation, schools and public libraries, and housing. A range of instruments are suggested for implementing the recommendations, including policy, regulations, administrative order, guidelines, financial incentives, and support

programs. In developing the recommendations, the SDC drew on existing work by the Canadian National Standards Association, the Rick Hansen Foundation, and the *Americans with Disabilities Act* (Built Environment SDC, 2020).

b. Gaps

During the consultations the review team received feedback from representatives of the construction industry and builders' organizations and associations as well as municipal and provincial government employees, planners, and engineers about the importance of ensuring that the guidance for builders and inspectors is clear. Several people expressed concern that the introduction of a new, separate accessibility standards for built environments may have the unintended effect of tokenizing accessibility. They advocated instead for a unified and consistent approach to regulations in the built environment that would support accessibility, could be easily interpreted and enforced, and had "teeth".

When people spoke of built environment accessibility standards, they often referred to the *Building Code* as an obvious example of how standards could be implemented, monitored, and enforced. The actual practice of enforcement of compliance with the built environment accessibility standards, however, is more complex. As one member of the Compliance and Enforcement Working Group noted, the accessibility of the bathroom is only part of the issue, you also have to make sure there is a clear path to and from the bathroom. While a lack of wayfinding or the obstruction of a path is not necessarily a violation of the *Building Code*, it could potentially be a violation of regulations introduced by the *Act*.

In the *Act* review consultations housing and leisure and recreation emerged as two significant points of discussion. The issues raised related to these areas are considered below.

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What we were learning about the built environment as well is that there's got to be some regulatory authority under an Accessibility Act that can articulate the expectations and the parameters around these things, and then, of course, the width of the door, or the height of the whatever can be articulated and determined in the Building Code. But the actual philosophy around what you're trying to achieve, it cannot fit in the Code. That is not the role of the Building Code.”

**COMPLIANCE AND
ENFORCEMENT WORKING
GROUP MEMBER**

i. Accessible spaces for living: Housing

Affordable, accessible housing and adequate financial assistance to pay for it were cited as basic need of people with disabilities that must be met. Some focus group respondents indicated that housing takes priority over the other areas in which accessibility standards are being developed or may be developed in the future. Affordable accessible housing includes a range of physically accessible dwelling types (e.g., single-detached or semi-detached houses, apartments, etc.) with in-home support for those who need it, and supportive housing¹².

A major housing issue identified during the consultations is the lack of apartment buildings that have working and accessible elevators, especially in rural communities. While the lack of elevators poses a barrier to accessible housing for people with disabilities across the life span, the aging of the general population and other social and demographic

¹² Supportive housing tends to involve two or more people living in the same dwelling unit or near to one another in the same housing complex, with the on-site assistance of an attendant or other personal support worker whose service may or may not be needed full-time. Supportive housing is often used by people with intellectual disabilities and people with significant or complex care needs – whether young or old – so they can continue to live as independently as possible in the places they call home.

changes have increased the number of older adults seeking rental opportunities, including in multi-unit, multi-level residential buildings (apartment buildings). Stairs pose a physical barrier to older people with mobility challenges. Statistics Canada reports that in 2021 approximately 22% of Nova Scotians were over the age 65 (Statistics Canada, 2022b). Demographic trends suggest the percentage of older people will continue to increase.

A lack of accessible and appropriate rental housing options in the form of apartment buildings with accessible elevators means that older people and people with disabilities will increasingly reside in potentially unsafe environments, where they may be at risk of falls or social isolation, or in environments that are inappropriate because not of their choosing (Department of Justice Canada, 2021).

Many people we engaged in the review consultations shared their frustration about the ongoing housing crisis in Nova Scotia, and their view that the recommendations on housing in the *Accessibility Act* and the Built Environment Standard recommendations do not go far enough. The exemption of residences with four or fewer residential units in the *Accessibility Act* may make sense for densely populated communities where multi-unit residential buildings with 20, 50 or more units are common. However, in many communities in the province, smaller buildings are the norm. The recommendation to exclude small buildings from accessibility requirements reflects insufficient consideration of rental housing realities in municipalities where such buildings are the norm.

As well, increasing housing costs and decreasing availability have meant that Nova Scotians with disabilities have even fewer choices about where to live. Requiring that all residences be adaptable (i.e., readily convertible to fuller accessibility) would provide a way of preventing and removing barriers to housing. Any initial costs associated with making existing and new housing adaptable would be a good investment and would support aging in place. Financial incentives for adapting buildings with four or fewer residential units could be one tool for offsetting the initial costs to the building owners.

Promising directions exist. Government showed leadership in offering grants to support affordable and accessible housing exist (see <https://housing.novascotia.ca>). Municipal Affairs and Housing has several initiatives that are worth noting. The first is the Affordable Housing Demonstration Projects Initiative, which requires projects to meet National Building Code of Canada accessibility standards. The second is the Public Housing Accessibility Improvement Program, which created 25 upgrades to public housing units that met Nova Scotia Building Code barrier-free standards.

a) The importance of financial incentives

All groups we consulted described financial incentives to improve the accessibility of built environments as valued and important. They acknowledged the incentive for business and non-profits through the Business and Community

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“Housing, apartments, even some of the older, long term care homes and seniors’ residences...have all kinds of accessibility issues which limit the ability of those people to live where they’ve always lived. If they’re in the third story of a walk-up apartment with no elevator, and it becomes difficult for them to get around, they’re forced to move, even though they’ve lived in that community for 30 years.”

**INDIVIDUAL FROM
AN ORGANIZATION
REPRESENTING
OLDER ADULTS**

“There is a strong correlation between mental health and homelessness. People working in the housing sector don’t necessarily have a strong understanding of the impact of mental health.”

**INDIVIDUAL FROM
AN ORGANIZATION
REPRESENTING PEOPLE
WITH DISABILITIES**

ACCESS-Ability Grants offered by the Department of Communities, Culture, Tourism and Heritage (2022). However, interview and focus group participants added that such incentives should also be available to homeowners, landlords and renters to prevent and remove barriers in the places where people live. Ideally the incentives would be broad enough to address issues beyond only the physical accessibility of built environments. This would include, for instance, the proximity of affordable, accessible housing to community transportation, shops, other amenities, and the availability of affordable in-home support services.

b) Housing as a separate area for an accessibility standard

Several respondents suggested that work to remedy systemic discrimination could benefit from an accessibility standard specifically for housing. At present, housing is included in the Phase I and II recommendations for the Built Environment Standards but requires revisiting and further development.¹³ While built environmental design and associated standards and regulations clearly do matter, equally important are questions of affordability, attainability, and appropriateness. The importance of such issues may be clearer in the case of people who use mobility devices such as wheelchairs and scooters. However, the issues are also critically important for people with other, less readily imagined disabilities such as arthritis, chronic pain, vision disabilities, psychosocial, psychiatric or mental health disabilities, episodic disability, severe allergies, or environmental sensitivities. Other issues singled out for attention were the general public's need for a better understanding of legal rights and obligations under existing laws, such as the *Tenancy Act*. Rather than leaving affordable and accessible "housing" (broadly conceived) as a priority issue mainly for the built environment standard to address, a broader conception of housing may be better addressed by a new accessibility standard in that area.

People consulted maintained that an accessible housing standard would make it possible to leverage the structures, processes, relationships, and expertise related to the *Accessibility Act* to support the remediation of existing buildings and to configure other support arrangements. In reference to an accessible housing standard, people with disabilities, accessibility experts, technical experts and appropriate government representatives could meaningfully engage in developing specific commitments, guidelines, and regulations to realize the Government's commitments to deinstitutionalization and to accelerate solutions to the present lack of affordable, accessible housing in this province. Oversight of an accessibility standard for housing could be located with the Department of Justice, along with oversight for rights-related work on independent living and other human rights issues. Such a move would carry forward the intentions of the *Accessibility Act's* amendments process to reframe accessibility as a human right.

How best to address housing for people with disabilities will require further consideration moving forward. It was pointed out in the consultations as a particularly important issue to "get right", given the Province's commitment to remedy

13 At the time of the present review, two phases of recommendations for the Built Environment Standards were approved and posted publicly; both included recommendations related to housing.

- Phase 1 recommendations include a requirement for visitable housing and the development of an accessible housing guide and programs that raise awareness of and incentivize citizens, developers, and not-for-profits. In the Act it says that owners of residences that include three dwellings or less are not subject to accessibility standards.
- The Phase 2 recommendations include a requirement that in buildings with four or more residential units or that are three or more stories high, must be adaptable. Buildings with 20 or more units must have at least one accessible unit and in buildings with 50 or more units at least one in 50 units must be accessible. Accessible units must have roll-in showers. Another Phase 2 requirement is that, within one year of the standards coming into effect, the Province must work with the Accessibility Directorate to develop a solution to the lack of accessible and affordable housing in Nova Scotia. One potential response could be to require that all new residential construction be adaptable, regardless of the number of units.

systemic discrimination against people with disabilities who are institutionalized solely due to their needs going unmet in the community¹⁴ Focus group participants underscored that making housing a priority and devising an accessibility standard for housing would be useful practical measures for supporting deinstitutionalization in the province.

c) Detailed access consideration for people living in residential care

In a focus group session with disability activists living in residential care homes, participants described the importance of ensuring that modifications are made to built environments to remove barriers. However, these would not be celebrated as successes until it was clear that the barriers had been removed for *all* people, and that the modifications did not create new barriers. The example was provided of automatic electric sliding doors: these can make it much easier to enter a building, but only if there is not a large lip on the track where the door meets the floor, which can be difficult for some users of wheelchairs and other mobility devices to get over without assistance.

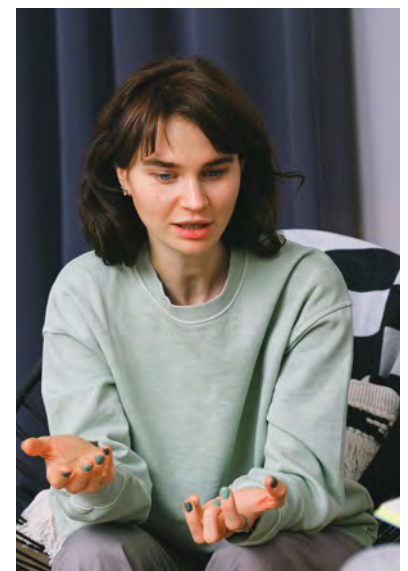
Nova Scotia is making significant investments in continuing and long-term care. Attention to accessibility is visible in two recent initiatives by Seniors and Long-Term Care. The first is in funding application guidelines for long-term care organizations seeking support for physical modifications to the built environment. The second is in the inclusion of accessibility requirements in its Space and Design standards guiding construction of new facilities beginning 2022-2023. To date, attention to accessibility beyond the built environment in continuing and long-term care was less apparent.

d) The need for alternatives to residential care

Focus group participants also talked about the urgent need for supportive housing options outside of long-term care and other residential care facilities, regardless of whether this is led by Nova Scotia Health, the Department of Seniors and Long-term Care, or the Department of Community Services. The participants discussed their frustration with the present lack of alternatives in the province.

e) Leveraging Nova Scotian expertise on accessible housing and other built environments

In the consultations, provincial and local disability community groups emphasized their interest, capacity, and existing work to provide education and training related to disability and accessibility. That work is grounded in the obligation to protect and promote the dignity and human rights of people with disabilities. Similar training with a focus on built environments is offered through organizations such as the Rick Hansen Foundation, but for a fee and which targets mainly planners, architects, and engineers. Consultees pointed out that it would make sense for the government to support training and education that is free and led by community based First Voice in Nova Scotia on this province's *Accessibility Act* and related pieces of legislation, regulations, and standards.



¹⁴ Disability Rights Coalition v. Nova Scotia (Attorney General), 2021 NSCA 70. Retrieved from <https://decisia.lexum.com/nsc/nsca/en/514014/1/document.do>
Supreme Court case number 39951, Attorney General of Nova Scotia representing Her Majesty the Queen in Right of the Province of Nova Scotia (including the Minister of Community Services and the Minister of Health and Wellness) v. Disability Rights Coalition

ii. Accessible built environment and accessible spaces for recreation and leisure

The people we spoke with for this review identified recreation and leisure as important areas of life. Recreation does appear in the *Government of Nova Scotia's Accessibility Plan 2018-2021* and achievements are noted in accessibility improvements to provincial parks, beaches, and sports fishing.

a) A complex area for accessibility

The subject of accessible recreation and leisure is complex when viewed in light of the *Accessibility Act* because several standards are implicated. These include the accessibility standard for the built environment for the physical spaces people need for recreation and leisure activities, the accessibility standard for information and communication about the recreational opportunities, programs, spaces, and services that are available, and the standard on accessible services to guide the activities of staff who serve people in recreation and leisure spaces and programs. The accessibility standard on employment will be relevant to the people who work in recreation and leisure spaces and programs, as will the standard on accessible transportation so people can get to and from their recreation and leisure activities and their employment in that sector. The accessibility standard on education could be invoked to ensure college curricula on community recreation and university programs on recreation and leisure give some attention to issues of disability and accessibility while also ensuring that those postsecondary programs are themselves accessible.

The Accessibility Advisory Board's built environment standard recommendations touch on the area of accessibility of parks and recreation. Many municipal accessibility plans point to recreation and leisure as areas where improvements have been made and where there will be focused attention for continued improvement. People we consulted celebrated accessible and equitable community, sports, and athletic programs, and similar initiatives that are community driven and led. Such initiatives are positively impacting the lives of the people we consulted and support social solidarity and cohesion.

“

There are lots of things in the community I want to go to but then I worry about whether an interpreter will be there, and will the interpretation be clear, or will I have to ask for clarification to understand what is going on? It is all on me and I feel uncomfortable and there are very few qualified interpreters in the area. Sometimes groups will bring in interpreters that are students who are just learning to interpret, and the sense is then that this is better than nothing at all and I should be grateful to have anything.”

**DEAF COMMUNITY
MEMBER**

b) Persisting barriers

While recreation and leisure are important, the people we consulted also indicated that these areas are not currently being addressed as effectively as they could be under the *Accessibility Act*. The review team learned about persisting barriers to the accessibility of built environments at municipal parks, and school playgrounds. These barriers prevent children and parents with disabilities from enjoying the communities in which they live on equal terms with others.

Respondents also described barriers that prevent people from accessing and benefiting from gyms and health and wellness centres. Aside from physically inaccessible facilities, barriers also stem from a lack of attendant care or personal support workers to facilitate engagement, the prohibitive costs of entry passes and memberships, and the

inaccessible locations of facilities when located on the outer edges of communities that lack easy access to public transit – *accessible* public transit in particular.

Further complicating matters is the lack of adaptive fitness and other equipment at these centres for people who use mobility devices, the lack of readily available, affordable and quality interpreter services for people who are d/Deaf and hard of hearing, and attitudinal barriers shaped by ableist assumptions and disability stigma.

c) An area for a separate accessibility standard?

The perceived importance and success in furthering the accessibility of spaces and opportunities for recreation and leisure raises the question of whether this area should be a distinct one and covered by its own accessibility standard. If perhaps something to consider moving forward, at the very least the positive developments and learnings in this area may offer valuable insights and lessons that can be applied in work on other accessibility standards.

The work of the Accessibility Advisory Board

The Accessibility Advisory Board is responsible for advising and making recommendations about accessibility to the Minister of Justice. Specifically, the Board is to:

- Set long-term accessibility objectives for furthering the purpose of the *Act*,
- Set priorities for establishing accessibility standards and their content, and timelines for implementation,
- Suggest measures, policies, practices, and requirements for the Government to consider implementing to achieve accessibility,
- Assess whether existing measures, policies, practices, and requirements are consistent with the purpose of the *Act*, and
- Respond to requests for accessibility advice from the Minister.

Established in 2018, the Board consists of 12 members, appointed by the Governor in Council on the recommendation of the Minister. The majority of Board members must be persons with disabilities. In selecting Board members, the Minister is to consider the skills and assets necessary to ensure the effectiveness and optimal functioning of the Board and representation by groups that will be subject to accessibility standards.

The Board is led by a Chair and Vice Chair. Terms for Board members are for three-years and only two terms can be held consecutively. The Board must meet at least four times over 12 months, deliver a summary report to the Minister after each meeting, meet with the Minister at least once a year, deliver an annual report of activities to the Minister, and make all Board reports publicly available.

Prior to COVID-19, Board meetings were typically held in person for one day every three months. During COVID-19, the meetings occurred online, and the frequency increased to a three-hour meeting every month. Accessibility is prioritized in Board meetings, although several members described opportunities to continue to improve the use of plain language materials that are as one member noted, “actually plain language”. A consensus approach has been

used in Board decision-making. The overall accessibility of the meetings and the consensus approach to decision-making are features that several of the Board members we consulted said they appreciated.

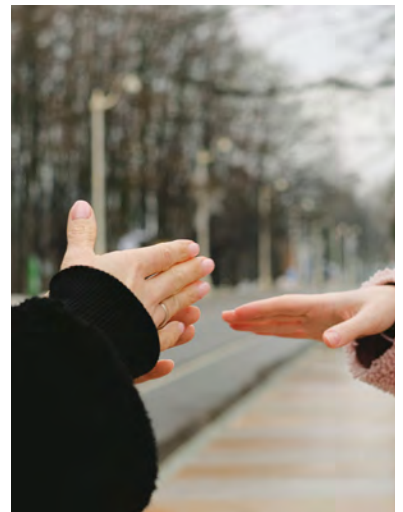
Little awareness of the Board and its work

Interviews conducted for the present review and an examination of Board outputs, including meeting minutes, highlight opportunities the Board has considered for improving current structures and processes for better alignment with the objectives of the *Accessibility Act*. Interviews and other evidence suggest that the Board provides a valuable mechanism for connecting government with civil society, academia, and industry, and for benefiting from the perspectives of diverse people with disabilities.

In Section VI.C.3 we provide details on how consultees assessed the effectiveness of the Board. However, based on our consultations, there appears to be very little awareness of the Board either within or beyond government. Communication with disability communities and the general public about the Board's work has been limited. First Voice accessibility advocates and cross-disability community members who were aware of the Board described how even its limited communication with the public could be improved. For instance, reports about Board activities are posted on the website several months after a Board meeting. It was urged that meeting reports should instead be posted within 30 days. As well, consultees critiqued the content of the Board's reports as "vague" and as needing more clarity on the actions and intended impacts that the Board has discussed in relation to the *Act*.

A potentially major and important role

It was pointed out in the consultations that the Advisory Board *could* play a very significant role in furthering work to make the province more accessible. The Board's mandate involves selecting standards committee members and engaging in a range of activities related to recommendations for priority setting for accessibility standards and for establishing details on their content, implementation, and review. It was pointed out that, as such – potentially, at least – the Board has a quasi-decision-making role and does not sit in merely a reactive, purely "advisory" capacity.



General appreciation

Consultees expressed general appreciation for some of the specific priorities and activities of the Accessibility Advisory Board. For example, in its 2020–2021 workplan the Board made a priority of COVID-19 and the impact the pandemic was having on people with disabilities. The Board was responding in part to a report by the Directorate entitled, *Responding to the Needs of Nova Scotians with Disabilities*. That report encouraged Government to continue making a priority of COVID-19 and its fallout for people with disabilities and to monitor the barriers that Nova Scotians with disabilities were experiencing because of the pandemic. The Board also recognized that COVID-19 was affecting the timelines for prescribed public sector bodies to set up their accessibility advisory committees and develop their accessibility plans under the *Accessibility Act*. The Board supported a one-year extension to these deadlines. The Board also made contributions in the media to increasing public awareness and knowledge about disability rights. Consultees urged

that such work of the Board should be encouraged and increased, with the Board taking on a more central role in communication related to the Act.

Other consultation findings on the effectiveness of the Accessibility Advisory Board are presented in Section C.3.

Effectiveness of the standards development process

The current timeline for guiding accessibility work has been published in *Access by Design 2030* (discussed below). That document specifies that six accessibility standards are to be developed and implemented in stages in the 13 years following the proclamation of the *Accessibility Act*.

Many feel “out of the loop”

There was widespread recognition in the consultations that the standards development and implementation process cannot be rushed. However, that recognition was offset by a similarly widespread sense that people shared about feeling “out of the loop” and simply not knowing what was happening.

Indeed, many people who were consulted for the present review seemed unclear about the status of the accessibility standards that have been developed to date. For instance, two standards recommendations (built environment and education) were submitted to the Minister of Justice for consideration in 2020. However, the Department of Justice's Business Plan for 2022-2023 mentions that, for that fiscal year, the Department was anticipating “the enactment of the first accessibility standard, built environment” and that the remaining five standard areas will undergo “continued development”, along with the compliance and enforcement framework and efforts to raise public awareness on accessibility (Nova Scotia. Department of Justice, 2022f, p. 6). Such details were not widely known by the people we consulted and should be better communicated. So should the reasons for the delay in ratifying the standard on education.

In the interviews some government representatives suggested there is a need for shorter timeframes for the development through implementation of accessibility standards, which would include details on compliance and enforcement of the standards.

Other people we consulted expressed the view that, at the present pace and with the present level and forms of support for the development and implementation of standards, current processes are ineffective and need to be changed.

Effectiveness of consultations and community engagement in developing accessibility standards

People consulted for this review often characterized the Directorate's relationships with communities as strong and valued where the Directorate has such relationships. There were mixed assessments of the steps that were taken to ensure the equitable participation of First Voices in consultations on the development of standards, accessibility plans, and other aspects of implementing the *Act*. These assessments ranged from positive responses to the presence of American Sign Language (ASL) translation and captioning services, to criticisms of the short notice provided for the sessions and inappropriate facilitation approaches that did not meet the requirements of some

people with disabilities. Disability organizations, businesses, and industry representatives also expressed their views that racialized, Indigenous, 2SLGBTQQIA, and other diverse communities have not been well represented in the engagement activities to further the implementation of the Act.



C. Access by Design 2030

Access by Design 2030 is both a strategy and a strategy document that lays out priorities and actions within a framework for achieving an accessible Nova Scotia by 2030 (Nova Scotia. Department of Justice, 2018). The work is to be guided by:

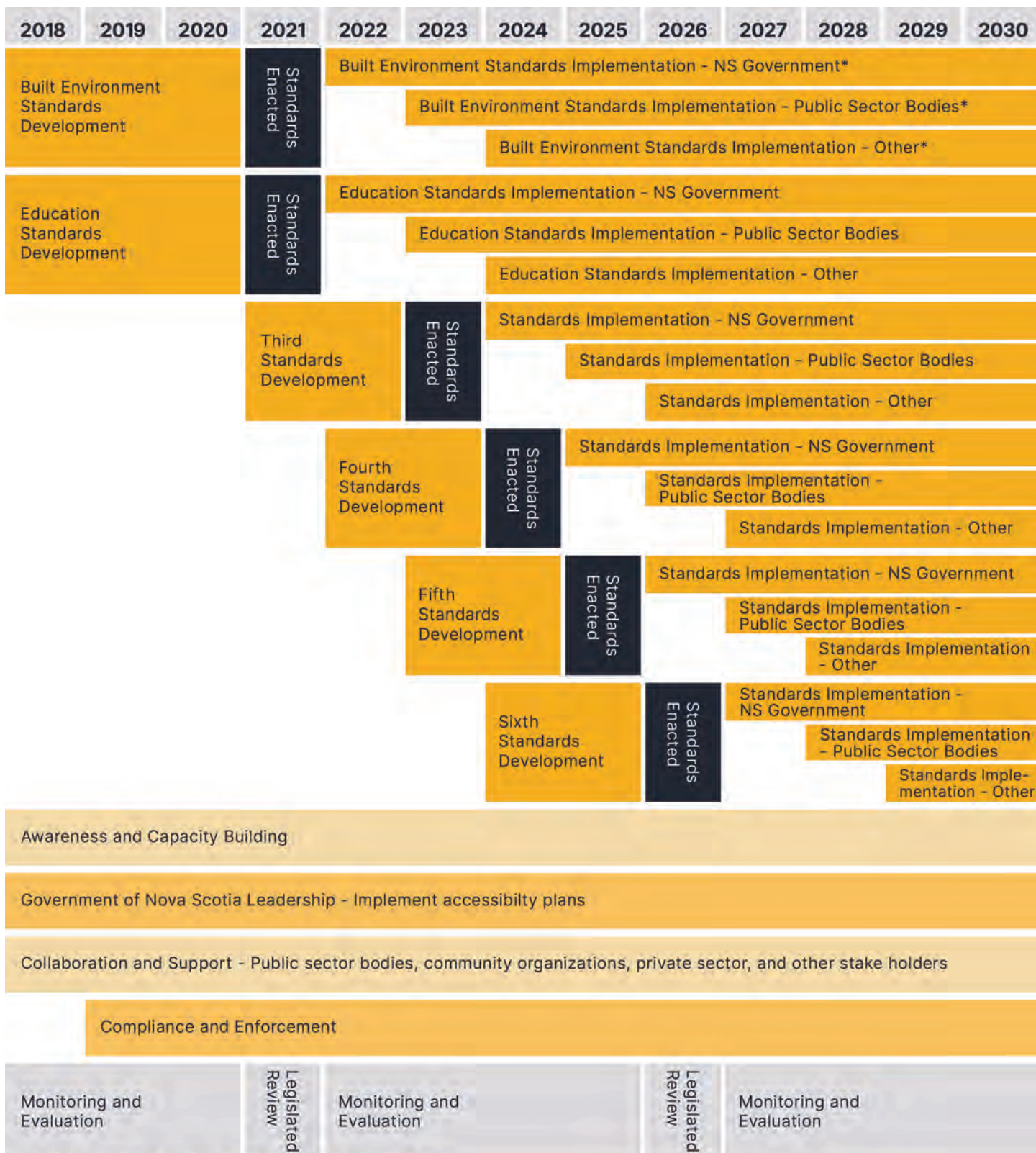
- Principles of **human rights and social justice**.
- **Engagement and collaboration**, guided by the experiences of people with disabilities, supported by existing community-based programs, and through the development of collaborative, cross-sectoral initiatives.
- **Coordination and harmonization**, to align accessibility initiatives and strategies across organizations and all levels of government, and to integrate current practices.
- **Innovation and modernization** in the development of initiatives and the allocation of resources.

Key actions for Government and its partners to take in achieving an accessible Nova Scotia are:

- **Developing and implementing accessibility standards** to prevent and remove barriers to accessibility for people with disabilities. Areas for standards development as laid out in the *Access by Design* document are the built environment, education, employment, goods and services, information and communication, public transportation and transportation infrastructure, and other areas if prescribed in the *Accessibility Act*.
- **Increasing awareness** about the rights of people with disabilities and the barriers they experience and **building capacity** in accessibility.
- **Fostering collaboration and support** with partners and interested and impacted groups to ensure accessibility and the rights and needs of people with disabilities are central to policy development, and program development and delivery.
- Establishing processes to ensure **compliance and the enforcement** of accessibility standards and the Act.
- Establishing and implementing processes for the **monitoring and evaluation** of accessibility standards and initiatives to foster improvements.
- For the Government of Nova Scotia to lead by example as a model for accessibility, by preventing and removing barriers to accessibility in Government programs, services, policies, and infrastructure.

Figure 4 provides an overview of phasing in of work on the accessibility standards, key milestones to be achieved, and timelines.

Figure 4: Timelines for Access by Design 2030.



*Implementation timelines will vary by standards area

We asked people consulted for this review if they were familiar with *Access by Design 2030*. Nearly half (48% – 153 respondents) said they were and another 10.3% (33 respondents) said they “don’t know” or that they were “not sure”. We took the latter respondents as perhaps having at least some inkling of the document, for a total of 186 people who had some familiarity with *Access by Design 2030*. This leaves more than four in ten (41.7%) who were not familiar with the document.

The document, *Working Toward an Accessible Nova Scotia*, (Nova Scotia, 2018b) includes descriptions of accessibility that were shared in the background consultations that the Government conducted in 2017 and 2018 and which prepared the way for *Access by Design 2030*. In *Working Towards an Accessible Nova Scotia*, an accessible Nova Scotia is described as inclusive and equitable, barrier-free, safe, respectful, educated and aware, and proactive – meaning that accessibility is considered at all stages of developing policies and programs.

In the consultations for the present review, we learned that an accessible Nova Scotia would be a province in which everyone in the province would be informed about disability-related accessibility barriers from diverse First Voice perspectives and would know about – and would be able to access the resources – that are available to prevent and remove barriers. An accessible province would be a province where all Nova Scotians are meaningfully engaged in preventing and removing these barriers. In that context, access to information is crucial to promoting the right of people with disabilities to equal participation in society and to be treated with dignity and respect.

Information and communication issues

However, ensuring equitable access to information about accessibility is one of the key challenges that was identified in the review. Not everyone has the same access to information about barriers, or information about ways of preventing and removing barriers, or information about the resources that are available to help address barriers, or how to access the information that may prove useful.

For instance, in one of the focus groups we facilitated, people who identified as d/Deaf or hard of hearing described their experiences of learning to expect barriers, and of being expected to be the ones who will prevent and remove these barriers, often at personal and financial cost. They reported that information about communication barriers is seldom offered because the society in which they live was designed by hearing people for hearing people.

Other difficulties with communication were provided by others identifying as individuals with disabilities and as representatives from organizations, institutions, and businesses. They described not knowing about accessibility boards and committees, standards, resources, and opportunities to provide input.

Clearly, good information that is properly communicated is needed to support informed decision-making among diverse interested and impacted groups about how best to move forward to make Nova Scotia more accessible. And if accessibility is to be considered an essential consideration at all stages of developing a program or policy,

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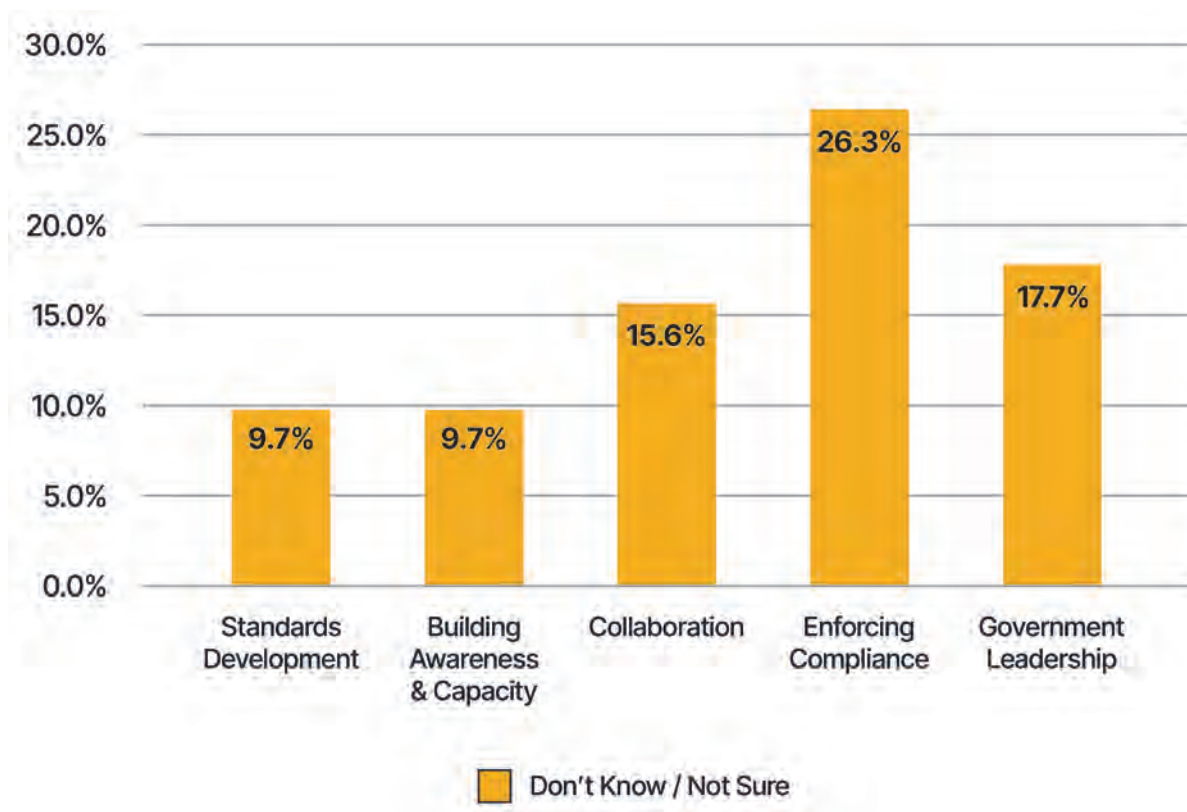
“Get the architects, but you also need the lawyers, you need the information professionals, the communications specialists, the policymakers; it really is all of us. And I think that’s one of the strengths and the Accessibility Act is the breadth of the definition of accessibility. It’s not so broad that you don’t know what it means, like the meaning is not lost, and there’s still something of substance there. But the breadth is sufficient to really encompass all the places where accessibility might show up in a person’s life.”

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consideration must also be given to how information about that program, policy, piece of legislation, or other measure is communicated.

Figure 5 shows the degree to which people who said they had some familiarity with *Access by Design 2030* also said they did not know or were not sure about the level of progress that has been achieved in five key areas of the strategy. More than a quarter (26.3%) of long-form survey respondents reported a lack of clear knowledge about progress in enforcing compliance with standards. More than one in seven reported a lack of clear knowledge about progress in furthering collaboration (15.6%) and more than one in six (17.7%) about the Government's leadership. About one in ten said they did not know or were not sure about progress in furthering accessibility standards or building awareness and capacity (both at 9.7%).

Figure 5. Percentages of total respondents (N=186) who have some familiarity with *Access by Design 2030* but did not know about or were not sure about progress.



Not surprisingly, then, a general recommendation that was mentioned several times throughout the consultations was to better inform people. Clear communication was cited as crucial to managing expectations. It was suggested that enhanced communication could be achieved in part by maintaining the *Access by Design 2030* priorities and timeline and by establishing concrete, short-term goals and actions towards meeting those priorities and timelines. It was urged that information about the shorter-term goals and actions should be publicly reported on annually. It was conjectured that these goals and actions may well be guiding the accessibility work of various organizations with responsibilities under the *Accessibility Act*, but it was observed that such details are not currently shared with the public.

Collaboration

Collaboration is a key feature of *Access by Design 2030*. An integrated collaborative approach across Government is crucial to ensuring effective resource use and efficient processes.

The Government has established several strong collaborations with universities and colleges. For example, in 2018 the Province, Nova Scotia Community College and Rick Hansen Foundation partnered to deliver the Rick Hansen Foundation Accessibility Assessor Training Course (Rick Hansen Foundation, 2023). The training was available to relevant government staff and many PPSB representatives with responsibilities related to the built environment identified they were certified assessors. Other related developments include a partnership between the City of Halifax and Rick Hansen Foundation to redevelop the Cogswell District to adhere with leading knowledge in accessibility and inclusivity. The Directorate is also working with Rick Hansen Foundation and Dalhousie's School of Architecture and Planning to establish a national benchmarking tool to measure the benefits of the assessor training. These initiatives have increased knowledge about accessibility and assessor capacity in Nova Scotia and are laying the foundations for monitoring and evaluating impact.

Other examples include ongoing work with the Planning for Equity, Accessibility and Community Health or PEACH Research Unit, the Quality of Life Index Capstone Project with Engage Nova Scotia and work the Province is leading in developing a responsive restorative justice approach in collaboration with the Restorative Lab, all at Dalhousie University.

We also learned of collaborations with municipalities, libraries, non-profits and others, as previously referenced in the section on monitoring and evaluation.

Progress in five key areas of *Access by Design 2030*

Those we consulted who did have opinions about progress achieved in the five priority areas for *Access by Design 2030* generally indicated that some progress has been achieved (Figure 6). The area where this is not the case is for enforcing compliance with accessibility standards, where 53.3% of long-form survey respondents said no progress or not much has been achieved. Another area flagged as where dubious progress has been achieved is in governmental leadership by example, for which 42.5% said there had been little or no progress. The more encouraging areas were standards development, building awareness and capacity, and collaboration, where roughly three quarters of those who had opinions said that least some progress has been achieved, with roughly a quarter indicating that quite a lot or even a great deal of progress has been achieved. Table 1 provides those details for Figure 6.

Figure 6. Opinions on progress achieved in five key areas of the Access by Design 2030 strategy among respondents who had an opinion (N=from 137 to 168, depending on the question).

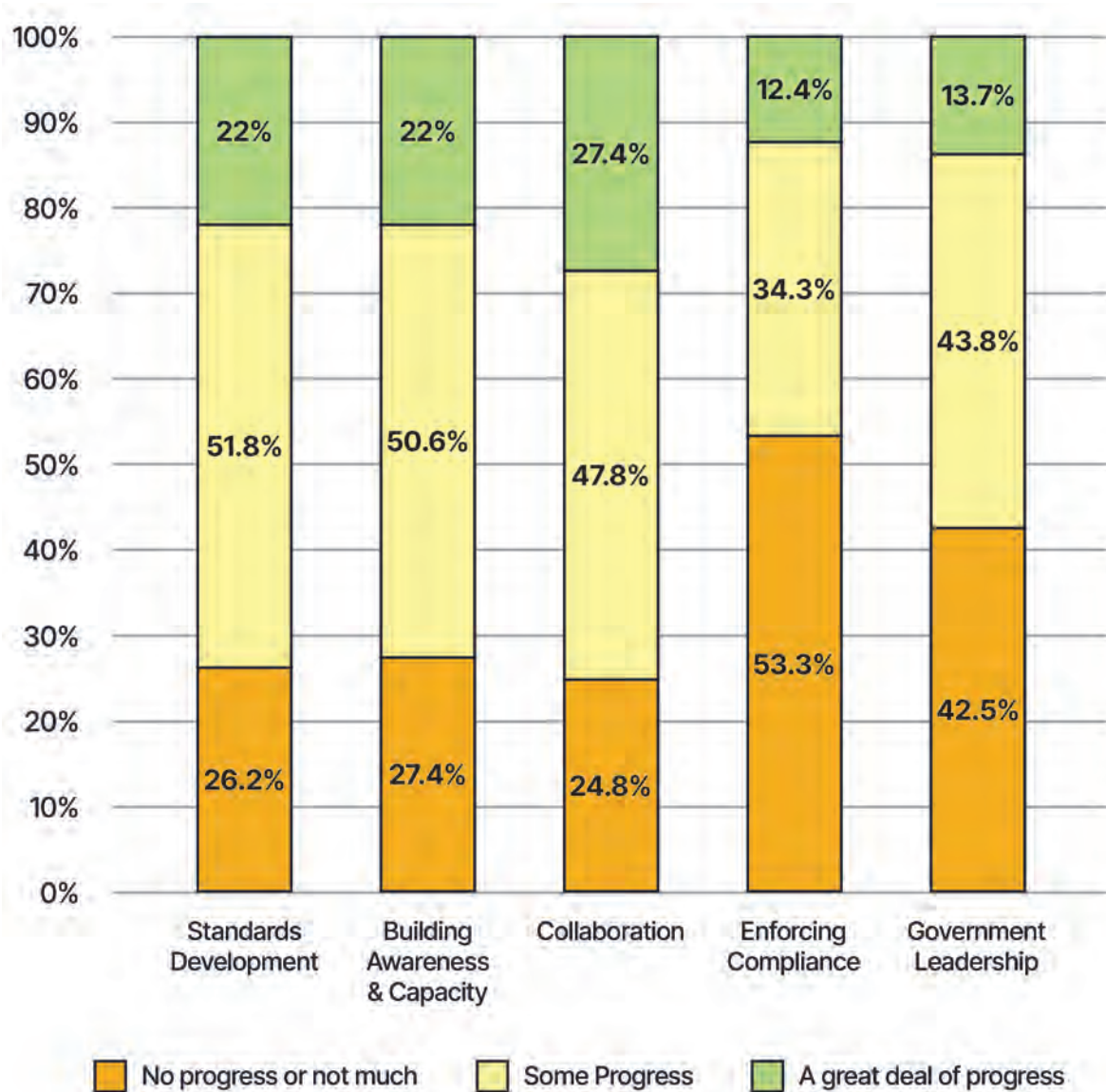


Table 1. Perceived progress in achieving five key objectives of Access by Design 2030 (among respondents who had an opinion).

Level of progress	Standards development	Building awareness and capacity	Collaboration	Enforcing compliance	Government leadership by example
None	4.8%	4.8%	6.4%	16.1%	11.8%
Not much	21.4%	22.6%	18.5%	37.2%	30.7%
Some	51.8%	50.6%	47.8%	34.3%	43.8%
Quite a lot	17.3%	17.3%	21.7%	11.7%	11.8%
A great deal	4.8%	4.8%	5.7%	0.7%	2.0%
Total %	100.0%	100.0%	100.0%	100.0%	100.0%
Total N	168	168	157	137	153

Implementation of the *Government of Nova Scotia Accessibility Plan 2018-2021*

The inaugural *Government of Nova Scotia Accessibility Plan 2018-2021* (Nova Scotia, 2018a) set the stage for accessibility planning in the province. Under the leadership of the Directorate and the Department of Justice, the plan laid the foundations for the government's approach to "leading by example" a priority identified in both the Act and *access by Design 2030*. In developing the plan, government departments and employees with disabilities from across government were engaged in identifying commitments that would advance work to include accessibility in the work of the Government.

The Government's first plan made accessibility commitments in five priority areas: a) awareness and capacity building; b) information and communications; c) buildings, infrastructure, and public spaces; d) employment; and d) the delivery of goods and services. Eight departments were involved in leading those commitments: Justice, Communications Nova Scotia, Public Service Commission, Labour and Advanced Education, Labour, Skills and Immigration, Service Nova Scotia Internal Services, Fisheries and Aquaculture, Public Works and Executive Council Office.

In our consultations with government employees, we learned of promising developments in Government support for accessibility and equity in its own workplaces. We also learned about positive moves towards government-wide accessibility of the Government's own customer services, where the work is in-process. The Public Service Commission and the Office of Equity and Anti-Racism were identified as currently and potentially playing a key role in advancing accessibility agendas across government. These units have the potential to build internal capacity to

enhance accessible workplaces and service provision, and to ensure that disability and inclusion are included in policy efforts to enhance and promote equity in the province.

The Government also enhanced the accessibility of its website so that it aligns with international best practices and guidelines such as the WCAG 2.0AA.¹⁵ This is a significant step forward and a strong display of leadership in communication and information. Related achievements include the creation of tools to support document accessibility, improvements in government employee access to assistive devices, and the implementation of best practices for virtual communications. Other successes were in the improvements to provincial parks, beaches, and campgrounds that consultees cited throughout the review as making a meaningful difference in the lives of Nova Scotians. The COVID-19 pandemic made accessibility successes in these areas even more important for ensuring more equitable access to information about government programs and services and about supports and opportunities to enjoy Nova Scotia's natural environment.

The *Government of Nova Scotia Accessibility Plan 2022-2025* was published in mid-December 2022. Twenty-six government departments and agencies worked together on this second plan.

This plan includes reference to the many significant achievements on the commitments identified in the 2018-2022 plan. Intersectionality, and accessibility, equity, diversity, and inclusion are emphasized in the second plan. The stated achievements provide a view to the foundations laid for this approach in the first four years of the Act. Such achievements include the launch of a diversity inclusion strategy focused on senior leaders, "All Together". Other achievements include accessibility training for government leaders and employees, the "Access Includes Everyone" provincial awareness campaign, support for PPSBs accessibility plan development, financial support amounting to almost \$7million for 160 businesses and 275 non-profits and community groups through the Business and Community ACCESS-Ability programs. Grants were also provided to support the creation of municipal accessibility planners and coordinator staff roles, support age-friendly communities, and fund accessible public transit for community organizations. Other achievements include increased accessibility auditing capacity of government staff and accessibility of government buildings and spaces, and a requirement that all new residential buildings have accessibility features and adaptable units. Achievements in Employment and education include tuition waivers for students with intellectual disabilities, creating a position for a Deaf case manager at Nova Scotia Works, employee accessibility training, apprenticeships and interns for people with disabilities and education resources on the intersections of disability and 2SLGBTQIA+.

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"Across various departments accessibility is one of the top key performance indicators for a lot of projects. In forecasting for capital projects, from education to seniors in long term care, accessibility was and continues to be one of the factors that is considered. What makes up the accessibility might vary, and the description or the index that they use to define it, and, and weigh it and read, it might be different, but they are taking into account accessibility, and that's great to see. I think that some of the data that's available for these individuals who are really are trying their best, isn't always the most up to date. Without a greater number of resources that's really kind of the extent of we are at right now."

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¹⁵ "WCAG" stands for Web Content Accessibility Guidelines, which are an international standard for making web content more accessible to people with disabilities. WCAG 2 is developed through the World Wide Web Consortium [W3C] in cooperation with individuals and organizations around the world. (See W3C, 2023.)

This review's long-form online survey closed at the end of June 2022. Responses from participants, including from Government staff who participated on the interdepartmental committees and were involved in the development of one or both *Government of Nova Scotia Accessibility Plans*, suggest a lack of awareness within Government about accessibility achievements that are outside of one's own department. Findings from the review suggest that this is in part due to a lack of information. This may also be due to the way that information is currently being shared. In interviews and focus groups with government representatives we learned from some people that the volume of information that people receive from interdepartmental meetings is at times high.

In consultations with government employees involved with the development of the *Government of Nova Scotia's 2018-2021 Accessibility Plan* that the inclusion of First Voice-identified priorities in the plan was not obvious to everyone engaged in the development of department commitments. This suggests there may be opportunities to improve internal communication about engagement processes, how people and communities were engaged, and how their information was used.

Representatives from several departments also shared their sense of uncertainty about where the funding would come from to fulfill department commitments, especially in situations where accessibility was not already included in their mandates.

The Government's commitment to furthering access to healthcare for the general public is visible in its 2022-2023 Budget. The Government describes it as a "compassionate budget that focuses on solutions to Nova Scotia's most pressing challenges and our most basic needs". Chief among these challenges is healthcare (Nova Scotia, 2022e). For the budget year beginning on April 1, 2022, the total budget of \$13.2 billion was up 6.6% (\$801.3 million) from the 2021-2022 budget (p. 5). The stated priorities are "solutions for healthcare", which include "laying the foundation for mental health, improving access to primary care and investing in long-term care" (p. 1). The Government describes the 2022-2023 budget as providing for the "largest single-year capital funding in the province's history, to provide greater access to modern hospitals and medical equipment, schools, highways, and other improved infrastructure" (p.1). Increased spending for Health and Wellness is anticipated to grow by over \$240 million over the preceding budget year and increases for Seniors and Long-term Care by over \$142 million (p. 40).

Aside from a reduction in the anticipated revenue of \$3 million for HST-related disability tax rebates (Nova Scotia, 2022e, p.40), the summary *Budget* document does not mention spending in reference to people with disabilities on issues of access, human rights, raising awareness and so on. However, the *Estimates and Supplementary Detail* document (Nova Scotia, 2022d) shows planned-for increases in disability-related spending over the previous year's budgeted amounts, as summarized in Table 2.

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"It was good that when the Executive Council Office released guides for department business plans, they said, please include initiatives on accessibility. But when we went to our senior management and said, 'What should we include?' They said, 'That's not within our mandate, so that's, not something we're going to include in our business plan'."

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IMPLEMENTING THE ACT**

Table 2. Differences in budgeted spending (in millions) in Nova Scotia for selected programs related to disability, 2021 – 2023, in millions (Source: Nova Scotia, 2022d).

Department	Program	2021-2022	2022-2023	Diff.	Page
Advanced Education	Post-Secondary Disability Services	\$8.66	\$10.23	\$1.57	3.4
Community Services	Disability Support Program	\$449.59	\$500.85	\$51.26	6.2
Community Services	Disability Support Program Field Staff	\$7.29	\$8.66	\$1.37	6.5 & 6.6
Justice	Accessibility Directorate	\$2.25	\$2.84	\$0.59	14.7
Total		\$467.78	\$522.58	\$54.80	

The largest budgeted increase of the \$54.8 million overall is for the Disability Support program, for which a total increase of \$52.63 million has been allocated. The spending will be largely for community-based, residential, and vocational/day programs (Nova Scotia, 2022e, p. 6.6). The services are for children, youth and adults with intellectual disabilities, long-term mental illness, and physical disabilities and are run by voluntary organizations (Nova Scotia. Community Services, 2022). However, except for the Community ACCESS-Ability Program, which provides cost-shared grants to community groups for accessibility related capital improvements, the services provided under the Disability Support Program are generally beyond the scope of the services to the general public for which the Accessibility Act seeks to improve access. Programming that falls under the Accessibility Directorate will garner an additional \$0.6 million to further provincial work on accessibility.

That said, including explicit reference to accessibility in the summary budget document would help raise public awareness about governmental commitments to accessibility, which in turn could help advance provincial work on the *Accessibility Act*.

In the long-form survey we asked respondents presently working for government whether they were aware of the *Government of Nova Scotia Accessibility Plan 2018–2021*. Of these 69 respondents, most (59.4%) said that, yes, they were familiar with the plan. However, fully a third (33.3%) said they were not familiar with the plan and another 7.3% said they did not

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“In terms of specific resources, dedicated to our commitments to the new plan, we don’t have anything really set aside. We know we can turn to the Accessibility Directorate for guidance, which is great. But if we’re talking about upgrading our physical infrastructure, or upgrading our communications, to make them more accessible we rely on other departments that are weighed down trying to do this for every other department, right? So, the resources aren’t necessarily always there to get the work done, or it’s a matter of waiting and waiting until that can become a priority.”

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INTERDEPARTMENTAL
COMMITTEE MEMBER**

know whether they were familiar with it. As with respondents for other aspects of implementing the *Accessibility Act*, sizeable percentages of people who said they knew about the Government's own Plan said they did not know about whatever progress has been achieved in furthering governmental priorities in the areas of accessibility awareness and capacity building (15.9%), the accessibility of information and communications (15.9%), ensuring the accessibility of buildings, infrastructure, and public spaces (13%), the delivery of accessible goods and services (27.5%), and overall progress towards fostering greater accessibility (18.8%).

The high rates of not knowing left very small samples of government respondents who were in a position to provide opinions about progress in the above-mentioned areas. Figure 7 shows the results, which should be treated with caution owing to the small samples. Table 3 provides details for Figure 7. Overall, the figure shows that respondents who had opinions felt that some progress has been achieved in all areas. However, there appears to be substantial room for improvement, particularly on matters that fall within the scope of present standards (e.g., accessible buildings, infrastructure, and public spaces) and future standards (i.e., accessible employment, accessible information and communications, and the accessible delivery of goods and services). That said, 75.9% felt that awareness and capacity on issues of accessibility have improved and 71.4% felt that progress has been achieved overall.

Figure 7. Opinions of respondents presently working in Government who had an opinion on progress achieved in five key areas of the Government of Nova Scotia Accessibility Plan 2018 - 2021 and overall (N=from 50 to 60, depending on the question).

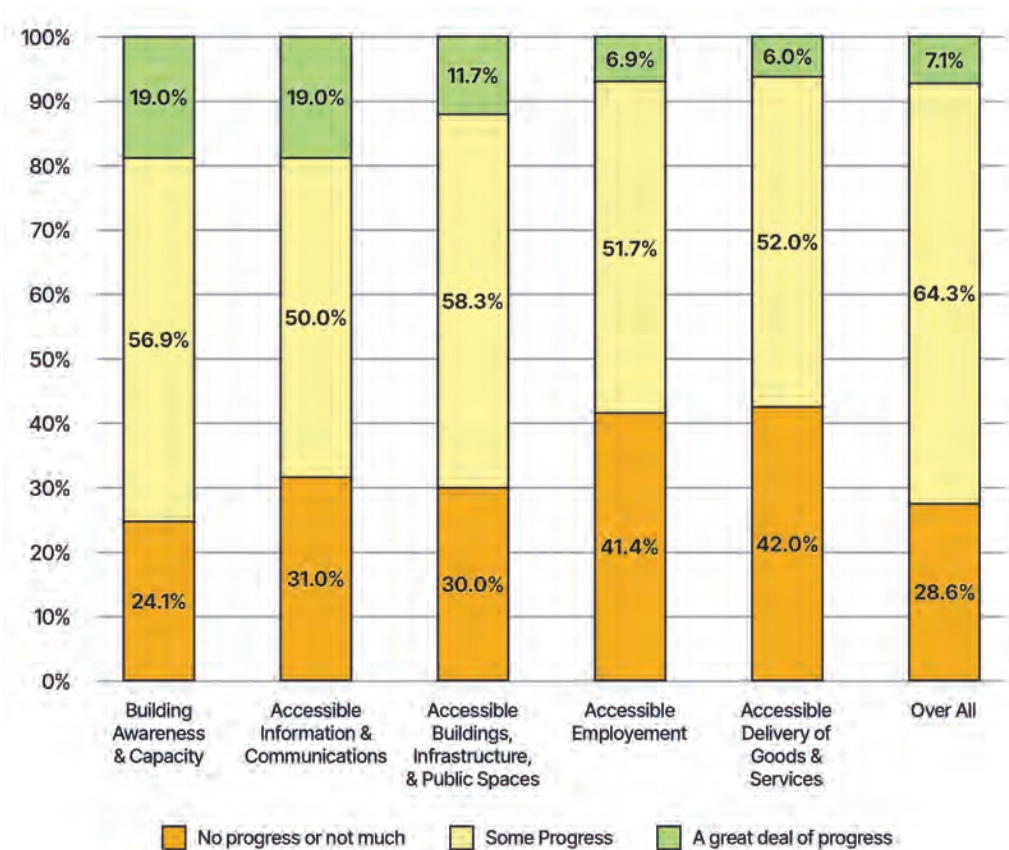


Table 3. Perceived progress in achieving key objectives of the Government of Nova Scotia Accessibility Plan 2018 - 2021 (respondents who were presently working with the Government and had opinions).

Level of progress	Building awareness and capacity	Accessible information and communications	Accessible buildings, infrastructure, and public spaces	Accessible employment	Accessible delivery of goods and services	Overall
None	3.4%	3.4%	1.7%	3.4%	12.0%	3.6%
Not much	20.7%	27.6%	28.3%	37.9%	30.0%	25.0%
Some	56.9%	50.0%	58.3%	51.7%	52.0%	64.3%
Quite a lot	15.5%	17.2%	10.0%	5.2%	6.0%	5.4%
A great deal	3.4%	1.7%	1.7%	1.7%	0.0%	1.8%
Total %	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Total N	58	58	60	58	50	56

Extent to which the Accessibility Directorate is fulfilling its mandate under the Act

An Accessibility Directorate located within the Department of Justice was established with the proclamation of the *Accessibility Act*. The Directorate's role is to support the implementation and administration of the *Act* and regulations and to address broader disability-related initiatives. In addressing these initiatives, the Directorate is to act as a central government mechanism for receiving and bringing to government's attention the concerns of people with disabilities on policy, program development, and program delivery. The Accessibility Directorate has a budget of just under \$3 million for 2022-2023.

The Directorate is led by an Executive Director and staffed by a team of civil servants who are appointed by the Minister of Justice and undergo a competitive hiring process. A key role of the Executive Director is to liaise with the provincial Accessibility Advisory Board.

The Directorate's Executive Director and staff work collaboratively with a wide range of interested and impacted individuals and groups to achieve the goal of an accessible Nova Scotia by 2030. These include people with disabilities, municipalities, businesses, post-secondary institutions, the public and others.

In fulfilling its mandate to support the implementation and administration of the *Accessibility Act* and regulations, and in serving as a central governmental clearing house for the concerns of people with disabilities, the Directorate can engage in a range of activities. These include providing policy, programming, communication and administrative support on various aspect of the *Act*, conducting research, mounting public education and awareness programs on the purpose of the *Act*, examining and reviewing measures, policies, practices and other requirements to improve

opportunities for persons with disabilities, identifying and studying issues of concern to persons with disabilities, and recommending actions to address issues.

We asked the people we consulted in the long-form survey whether they were familiar with the Directorate. Many (40.4%) said they were, but nearly as many (39.8%) said they were not. Nearly one in five (19.1%) said they knew about the Directorate “somewhat”.

People consulted for this review indicated that they appreciated the Directorate’s need to focus on policy and standards development in the early years of the Act. However, those consulted also expressed the hope that, as a policy structure and standard development process is now in place, the emphasis moving forward will shift even more fully to implementing programs and actions that address the wider human rights concerns of people with disabilities and improve their opportunities. There is strong evidence to suggest this work is well underway. It will be critical to communicate these achievements routinely and effectively within and beyond Government.

Some people consulted also saw a role for the Directorate in enforcing compliance with accessibility standards. For example, conversations in a focus group with parents of Autistic children identified the Directorate as a body that could play a valuable role in navigating accessibility barriers and identifying solutions. A caution was raised across multiple interviews with representatives of organizations impacted by the Act, however, that a clear separation between capacity development and compliance in the Directorate’s role is needed.

When the Directorate was first formed in 2017–2018 there was a core staff of six full time equivalent (FTE) positions. Since 2017, this number has grown, reaching up to 14 FTEs in 2021–2022. During this time there have been two Executive Directors, with the most recent appointment in 2022. Many people we spoke with from government and the PPSBs praised the Directorate leads and staff for advancing a provincial agenda with such a significant scope and involving so diverse a group of collaborators. Consultees who were aware of the Directorate consistently described the staff as respectful, hardworking, and dedicated to ensuring that people with disabilities feel recognized and included. We were told stories of Directorate staff travelling across the province before the pandemic to meet with groups and organizations in their local communities to learn about the barriers they faced and to share information about the Act.

A strong Directorate with robust relationships and institutional memory is essential to building on lessons learned and carrying forward the progress for achieving accessibility by 2030 and beyond. The inclusion of people with disabilities in the Directorate brings a disability lens to what it means to have a disability and be employed inside government.

When the review team began our work, we were introduced to a cohort of Directorate staff, some of whom were new to their roles while others were near the ends of their terms. However, we learned from people we consulted that, despite the fairly large number of staff, retention is an issue. It was observed that staff changes can pose challenges to building and maintaining relationships with external parties and can slow progress in achieving accessibility.

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“One of the greatest things to have come out of the Act is the Accessibility Directorate. There are so many experienced First Voice representatives of government and people with disabilities in that area, and they understand not only the internal workings of government but the community workings.”

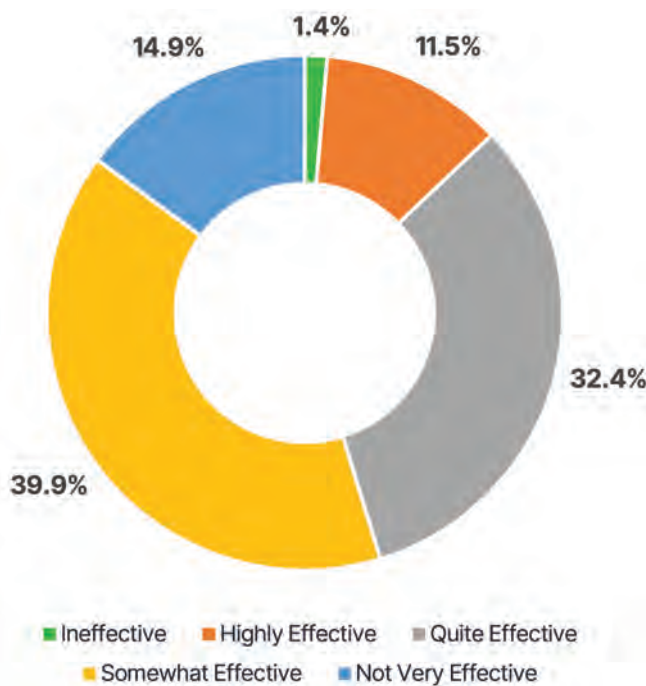
**REPRESENTATIVE OF A
FIRST VOICE DISABILITY
ORGANIZATION**

Retention issues were attributed to the term-based contractual nature of some positions and limited opportunities for advancement within the Accessibility Directorate. Current approaches to staffing also pose challenges to engaging qualified temporary replacements on a contractual basis (e.g., recruitment and onboarding). To attract and retain employees, there would ideally be greater assurance of job security and of upward job mobility within government.

Most people who we consulted via the long-form survey (58.9%) had little or no awareness of the Accessibility Directorate or its work. Many of these individuals were outside of government and not involved in the standards development process. However, our consultation did include many people in and beyond the Halifax Regional Municipality who were with local disability organizations or were grassroots accessibility champions. We did not ask those who were completely unaware of the Directorate (39.8%) whether they thought the Directorate has been effective in fulfilling its role to support the implementation and administration of the *Accessibility Act* and its regulations. However, even among those who had some knowledge of the Directorate and who we did ask, more than one in five (22.1%) said they “don’t know” if the Directorate has been fulfilling its role.

That said, among the 148 people who were familiar with the Directorate and had an opinion, 83.8% said it had been highly effective, quite effective, or somewhat effective in fulfilling its role, with 43.9% saying Directorate had been highly or quite effective. Very few (16.2%) said the Directorate had not been very effective or that it had been ineffective (Figure 8).

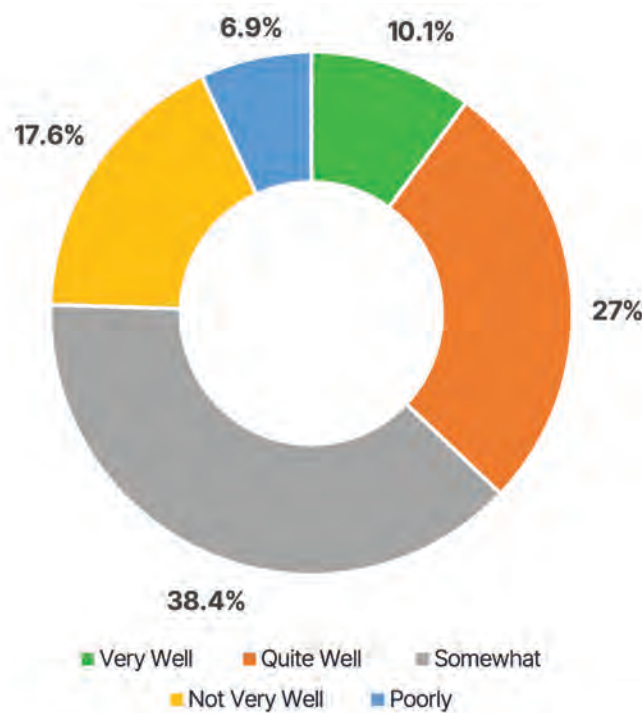
Figure 8. Effectiveness of the Accessibility Directorate in administering the Act and Regulations (respondents with an opinion, N=148).



Among those who were aware of the Directorate, we also asked for people’s view on how well the Directorate had been developing and administering programs of public education and awareness on the purposes of the Act. Filtering out the 16.3% who said they “don’t know”, of the 159 people who had an opinion, 75.5% said the Directorate had been doing very well, quite well, or somewhat well, with 37.1% saying the Directorate had been doing very well or

quite well. Some 24.5% said the Directorate had not been doing very well or had been doing poorly, but only 6.9% said it had been doing poorly (Figure 9).

Figure 9. How well the Accessibility Directorate has been developing and administering programs of public education and awareness on the purposes of the Act (respondents with an opinion, N=148).



Often raised in the consultations was the need for greater and better public awareness about issues of disability, human rights, accessibility, and inclusion. For instance, many people with disabilities highlighted the need for more work to improve public understanding of the diversity of disability. This is not to suggest that accessible built and natural environments are unimportant. Indeed, these were raised as essential. However, a more expansive and inclusive understanding of the diversity of disabilities and of people with disabilities is needed. They suggested that not much has been done to shift the default understanding of accessibility and disability as being mainly about mobility issues and barriers within the built environment.

Respondents identified limited awareness of accessibility initiatives, including the *Accessibility Act* and the *Access by Design 2030* strategy, as a persistent challenge. They noted an over-focus on the development of standards.

Participants urged that any accessibility awareness campaign should prioritize the self-representation of people with disabilities and their perspectives on accessibility. People consulted also spoke about the importance of reaching audiences where they typically access information, noting that social media platforms such as Facebook, and

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“It doesn’t feel there is a strong public understanding of accessibility or rights or the CRPD [Convention on the Rights of People with Disabilities].”

**FIRST VOICE
 REPRESENTATIVE OF A
 DISABILITY ORGANIZATION**

traditional, provincial and local print and radio media and the “5 o’clock news” are important access points for many people with and without disabilities. Other places for information sharing included food banks and food resource centres, public libraries, grocery stores and public transportation.

Direct communication with organizations representing people with disabilities was also described as an important means of getting the accessibility message out to the public.

It was also pointed out that accessibility awareness campaigns need to be ongoing rather than one-time or occasional initiatives, and that accessibility and self-determination are human rights that should be central in the messaging.

Respondents from organizations representing people with disabilities urged highlighting of successful accessibility initiatives in the province and that more work be done to engage champions outside of government to support awareness. The review team was made aware of situations in which this was happening, but this work was not always being effectively communicated with disability civil society. People and organizations outside of Central Nova Scotia suggested a need for new and improved collaborations with grassroots disability groups in rural communities.

Some representatives from community agencies thought that information about the role of the Directorate and its staff should be included in awareness initiatives.

Respondents representing business and industry shared that there is limited awareness about accessibility initiatives in the province and that more needs to be done to engage businesses and industries. During the Bill 59 amendment process, some business interests in Nova Scotia stated their concerns about the cost of meeting accessibility standards, arguing that the government needed to offset these costs to business. Since then, there has been growing recognition of the benefits of accessible environments in opening access to untapped labour resources and consumer markets. However, respondents with backgrounds in business and industry identified that persisting and limited understandings of disability in the business community need to be addressed. These individuals acknowledged that disability is not exclusively about mobility challenges and physical environments. It was suggested that accessibility grants be more widely promoted, along with information and programs to support small businesses to prepare for and respond to accessibility standards and regulations.

We learned that, as a tool for engaging the business community more effectively on issues of accessibility, a body should be put in place with the right citizens who have proper knowledge and expertise. It was acknowledged that people with helpful perspectives may already be involved in the standards development committees. However, it was also urged that an education and awareness committee be devised that has an industry lens. Such an entity was called for in the community consultations that led up to the *Accessibility Act*, but that idea does not seem to have received much practical attention. Industry representatives also emphasized the need for this mechanism or another one to enable them to voice their concerns on accessibility-related issues.

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“Media campaigns [should be] talking to actual disabled people, talking about the Accessibility Act.”

**FIRST VOICE
COMMUNITY MEMBER**

“I think [the public] understands disability is somebody in a wheelchair... mental health issues, non-visible disabilities, I think are still way under the radar.”

**INDIVIDUAL IN AN
ORGANIZATION AFFECTED
BY THE IMPLEMENTATION
OF ACCESSIBILITY
STANDARDS**

Representatives from both industry and disability communities urged that special attention and care should be given to small businesses, among whom accessibility is not currently front of mind. While media attention did focus on business during the introduction of the *Act*, it was unclear when, if, and how businesses would be impacted. Going forward, the introduction of accessibility standards needs to be done in a way that supports small business owners and local businesses so they can stay in business and support their communities. Some small businesses may lack the knowledge, resources, or motivation to be proactive in implementing accessibility plans, and may require support and encouragement. This is now more important than ever coming out of the pandemic, where small businesses were disproportionately impacted. It was pointed out that small businesses should be properly supported so becoming accessible will be part of their pandemic recovery plans.

As entrepreneurship is a thriving area of employment for many people with disabilities, they may also require supports as business owners.

On another theme of public awareness and education, the *Accessibility Act* and the *Human Rights Act* are both pieces of human rights legislation. While both address discrimination against people with disabilities, the *Accessibility Act* focuses principally on furthering the human rights of people with disabilities on matters that fall within the scope of that *Act*; the Accessibility Directorate is responsible for its administration. The *Human Rights Act* addresses discrimination against people with disabilities along with others who also experience discrimination; the Human Rights Commission administers that *Act*. In our consultations, we learned about confusion in some people's minds about the relationship between the two *Acts* and the respective roles and responsibilities of the Accessibility Directorate and Human Rights Commission.

Despite a shared emphasis on rights, there are important distinctions in the definitions of disability in these acts. While the Directorate adopts a social model definition of disability that emphasizes barriers, the Human Rights Commission adopts a medical definition of disability in its work that emphasizes impairment. It will be important to clarify these relationships moving forward.

We further asked how well the Directorate had been fulfilling another role that the *Act* stipulates, which is related to the *Accessibility Act* but a little different than administering the *Act* itself. That role is to advance the concerns of people with disabilities for the Government to consider. Again, one in five (22.1%) said they "don't know" how well the Directorate has been fulfilling this role. However, of the 148 people who had an opinion, 79.7% said the Directorate had been doing very well, quite well, or somewhat well at fulfilling this function, with 43.2% saying the Directorate had been doing very well or quite well. Only 20.3% said the Directorate had not been doing very well or that it was doing poorly (Figure 10).

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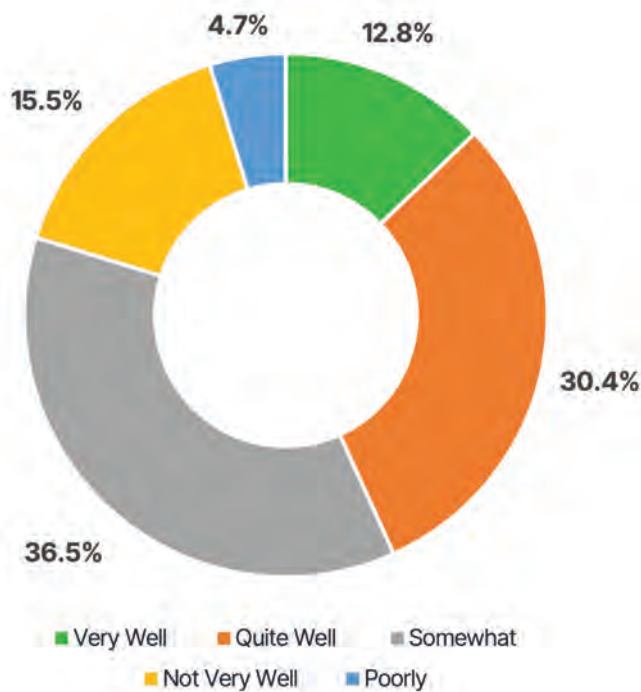
“Businesses are not grasping [that] they should be starting NOW. They should have started two years ago on some of these items.”

**INDIVIDUAL FROM AN
ORGANIZATION AFFECTED
BY THE IMPLEMENTATION
OF ACCESSIBILITY
STANDARDS**

“[The accessibility legislation] is different from human rights legislation. It is a collective Act that says we all have a position in this and we all have to do something, not just Government. Human rights legislation will be the overlay always. You could comply with the Accessibility Act to the fullest and still not be meeting your obligations under the Human Rights Act. It is a mechanism to get all of us accountable to make Nova Scotia more accessible.”

LEGAL EXPERT

Figure 10. How well the Accessibility Directorate has been doing to ensure the concerns of people with disabilities are advanced and considered by the Government (N=148).



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“From a Human Rights Commission perspective, when applying the law in assessing an individual complaint, the Commission is applying a medical model of disability, because that’s what the case law is based on... The law is only going to advance through societal actions, evolution, changing opinions, attitudes, education, all that sort of thing. We are in a place of needing to evolve the law, as it pertains to disability and accessibility, to more fully embrace that social model.”

LEGAL EXPERT

Concerns were expressed in the consultations about the adequacy of the Directorate’s budget. At \$2.8 million for 2022-2023, it accounts for less than one percent of the Department of Justice’s overall budget and is among the lowest for the programs and services the department administers (Nova Scotia, 2022d).

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“The Accessibility Directorate needs to become a Department, and it has to not only be the policy shop, but it also has to be the frontline delivery. That means they own the grants, they own all the policy, they own the regulation and enforcement. Also, they deliver these programs, and they have the consulting expertise. For example, Nova Scotia should have a provincial inventory of every accessible ballfield, beach, community hall, and every time something becomes accessible, it should be added to that inventory. Now they do have connect.ca Connect Nova Scotia, and that’s a recreation site. You could add accessibility to that. A provincial accessibility database for the general public is an example of something that should be owned by the Accessibility Directorate, or Department of Accessibility.”

GOVERNMENT REPRESENTATIVE INVOLVED IN IMPLEMENTING THE ACT

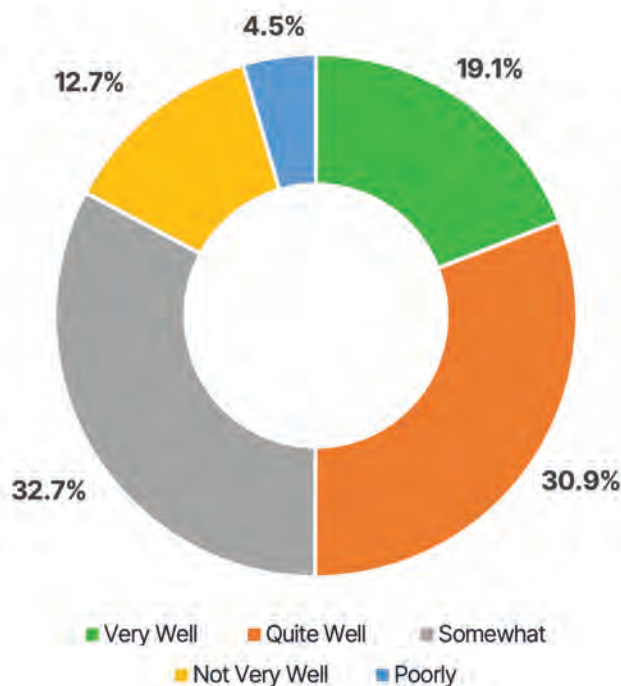
Extent to which the Accessibility Advisory Board is fulfilling its mandate

Section VI.B.2 provides a thumbnail sketch of the structure and activities of the Accessibility Advisory Board, and a few insights that have a bearing on its effectiveness. We examine its effectiveness in more detail, here.

Most respondents to the long-form survey said they either do not know about the Board (47.3%) or only “somewhat” knew about it (25.1%). A few indicated that they were not sure if they knew about it (1.9%). This leaves only a quarter (25.7%) who said they were familiar with the Board.

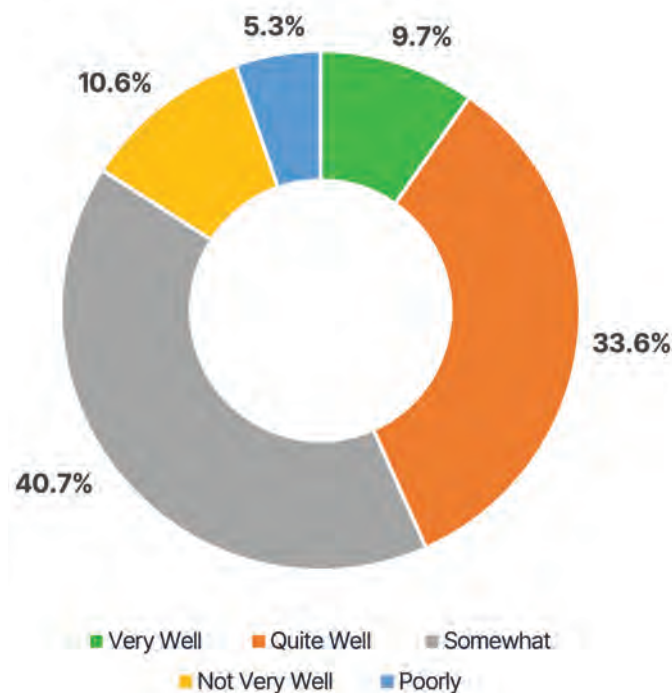
We asked respondents how well they felt the Accessibility Advisory Board had been fulfilling its role to establish and support the accessibility standard development committees. Setting aside the 32.1% who were familiar with the Board but had no opinion, 82.7% of the 110 people who had an opinion said the Board had been doing very well, quite well, or somewhat well, with half (50.0%) saying that the Board had been doing very well or quite well. Only 17.3% said that the Board had not been fulfilling this role very well or had been fulfilling it poorly (Figure 11).

Figure 11. How well the Accessibility Advisory Board has been fulfilling its role to establish and support the Accessibility Standards Development Committees (respondents with an opinion, N= 110).



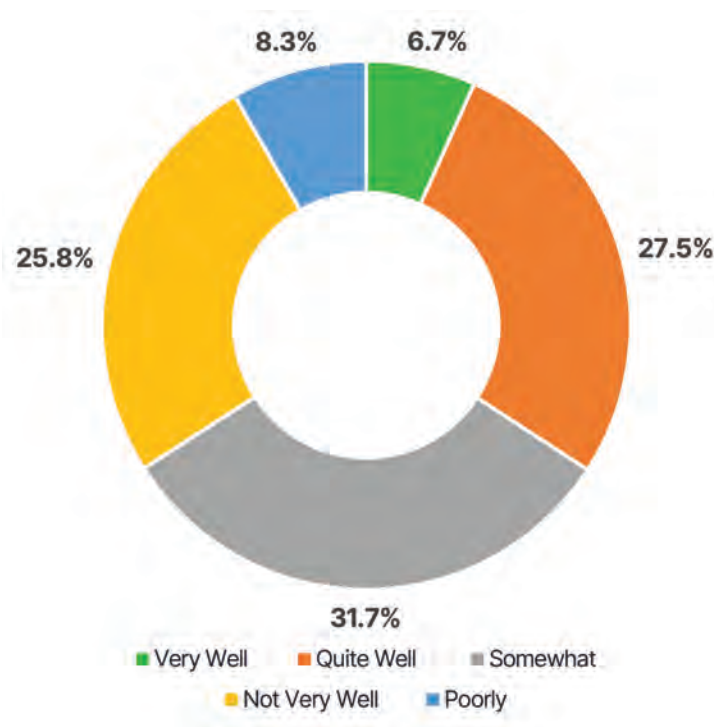
We asked the respondents who had some knowledge about the Board about how well it had been fulfilling its role to provide advice and recommendations to the Minister of Justice on accessibility. The advice and recommendations would be informed directly by the work of the standard development committees. Nearly a third of the people we asked (30.3%) said they “don’t know” how well the Board has been fulfilling this responsibility. Of the 113 people who had an opinion, 84.1% said the Board had been doing very well, quite well, or somewhat well, with 43.4% saying Board had been doing very well or quite well. Only 15.9% said that the Board had been doing not very well or poorly (Figure 12).

Figure 12. How well the Accessibility Advisory Board has been providing advice and recommendations about accessibility to the Minister of Justice (respondents with an opinion, N= 148).



An important role of the Accessibility Advisory Board is to communicate about its work to the public through regular reporting (e.g., meeting minutes and annual reports) in accessible formats. Leaving aside the 25.9% of those who were familiar with the Board but who said they “don’t know” how well the Board has been communicating about its work, 120 people had an opinion. Some 65.8% said the Board had been doing very well, quite well, or somewhat well at fulfilling this responsibility, with 34.2% saying that the Board had been doing very well or quite well. However, 34.2% said the Board had been doing not very well or poorly in communicating its work (Figure 13).

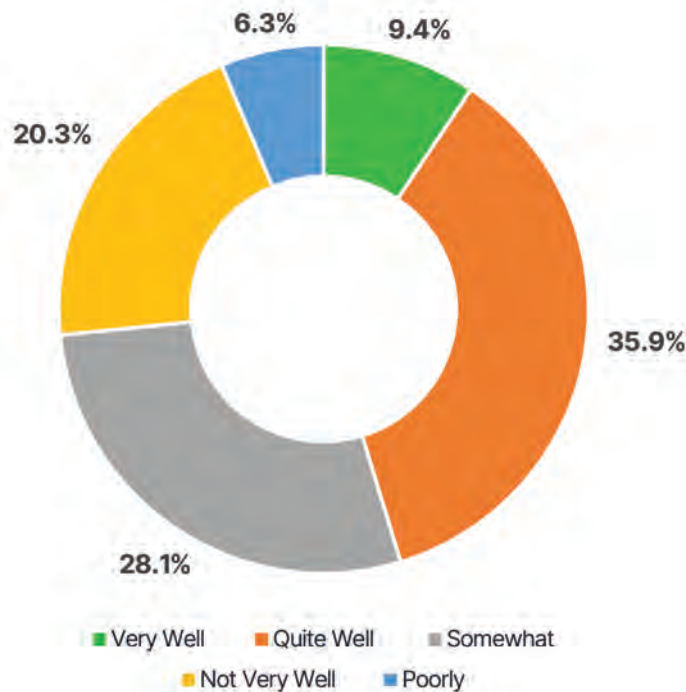
Figure 13. How well the Accessibility Advisory Board has been communicating its work to the public through regular reporting (meeting minutes, annual reports) in accessible formats (respondents with an opinion, N= 120).



When asked whether, as the *Accessibility Act* requires, the Advisory Board’s membership has been made up of 50% people with disabilities, very few people could answer the question because they were not familiar with the workings of the Board. However, of the 62 people who answered the question, 93.5% said that, indeed, at least half the members were people with disabilities. Why 6.5% held a different view is not clear.

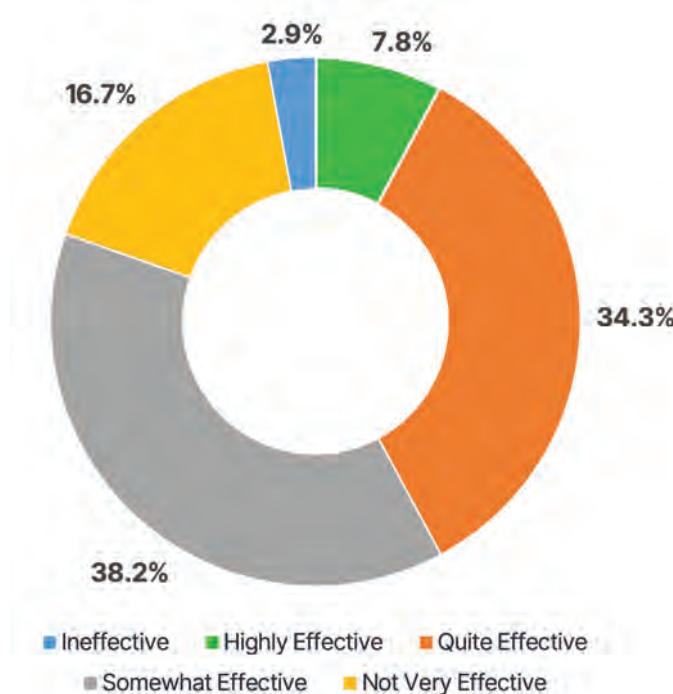
We also asked respondents how well the Board members reflect the diverse identities, perspectives, and experiences of Nova Scotians. Again, leaving aside the large percentage (60.5%) who did not know, 73.4% of the 64 people who had an opinion said the Board’s composition had been reflecting the diversity of Nova Scotians very well, quite well, or somewhat, with 45.3% saying Board’s composition had been reflecting the diversity very well or quite well. While 26.6% said the Board had been reflecting the province’s diversity not very well or poorly, only 9.4% said this was being done poorly (Figure 14).

Figure 14. How well the Accessibility Advisory Board reflects the diverse identities, perspectives, and experiences of all Nova Scotians (respondents with an opinion, N= 64).



We asked for an overall assessment of how effective the Accessibility Advisory Board has been overall in fulfilling its mandate under the *Act*. As expected, even among those who were familiar with the Board, a large percentage (37%) said they “don’t know”. This left 102 people who had an opinion. Here, 80.4% said the Board has been highly effective, quite effective, or somewhat effective in fulfilling its mandate, with 42.2% saying the Board had been highly effective or quite effective. Only 19.6% said that the Board has not been very effective or has been ineffective (7.8% and 2.9%, respectively – Figure 15).

Figure 15. Overall effectiveness of the Accessibility Advisory Board in fulfilling its mandate under the Accessibility Act (respondents with an opinion, N= 102).



Consultees described the current process for recruiting and selecting Board members as a barrier to the Board being able to effectively realize its mandate. Presently, the recruitment and selection are performed through the provincial Executive Council Office (i.e., that serves the 19 members of the provincial Cabinet). It was reported in the consultations that the location of the Applying for Agencies, Boards and Commissions Government website and digital platform for finding out about vacancies on the Board and for submitting applications was not familiar to many of the people with disabilities and representatives of disability organizations we consulted. Accordingly, people did not know where to look for information or where to apply. The digital platform for those who could find it was also described as inaccessible.

Filling a vacancy requires an application and official appointment process Governor in Council, in line with all Government Agencies, Boards and Commissions. These processes have very lengthy timelines, which has created significant delays in filling vacancies. During the review period there were vacancies on the Board. Easier-to-access information and application procedures would assist knowledgeable people to seek membership on the Board to help guide its important work.

According to the *Accessibility Act*, at least half of the Board members must be people with disabilities. Some Board members are members of organizations that represent persons with disabilities. Different disabilities and geographies are represented, and the Board has engaged in targeted recruitment to support ethno-racial and cultural diversity among its members. However, it was pointed out in the consultations that the experiences and perspectives of youth are not well represented on the Board.

It was suggested in the consultation that, moving forward, the Government may want to consider amending the *Accessibility Act* to increase the number of Board members beyond 12 so it can include more young people. Presently, the selection criteria for the Board that are displayed at the *Agencies, boards, and commissions (ABC): Profile and selection criteria* webpage state that members should possess at least one of several sets of skills and experience. Conceivably, some young people with disabilities would have backgrounds in several of these areas, which include communication; stakeholder engagement; public policy; knowledge, awareness and commitment to accessibility; addressing the impacts of barriers for persons with disabilities; and serving as active supporters or champions of issues of importance within the disability community (Nova Scotia, 2022a).

As well, it was suggested that the government would do well to revisit the current terms of service of Board members. Presently, a member could serve up to two, consecutive, three-year terms for maximum concurrent seat on the Board of up to six years. A staggered model was recommended involving one-, two- and three-year terms. Shorter terms would support movement on the Board, making it possible for more people and perspectives to be included in Board deliberations. The high rate of vacancies that occurred over the first two terms of the Board (related to resignations, out of province moves, illness and death) could also potentially be addressed through the availability of shorter terms and by streamlining the process for replenishing vacancies.

On replenishing vacancies, the Accessibility Advisory Board is a legislated entity that has been instituted to advise the Minister of Justice and to work in partnership with the Accessibility Directorate to achieve the purpose of the *Accessibility Act*. It was recommended that the current Board and the Accessibility Directorate work with the Executive Council Office to develop a more streamlined, transparent, and perhaps alternative or parallel process for selecting Board members. As part of the application process, applicants would be invited to identify an area of interest related to the *Act*. If an applicant is unsuccessful in their bid to serve on the Board, the Directorate could follow up to engage them in other work related to their interest.

Public information about Board meetings is made available through governmental rather than community channels and processes, suggesting that the Board is an arm of government rather than largely a community entity. Views were expressed that such conditions and constraints present barriers to the effectiveness of the Board and its ability to fulfill its mandate. One solution that was suggested was for the Board to more effectively involve community organizations in distributing information and soliciting feedback about its work.

While consultees generally seemed to appreciate the Board and its work, many people we consulted who were outside of government, or not directly involved in the standards development process, or were not otherwise engaged in furthering accessibility in Nova Scotia, said they simply “don’t know” about the Board or that they had only limited awareness of it and understanding of its work. Among those who had an opinion, most said that the Board has been at least somewhat effective in its work. Very few said the Board had been ineffective.

Operational Relationship Between the Board and the Accessibility Directorate

Because most respondents to the long-form survey were not familiar with details of the relationship between the Accessibility Advisory Board and the Accessibility Directorate, they had little to say about the operational relationship between these two entities.

However, several consultees who participated in interviews expressed the view that the Accessibility Advisory Board should operate more at arm's length from Government. They pointed out that, currently, the Directorate staff both attend and provide administrative support for the Board's meetings. The point was made that the Board requires its own staff person to support its work. The view was expressed that only the Directorate's Executive Director should regularly attend the Board meetings, with selected Directorate staff to be invited as the Board deems appropriate and approves.

How Government has guided Prescribed Public Sector Bodies in creating their accessibility plans

This section of the report explores a range of activities, measures, policies, and practices the government has used to guide prescribed public sector bodies in creating their accessibility plans.

In December 2019 the Government of Nova Scotia prescribed 49 municipalities, 21 villages, 11 post-secondary institutions, eight regional libraries, 11 Crown Corporations, seven Regional Centres of Education, the Atlantic Provinces Special Education Authority and the Conseil scolaire acadien provincial.

The Government of Nova Scotia is supposed to prepare an accessibility plan and make it publicly available within one year of the *Accessibility Act's* coming into force. Subsequently, PPBS's were required to prepare and make their accessibility plan publicly available within one year of being prescribed.

The accessibility plan must include information about the measures the organization has taken and intends to take to identify, remove and prevent barriers. The plan must also include information on the procedures the organization has put in place to assess the impact on accessibility for people with disabilities of any proposed policies, programs, practices, services, enactments, or bylaws the organization administers. The plan must also include any other information that may be prescribed. When preparing its plan, an organization is to seek input from people with disabilities and representatives of organizations representing people with disabilities. To that end, the organization is required to establish or continue a pre-existing accessibility advisory committee. At least one half of the members of the accessibility advisory committee must be people with disabilities or representatives from organizations representing people with disabilities.

According to the Regulation 3/2021 for the *Accessibility Act*, there are two categories of prescribed public sector bodies (PPSBs), which we here refer to as Categories 1 and 2. Category 1 consists of a regional, county or district municipalities (cities and towns) and villages, public libraries, and postsecondary institutions. Category 2 includes: the Atlantic Provinces Special Education Authority, the Art Gallery of Nova Scotia, Develop Nova Scotia, an education entity as defined in the Education Act (i.e., regional centres for education and the Conseil scolaire acadien provincial),

Events East Group, a health authority as defined in the Health Authorities Act (including Nova Scotia Health and the IWK Health Centre), Housing Nova Scotia, Nova Scotia Business Inc., Nova Scotia Gaming Corporation, Nova Scotia Innovation Corporation, Nova Scotia Liquor Corporation, Nova Scotia Museum, and Tourism Nova Scotia.

The review solicited feedback from representatives of organizations within both categories of organizations listed in the regulation. We received responses to our long-form survey from 101 people who belong to a PPSB in Category 1 (31.7% of all respondents) and 20 who belong to a Category 2 PPSB (6.3%). According to these individuals, 62% of PPSBs had created an Accessibility Advisory Committee. Some 15.7% said their PPSBs had not and nearly a quarter (22.3%) did not know. When asked whether their PPSBs had developed their multi-year accessibility plan as required under the *Accessibility Act*, 40% said their organizations had indeed done so, 28.3% reported they had not, and nearly a third (31.7%) said they did not know.

It is possible that someone could be a member of a PPSB and not know the status of the organization's progress on activities required under the Act. Even then, the survey results are significant. They point to the need for improved communication within PPSBs about their accessibility plans and actions. Improved communication within, and among, PPSBs would enhance awareness of accessibility with potential to contribute to more effective collaborations across PPSBs, and between PPSBs and Government.

When asked how collaboratively their PPSBs had worked with the Government to develop accessibility frameworks and plans, four in ten (39.7%) said they did not know. When asked about the Directorate's effectiveness in providing supports to enable the PPSBs to understand and meet their obligations under the Act, four in ten (38%) again said they did not know.

However, among those who were able to formulate opinions in response to these questions, most said the processes were at least somewhat collaborative and that the Directorate had been at least somewhat effective in providing the supports the PPSBs need (Figure 16). Nearly half (47.9%) said that governmental processes had been highly or quite collaborative, and more than half (52.0%) said the Accessibility Directorate had been highly effective or quite effective in providing the supports the PPSBs need.

Figure 16 Extent of governmental collaboration in processes to develop accessibility frameworks and plans (N=73) and Directorate effectiveness in providing supports to enable PPSBs to understand and meet their needs under the Act (N=75).

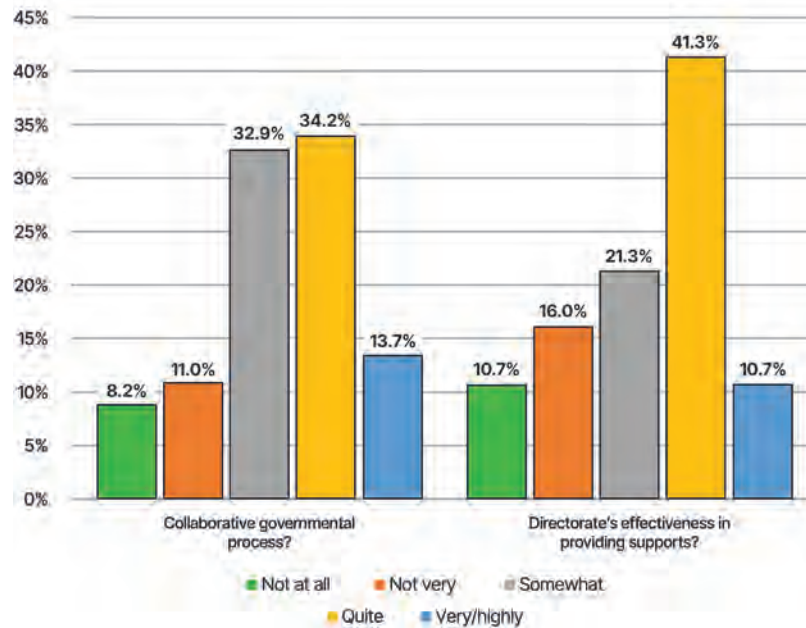
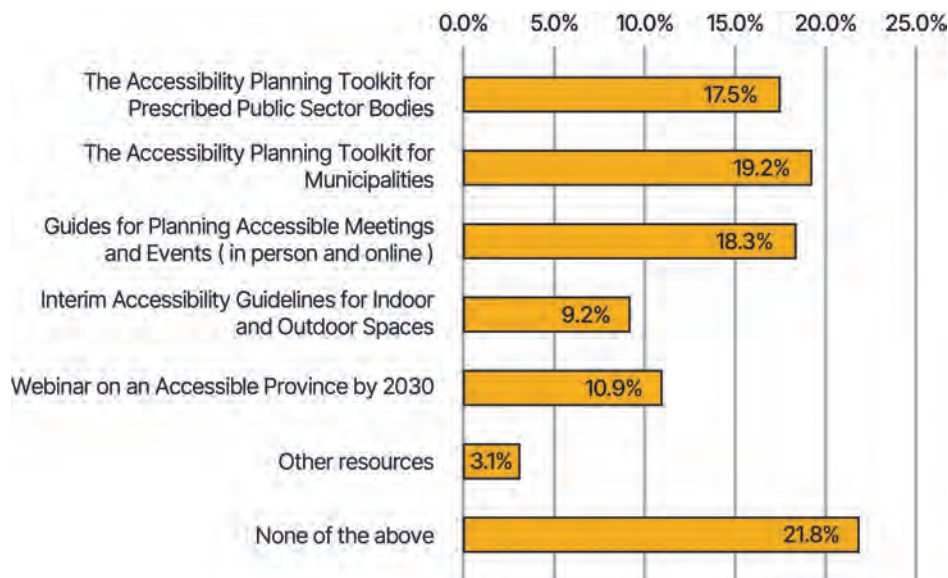


Figure 17 shows which of the Directorate's supports the PPSBs have used to create accessibility plans and committees. Many respondents used two or more of these resources. The most widely used were the *Accessibility Planning Tool for Municipalities* and a similar tool for PPSBs, followed by *Guides for Planning Accessible Meetings and Events* to be conducted in person and online. About one in five respondents (21.8%), however, had not used any of these resources.

Figure 17. Resources from the Accessibility Directorate that PPSBs use to develop accessibility plans and committees (N=229).



Per the terms of reference for this review (Nova Scotia Accessibility Directorate, 2021), we here report further details on the information provided by respondents with Category 1 PPSBs. These PPSBs were required to make accessibility plans public by April 2021 and were given a one-year extension due to COVID-19. When the present review was conducted, most PPSBs had made their accessibility plans public. However, there were still a few that had not, despite the extension. The Accessibility Directorate advised that neither incentives nor penalties had been implemented to ensure those plans are completed, let alone implemented. In the discussions we convened with and about the PPSBs, representation in PPSB accessibility advisory committees was a central theme. We learned from First Voices who were Accessibility Advisory Committee members that it was not always clear to them who represented people with disabilities.

However, it was also widely acknowledged that self-disclosure of disability is a contentious issue and can lead to stigma in some situations. Accordingly, safeguards are often built into those situations to protect individuals from having to disclose disability if they were to believe the disclosure would adversely affect them. However, it is generally assumed that someone representing the experiences and perspectives of people with disabilities in an accessibility advisory committee may well have a disability. The general impression we took from the consultations was that tight safeguards around disclosure cannot realistically apply for individuals who volunteer to represent disability communities on quasi-public advisory bodies such as accessibility advisory committees.

We also learned about the lack of quality assurance and other criteria for private consultants that have been hired by PPSBs to support accessibility planning, audits, assessments, and accessibility upgrades.¹⁶ Accessibility budgets are reportedly being spent on consultants who may lack appropriate and adequate expertise about accessibility and cross-disability barriers. In such cases, projects to address the lack of accessibility are not meeting benchmarks of current best practices, and plans and deliverables are not being produced within budget. While accessibility certifications are available (e.g., through the Rick Hansen Foundation's certification program, offered by Nova Scotia Community College), the point was raised that there may be financial barriers to accessing the certification based on program cost, which is \$1,900¹⁷ (NSCC, 2022).

This feedback from the people we spoke with suggests that the resources provided to PPSBs could be better focused so there will be less room for interpretation. It was pointed out that First Voice disability organizations have valuable expertise that should be invested in, leveraged, and mobilized to support governmental and other public sector accessibility audits and assessments. Respondents noted that PPSBs that proceed in the absence of such audits risk undermining the legitimacy of the PPSBs' accessibility plans. Representatives from PPSB accessibility planning and advisory committees also shared their

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“I think one thing that the Act misses is that the prescribed public sector bodies have to have their accessibility plans, but there's nothing after that. Like, they don't even have to formally submit it to Government. They just have to do it. And most of them are doing well. But there needs to be more that says, and then what? Or, and then you have to give us an update on the progress report. I don't think there's enough teeth in that part of it... Another thing is how are they going to do it? It's a resource issue. Government needs to make sure that the appropriate resources are put in place for the Act, the requirements of the Act, and for the standards to be implemented.”

**ACCESSIBILITY ADVISORY
BOARD MEMBER**

¹⁶ While this issue affects accessibility planning for PPSBs, it is reportedly an issue that needs to be addressed across all sectors covered by the Act.

¹⁷ Financial support for the tuition may be available for qualified individuals with disabilities.

perception that ensuring the effective monitoring, evaluation, and enforcement of the plans will be essential to the plans being taken seriously by those with responsibilities.

The Accessibility Directorate has published several guides to assist PPSBs with their accessibility plans, including a specific guide (toolkit) to assist municipalities (Nova Scotia. Accessibility Directorate, 2019 and 2022b). However, the review identified inconsistencies in the quality of accessibility plans. Some people who we consulted described the planning guides for PPSBs as too general and as requiring a more detailed and tailored approach. The Directorate would ideally find out about and help provide the resources the PPSBs may need to improve their planning. Supporting the PPSBs' accessibility advisory committees in this way could help address inconsistencies across plans while strengthening their effectiveness.

Collaborations were identified as strengths of PPSB accessibility planning. People consulted indicated that PPSBs should be supported to work in a multi-pronged approach in which they each connect with their respective advisory committee and its broader constituencies and then with other advisory groups and constituencies. For instance, municipalities are required to have an advisory committee and to develop an accessibility plan. However, as indicated in the Directorate's toolkit for municipalities, a municipality may be responsible for a range of issues that fall within the scope of the *Accessibility Act*. These include:

- increasing public awareness (education) about the importance of accessibility,
- ensuring people with disabilities have equitable access to the goods and services the municipality provides,
- ensuring all people can receive, understand, and share the information the municipality provides – and not only information about accessibility issues,
- making sure all people in the municipality can use the transportation services for which the municipality is responsible,
- making the sure employment opportunities within the municipal government and its programs are accessible,
- supporting people with disabilities to find and maintain other forms of meaningful employment within the municipality, and
- ensuring built environments are accessible to all, including the municipality's buildings, streets, sidewalks, and shared spaces.

It stands to reason that a municipality will have much to learn from the accessibility committees and plans of other municipalities and from PPSBs that also deal with those issues. Similarly, colleges and universities stand to benefit by considering the accessibility plans of each other and the work of municipal advisory committees on selected issues.

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“It's fine to create a plan, but how are we going to be able to implement that plan? And how are we going to make sure that [prescribed public sector bodies] are creating goals that are going to be achievable?”

**COMPLIANCE AND
ENFORCEMENT WORKING
GROUP MEMBER**

Municipalities and Villages

The Government of Nova Scotia prescribed 49 municipalities and 21 villages. Halifax Regional Municipality is the largest of these areas. Municipalities provide many services that affect the daily lives of Nova Scotians. While some services may fall more under provincial control, municipal services may include public protection (e.g., local policing and fire departments), local public transportation and roads, some environmental health and food safety, some public health, some environmental development, some recreation and culture (including some libraries, parks, and other recreation facilities), and some water and utilities (Nova Scotia. Department of Municipal Affairs, 2021; Dalhousie University Libraries, n.d.).

Interviews and discussion sessions with respondents representing municipal staff, Accessibility Advisory Committee members, and members of the public, revealed concerns about municipal accessibility plans. These ranged from the concern related to delays in municipal plan development, a perceived lack of meaningful municipal engagement of people with disabilities and the public on accessibility issues, “superficial commitments” to accessibility as reflected in plans, and a lack of consistency across plans being developed across municipalities and with other PPSBs.

A concern was also raised that the accessibility achievements being described in some plans were due largely to the efforts of local grassroots community groups, non-profit organizations, and individual accessibility champions, and were not mainly the results of PPSB plans or actions the PPSBs have taken to further accessibility. The view was expressed that those who were most responsible for the accessibility gains within the community were neither recognized nor given proper credit in the plans.

Representatives from municipalities that we listened to generally said they embraced accessibility. However, some raised questions about where resources would come from to comply with the requirements of the Act. Some also shared concerns about their municipalities’ current financial challenges and said that introducing new expenses would lead to cuts in other program areas or raising taxes. The view was expressed that, for smaller rural communities, neither raising taxes nor cutting other programs may be an option.

It became clear in these conversations that there was limited knowledge and understanding about the benefits in relation to the costs of investing in accessibility. Clear and compelling information about the social and economic benefits of implementing accessibility would ideally be made more available to communities to address knowledge gaps and associated concerns in this area. Forums and opportunities may also prove valuable for municipal leaders and staff to exchange knowledge about strategies and practices for maximizing the impacts of public resources and investments.

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“It’s people from the community who have been leading change, who have been fighting for change, and who are making a real difference in people’s lives. It is unfair for these plans to include their work as their [the prescribed public sector body’s] achievements.”

FAMILY MEMBER OF A PERSON WITH A DISABILITY

“It’s been really difficult for [prescribed public sector bodies] because they don’t have the expertise in house to be able to create plans in a way that makes sense. And it’s taking a ton of time, but I don’t think they understand how much time it takes. You want to do the best you can, but you don’t always have the resources to do it or the expertise to do it.”

MUNICIPAL ACCESSIBILITY PLANNER

Even representatives from more highly resourced municipalities shared that they struggled with the costs of consultations. Municipal accessibility leaders also shared confusion about what is expected of them in terms of future and ongoing engagement with people with disabilities and the public at large on accessibility issues. Such engagement will require investments of human and other resources. Several municipal representatives indicated that costs were high for conducting community consultations and for gathering and properly analyzing community feedback. They said that such work is not something that they could do for every update of their municipal plans.

In a PPSB Category 1 stakeholder check-in that the Directorate conducted, some municipalities reported they had not received training in effective public consultation and did not have staff who were qualified in this area.

Interview respondents shared concerns about the inconsistencies they have observed across the province in how engagement for the municipal planning is done and about difficulties in assessing the quality of that engagement. For instance, caregivers and organizations representing people with disabilities may be engaged to represent people with disabilities, without adequate efforts to support self-representation. It was also pointed out that in some cases the organizations identified as representing people with disabilities are not disability specific.

Despite the absence of clear benchmarks for conducting high-quality consultations, it was urged that PPSBs should nonetheless be doing their best to collect information about the nature and quality of the engagements they are conducting and use that information to inform their accessibility planning efforts as they move forward. This information could also be provided to the Directorate for its use in its own monitoring and evaluation work.

A clear inference to be drawn from the consultations is that provincial and municipal governments would do well to consider how best to adequately support meaningful opportunities for people with disabilities and other Nova Scotians to provide input for accessibility planning. However, it was also pointed out that too much consultation can result in respondent fatigue and confusion, especially if the consultations do not seem to yield positive results. Accordingly, a key consideration will be how to strike the right balance between the frequency of municipal accessibility consultations and the adequacy and effectiveness of the consultations.

Public Libraries

There are 80 public libraries in Nova Scotia and a Provincial Library that serves the public libraries in nine library regions (Nova Scotia Public Library, 2022).

In February 2022 Nova Scotia Public Libraries released a Joint Accessibility Framework. The framework was developed by a working group under the direction of the Regional Library Boards of Nova Scotia and Nova Scotia's Department of Communities, Culture and Tourism and Heritage (CCTH) and supported by staff at the CCTH and the Directorate. The framework's guiding principles and commitments align with *Access by Design 2030*. The inclusion of specific reference to volunteers in the framework and some of the publicly posted library accessibility plans is

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“Sharing success stories would be helpful. When we’re developing our plans and implementing projects, plans, and policy, it’d be great to have some sort of database or even a list of things others did this for playgrounds, and community or educational centers. A lot of time is spent trying to come up with projects and ideas and apply for funding. A pool of ideas that you can pick and choose from would help that process.”

MUNICIPAL LEADER

distinct and sets libraries apart from other PPSBs. Improved accessibility for volunteers would increase opportunities for civic participation, which would benefit individuals as well as communities.¹⁸ A consideration of volunteers represents a promising direction that could be included and strengthened in existing library accessibility plans and adopted by other PPSBs.

Four library accessibility plans spanning all nine of the library regions have been developed and posted on library websites. There are three region-specific accessibility plans (e.g., Halifax Public Libraries, Pictou-Antigonish Regional Libraries, and South Shore Public Libraries). Libraries in the remaining six regions collaborated on a jointly developed Interregional Library Advisory Committee Accessibility Plan (Annapolis Valley Regional Library, Cape Breton Regional Library, Colchester East Hants Public Library, Eastern Counties Regional Library, Cumberland Public Libraries, and Western Counties Regional Library). While all four plans are guided by the framework, there are differences in the content and the level of detail provided, as well as the accessibility of the plans.

Public libraries do not own the spaces that they operate in. Many libraries are in municipally owned buildings, so collaboration with municipalities will be essential. Public libraries located in buildings that are not owned by municipalities may face distinct challenges in actioning their commitments related to the built environment. The timely implementation of the provincial built environment accessibility standard recommendations under the Act will be crucial to supporting Nova Scotia's public libraires.

Members of library accessibility advisory committees we consulted praised the structures and approaches to planning work and said they valued the experience of participating on committees. Members of the public we consulted described some libraries as early adopters and innovators that had championed accessibility well before the introduction of the Act. These consultees highlighted how accessible library spaces have improved their lives.

Library success stories emphasized the value of a holistic approach to accessibility that is outlined in the provincial framework for libraries – a collaborative initiative co-led with the Accessibility Directorate. This approach considers the built environment, and that includes access to accessible washrooms and rest spaces with charging stations, semi-structured opportunities for people with disabilities to socialize and develop relationships with others in community, the provision of access to accessible technologies, assistive devices and user supports, accessible training and education programs, accessible communication, accessible language programs, the integration of newcomers, the removal of financial barriers to

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“We need to celebrate the Halifax library on Spring Garden Road. They’ve done a great job from day one, before shovels even went into the ground on that building. The architects brought the disability community together, we met at the old library and talked about design aspects of accessibility, we talked about staff training, what that meant. They did an exceptional job.”

**FIRST VOICE
REPRESENTATIVE OF A
PROVINCIAL ORGANIZATION
IMPACTED BY THE ACT**

“I work part time in the library system here and they just put out an invitation to participate in some professional development for how to support homeless people. So, if you have homeless people or people with mental health issues that come into the library, how do you support them? How can you direct them to various resources.”

LIBRARY EMPLOYEE

¹⁸ First voice consultees for the present review are actively involved in volunteer work for community, provincial, national and / or international initiatives, boards, and organizations. Opportunities to volunteer were described as highly valued by people with disabilities who self-identified as not currently working at a job for pay.

accessing and participating in community programs and events, and borrow by mail or bookmobile book delivery programs to address transportation barriers. All such measures demonstrate an authentic commitment to creating and sustaining welcoming communities, with libraries as a hub.

Postsecondary Institutions

In Nova Scotia the postsecondary sector includes 10 universities and the Nova Scotia Community College (NSCC). Universities include Acadia University, Atlantic School of Theology, Cape Breton University, Dalhousie University, Mount Saint Vincent University, Nova Scotia College of Art and Design (NSCAD University), Saint Mary's University, St. Francis Xavier University, Université Sainte-Anne, and University of King's College.

The postsecondary environment is a key site where future educators, engineers, architects, healthcare providers, business leaders, policy makers, scholars and arts and culture producers learn and refine their knowledge and practices. Universities and colleges are also places where people acquire the knowledge and skills that will help them achieve economic, social and political mobility; all of which are essential to economic growth and social well-being (OECD, 2014). Barriers to accessing and obtaining a postsecondary education can have hugely adverse effects on employment opportunities throughout an individual's life.

In the consultations inclusive post-secondary education programs that remove barriers for students with developmental disabilities were highlighted as a promising direction that all universities should adopt. Currently, these programs exist at Acadia University, Cape Breton University, Mount Saint Vincent University, and NSCC.

The Accessibility Directorate supports postsecondary institutions in developing their plans involved collaborating with institutions via a post-secondary accessibility working group on the development of the Nova Scotia Postsecondary Accessibility Framework (Council of Nova Scotia University Presidents and the Nova Scotia Community College, 2020). When it comes to the development of accessibility plans as required by the *Act*, we found that some postsecondary institutions are achieving successes through initiatives that can serve as models. Successes include accessibility committees with issue-specific working groups, inter- and intra-institutional collaboration, the development of students with disabilities groups, the engagement of First Voice advisors who are meaningfully and respectfully included in every stage of the planning process, and the appointment of campus-based accessibility navigators. The framework provided a valuable scaffold for these activities, which the Directorate further supported through capacity building resources.

However, we also learned about inconsistencies across institutions in their approaches to developing their accessibility plans and in the content of their plans. We also learned about opportunities that have not been capitalized upon for improving how accessibility advisory committees are being developed and engaged. Members of some postsecondary advisory committees shared concerns about their limited participation in the development of accessibility plans. Some members also shared experiences of stigma and disability-related barriers to full and equal

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“The evidence and knowledge on hidden disabilities is not as widely known, and it's very difficult to act on addressing things if we don't know what the problems are. There should be a mechanism that makes sure that they [invisible disabilities] don't get overlooked.”

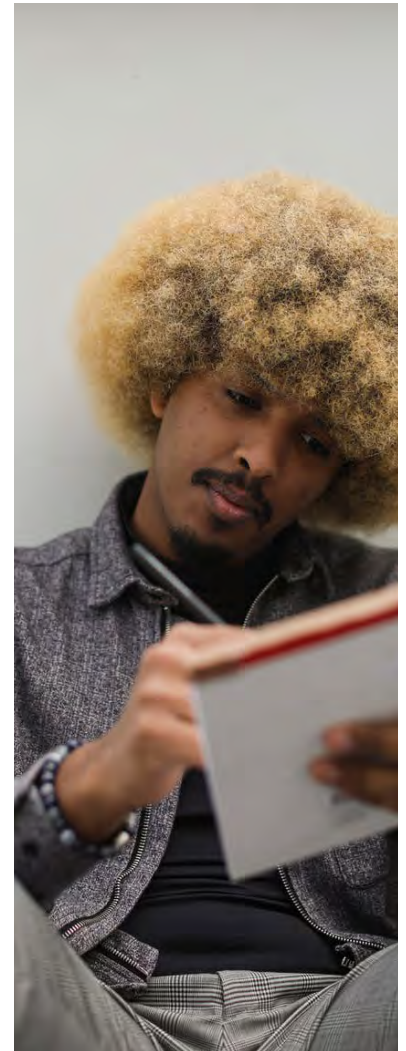
**POSTSECONDARY
ACCESSIBILITY PLANNING
COMMITTEE MEMBER**

participation and called for anti-ableism training and enhanced oversight by the Directorate over postsecondary planning processes.

Students with disabilities experience distinct barriers to accessing postsecondary education (Arim & Frenette, 2019). Some of the discrimination and barriers people with disabilities face in postsecondary institutions that we learned about are structural and systemic. Student services staff from across the province described the reluctance, and in some cases refusal, of faculty to honour their duty to accommodate students whose needs for accommodation have been registered and approved. This issue was only the tip of the iceberg, however, as many students who encounter barriers in postsecondary environments do not have registered accommodations. We also learned that postsecondary institutions need to go further to include invisible disabilities in accessibility plans and actions and to include disability and accessibility in existing work on equity, diversity, and inclusion, understanding that the human rights of people with disabilities and addressing ableism are in themselves issues of equity, diversity, and inclusion. Further, many students who are female, 2SLGBTQQIA, of Caribbean or African descent, persons of colour, Indigenous, are international students or self-identify or are characterized by other differences, have disabilities, too. For postsecondary institutions to incorporate a significant focus on disability in their equity, diversity, and inclusion initiatives would strengthen the intersectional reach of those initiatives.

Data collection related to disability and accessibility as part of broader work on equity, diversity and inclusion is crucial to understanding where we are and what we need to do to get where we need to be in Nova Scotia. Some postsecondary institutions are beginning to collect and report on anonymized, self-reported demographic information from employees (see, for example the Dalhousie University Community Equity Report 2019, and St. Francis Xavier University Employee Diversity Survey 2019). Existing information suggests that despite modest increases in some places, people with disabilities continue to be underrepresented in university leadership, faculty, and staff. Such underrepresentation points to a need for focused attention in this area. Access to employment within postsecondary environments is an important issue that converges with the need for an accessibility standard on employment. The issue also converges with access to the disability-related supports that will enable people to sustain their employment.

Information about postsecondary students with disabilities is reportedly not as readily available as about postsecondary staff with disabilities. Existing information tends to be restricted to students who are formally registered with the accessibility and accommodation services at their institution. That under-reporting of disability among students points to a need for all postsecondary institutions to collect, analyze, and report on this information and to make the reports public. There are two initiatives that the Directorate is funding to assist with such efforts: 1) Monitoring and Evaluation Framework for Nova Scotia Post-Secondary Accessibility Framework Project Working Group; 2) Post-secondary



Education Accessibility Services Awareness and Capacity Building Resources Project Working Group. Both working groups were formed in 2021 and work is currently in-progress.

Postsecondary schools' and other PPSBs' accessibility plans provide a means of collecting, generating, and sharing information about accessibility barriers at the institutional, community and provincial levels. However, although the development of accessibility plans has increased the amount of information being generated about barriers in the province, information is lacking about the financial and other resources that are or will be available to help prevent and remove these barriers.

A key issue identified in conversations with postsecondary representatives, staff, faculty, and students concerned the lack of affordable, accessible, and attainable campus residences. Across Nova Scotia, campus residences may be in older buildings, with stairs, no elevators, inaccessible common areas, and barriers to entering and exiting the buildings. This is especially true for university residences. Such arrangements reduce the options for where students with disabilities can live. Inaccessible residence buildings also impede students from visiting and socializing with other students and participating equally and fully in extracurricular student activities and campus events (e.g., frosh and orientation weeks, homecoming, and graduation). Newer, more accessible buildings come with a higher cost to students and may be financially out of reach. An area where further data collection and public reporting is required is whether and how equity and accessibility for students with disabilities is being factored into the costs of on-campus residential accommodation.¹⁹

A 2022 report by Statistics Canada (2022c) identifies Nova Scotia as having the highest undergraduate university tuition fees of any province in Canada. Concerns were expressed in the consultations that the search for resources to support accessibility initiatives in the postsecondary sector may result in raising tuition fees or cutting existing programs and services. While it may not be appropriate for the province to leave the issue of resources for implementing the *Accessibility Act* unaddressed, presently this is something that representatives of postsecondary institutions, as well as other PPSBs, said they must figure out on their own. As it does not seem reasonable to pass the costs of greater accessibility on to students through even higher tuition fees, alternative provincial and federal funding for accessibility as well as policies to address student housing barriers should be explored. Such funding will be needed to ensure that students with disabilities – who have historically tended to experience many barriers in postsecondary education – are not disproportionately impacted by efforts to prevent and remove barriers.

¹⁹ Consultations with representatives from the postsecondary sector and a written submission from The Council of Nova Scotia University Presidents cited costs of capital projects as thwarting efforts to prevent and remove accessibility barriers unless there is assistance from the Province.

D. Other Findings

During the consultations, the interconnectedness of accessibility standards and related issues that are not directly addressed by the *Accessibility Act* became apparent. Accordingly, it was difficult for the people consulted to talk about separate standards as if they stood entirely alone in watertight compartments. For example, it was difficult for people to talk about postsecondary education without also considering the financial situations of people with disabilities who would like to attend college or university but who cannot because of poverty, lack of employment, or other issues related to income. Similarly, the accessibility of built environments (e.g., accessible educational facilities and student housing) and transportation (e.g., accessible vehicles, terminals, and stops) are issues that need to be addressed to ensure the full accessibility of education, which is at the present focus of attention for standard development under the Act. Ensuring the accessibility of built environments will be required to ensure equal access to a range of goods and services, which is also slated for the development of an accessibility standard. As will be discussed below, matters to be addressed by future accessibility standards and regulations, such as for goods and services and for communication, may be instrumental means of gaining access to the benefits of other social areas covered by standards and regulations, such as information, education, employment, and consumer goods and services.

Issues related to present standards

Postsecondary education

Aside from the financial barriers to postsecondary education discussed earlier in this report, other key issues that students and recent graduates with disabilities raised were about maintaining an adequate standard of living and quality of life while studying. Top of mind among those barriers were high student debt following graduation, disability-related barriers to housing, and difficulties obtaining decent employment.

During the review, important improvements were made to provincial student assistance programs. Introduced in October 2022, these changes recognize the relationship between poverty, disability, and the financial inaccessibility of postsecondary education for many. Such difficulties are also hinted at in the preamble of the *Accessibility Act*. The changes align with and provide greater consistency with federal student assistance programs, thereby helping to reduce the confusion many postsecondary students with disabilities have experienced when seeking financial assistance for their studies.

A key change is in the definition of “disability”, which was expanded from “permanent” to include “persistent and prolonged disabilities” of 12 months or longer. Other changes include increasing the gross allowable income of single borrowers from \$25,000 to \$40,000 and reducing the maximum affordable payments for people. The definitional and other changes mean that Nova Scotians with disabilities will be more likely to have access to postsecondary

education, while also being more able to manage their budget and pay down their student debt. The changes represent important moves in the right direction.

However, the wider availability of student financial assistance is only one piece of the puzzle. Also important are accessible, affordable, and stable housing, and decent and consistent work. Postsecondary students and recent graduates with disabilities described the challenges of having to change residences frequently and of living on an income based on student assistance programs and short-term employment contracts. Also needed, then, are other supportive programs that will remove barriers to housing and earned income and that will make the postsecondary experience more accessible, equitable and inclusive for all.

As well, we also learned that academic programming in the field of disability studies can play a valuable role in improving public knowledge and knowledge in the prescribed public sector areas about systemic ableism and accessibility. Currently, however, such programming is limited in Nova Scotia's universities and colleges.

Issues related to future standards

While the accessibility standards on built environments and education have been prioritized for development, the people we consulted for this review had much to say about standards that are next slated for development.

Transportation

Barriers to travelling, whether for business, education, leisure, or work, were routinely raised during consultations. The lack of accessible, affordable, and safe public transportation across the province – especially in rural communities – was described a barrier that affects all Nova Scotians. Transportation is essential to supporting independence, health, income through paid employment, participation in family and community life, and alleviating social isolation. Some transportation groups in the province advocated for greater attention to furthering accessible transportation across the province, with a stronger focus on the development of accessible transportation plans and services within municipalities.

Many people with disabilities do not drive, lack direct access to any transportation through their social networks, or lack their own safe vehicles – accessible or otherwise. And the costs of private transportation are often prohibitive. Many people must therefore rely on the public system.

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“Access-a-Bus needs to be that you don't need to call seven days in advance. If you want to be spontaneous then you should be able to do that”.

**FIRST VOICE
COMMUNITY MEMBER**

People living in the Atlantic Provinces have the least access to public transportation in Canada. In Halifax 70.9% of the population lives near public transit (500 meters or less). Province-wide in Nova Scotia, the proportion drops to 37.6% (Statistics Canada, 2020b). Public transportation, where it does exist, is often not fully accessible. People wanting to book accessible transportation must do so well in advance – in some cases, weeks. Accessible transportation that is only available on business days or during working hours poses a barrier to family activities and community events. By prioritizing medical appointments for the use of accessible public transportation, triage systems further restrict people's use of the system. However, the simple lack of *any* access to buses or taxis in rural and remote communities

means that people may have to forego even needed specialist appointments and medical care if they cannot afford or arrange for private transportation for all or part of their journey.

Disability-related barriers in public transit are many and include the accessibility of vehicles, the inconvenience of some transit routes, rigid policies, driver inflexibility, and inaccessible information and communication about routes, schedules and stops. In the consultations, we spoke with First Voice leaders in executive positions as well as people who are not working for pay who rely on public transit to live their lives. A key issue they described is where the stops are located – especially outside of urban centres – and the inflexibility of bus drivers to adjust their stops to accommodate people with disabilities.

Unhelpful transit worker attitudes, and the discrimination and even violence of other passengers towards people with disabilities (ableism), can be harmful and deters people from using the public system. Many people we spoke with worried about their physical and emotional safety, as well as the safety of their children, elders, and friends while using the public transportation system. They also shared a sense of fatalism and a loss of trust in the system; reporting incidents to drivers, transportation authorities, police, and even the Nova Scotia Human Rights Commission rarely if ever seemed to result in justice.

For many, the cost of public transportation is also a significant issue. For instance, we met with people with intellectual disabilities in northern Nova Scotia who receive social assistance. They told us about how the very limited money they had left over once their bills were paid went to paying for taxis to and from medical appointments or the grocery store. Many other people with disabilities across the province who live on low incomes also must deal with this issue.

However, we also learned of promising directions and workable solutions. For example, responding to feedback from people with disabilities about the inaccessibility of public transit, Halifax Transit recently launched a training program that supports people with disabilities to become more confident using the conventional public system. It has been pointed out that a drawback of this program is that it focuses solely on training for people with disabilities; transit workers and the public also require education about disability and transit (Thomson, 2021). However, the program was described as “a good beginning.”

Other solutions are also needed and would not be difficult or expensive to implement. Focus group participants with learning disabilities and other labels highlighted the positive difference small changes in transit practices have made to their lives. For instance, transit route maps, schedules, and stops can be challenging for people with a cognitive disability to navigate. However, the transit driver’s simple announcement of stops, and providing enough time for people to prepare and disembark, was described as “life changing”. Other people we listened to underscored how a driver’s willingness to drop passengers with disabilities between stops would be easy to do. It would help break down the rigidity of policies and practices that make it difficult for people with disabilities who need public transportation to benefit equally from that system and to get to work and other activities on time. Such a small change would also



make it more possible for *the province* to benefit from the leadership, creativity, knowledge, skills, talent – and success – of people with disabilities at work and in other activities.

Given that many people with disabilities live on below-poverty-level incomes, several people we consulted described free transit for people with disabilities as another measure that would significantly improve their lives.

Presently, however, the inaccessibility of the transportation system means that many people with disabilities are excluded from everyday activities and from enjoying the natural beauty and cultural diversity of the province. For example, the development of a physically accessible viewing platform at the iconic lighthouse at Peggy’s Cove was celebrated as a win (Develop Nova Scotia, 2021). Yet, this experience is not equally accessible to everyone in the province if some lack the accessible transportation needed to get there and enjoy the landmark. The introduction of accessibility taxis, as was done recently in Halifax Regional Municipality’s Extra Care Taxi program, is the kind of improvement that can make a significant difference in some people’s quality of life (HRM, 2022). Similar considerations apply to another much-celebrated success – the accessible beaches with Mobi mats and adaptive equipment (Nova Scotia Parks, 2022). These can be enjoyed *only if* people can get to and from the beaches *and* have the attendant support they need while there.

Information and communication

a. Accessible websites

During the review the team was made aware that the *Accessibility Act* of Nova Scotia was not accessible using all screen readers. Compliance with standards for online accessibility that have been widely adopted in Canada and internationally (e.g., the World Wide Web Consortium’s [W3C] Web Content Accessibility Guidelines [WCAG] 2.1) would be a good starting point for ensuring all electronic communications pertaining to the *Act* are accessible. It will also be important for the Government of Nova Scotia to keep pace with developments in this area as companies that produce software will almost certainly be doing so; people trying to access websites and other electronic media that have not kept pace may find themselves “frozen out” of the information they are seeking.

Digital accessibility was described in the consultations as a “literal lifeline” for many people with disabilities, and one that has grown in importance since COVID-19. Information and communication will be one of the accessibility standards to be implemented under the *Accessibility Act*, but no standards have been proposed for this area to date. A citizen-led accessibility check of websites reportedly found that many of the prescribed public sector bodies under the *Act*, as well as many disability organizations, did not meet current best practices and expected minimum standards for digital accessibility (James McGregor Stewart Society, 2022). Removing digital barriers and implementing programs that provide resources to support voluntary accessibility audits and self-assessments will be essential for furthering continued improvements so that many of the required accessibility features that are needed now can be put in place before the standard for information and communication comes into effect. As important as digital access is, it is equally important that the Government

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“Many services provided by the provincial government and service agencies assume people have access to computers and cell phones. A lot of people with intellectual disabilities don’t have access to the technology. When they do, they may need help using it and that help isn’t always there.”

**FIRST VOICE PROVINCIAL
DISABILITY ORGANIZATION
REPRESENTATIVE**

recognize that digital exclusions are also related to access to devices, computer literacy, and the Internet, and in some cases access to other people to support the process.

b. Assistive aids, devices, and supportive services

For communicating and receiving the information they need in a variety of settings (e.g., education, employment, customer services, transportation, healthcare), many people with disabilities need assistive devices or a support service such as sign language interpretation. However, meeting the cost of a hearing aid or sign language interpreter is beyond reach for many people. In view of the financial barriers to accessing the technology and disability-related support services people need for everyday activities, greater subsidization of those costs is needed.

In addition to technologies for individuals, there is also a need for disability-related technologies for businesses and other organizations. For example, small businesses require financial assistance to purchase technology²⁰ so employees with disabilities can communicate with others and be effective in their jobs. Stores should be able to provide magnifiers so customers with low vision or other vision acuity difficulties can read product labels, information about sizing and prices, etc. Described documents are needed in a variety of commercial and other settings for people who are blind, with low vision, or have low literacy.

American Sign Language (ASL) interpreter service is needed for customers and clients of banks, schools, police stations, hospitals, major grocery stores, gyms – and even at stores where people can purchase assistive technologies for disability. Sign language interpreter services are currently available in person for people and businesses who can afford it in communities where interpreters live. In a focus group session with the d/Deaf community co-hosted with the Deaf and Hard of Hearing Society of Nova Scotia, we learned that approximately 80% of interpreters are located in or near the Halifax Regional Municipality. Worldwide, however, the service is being provided remotely and more affordably in many countries to people who use a smart phone, tablet, or computer at the point of contact where they need the interpretation, such as at a doctor's office or grocery store (Buettgen et al., 2021). It was urged that the government should fund ASL for all essentials of living and consider a variety of delivery modes such as in person and online.

Another recurrent theme in the consultations concerned the need to enhance the professional education and training for ASL (and Maritime Sign Language²¹) in Nova Scotia. The measure is needed to encourage the recruitment, retention, and decent wages of interpreters, thereby supporting the growth of the sign language interpretation industry in this province. Deaf people and people who are hard of hearing should be engaged in this work as teachers and advisors, strengthening their opportunities for connection, co-learning, and paid employment. It was contended that such support for the industry would position Nova Scotia as a leader in the region.

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“When the Province has interpreters, it is online but not always on TV. We want to see more ASL on the news on TV. We have a right to know what is happening in our communities. Not everyone has strong literacy or can read English. Online, and only for some things during a state of emergency, is not good enough.”

**DEAF COMMUNITY
MEMBER**

²⁰ Small businesses may also need financial assistance to modify physical spaces for employees and customers.

²¹ Maritime Sign Language is now used mainly by older d/Deaf people in the Maritime provinces.

Goods and services

c. Justice

Many people we listened to in our review described barriers to access to service in the area of justice. Current work was acknowledged to address issues in justice as described in the Government Accessibility Plans. Such activities include accessibility navigators and improving the accessibility of courts.

The need for accessible meetings for law amendments mobilized the formation of the Bill 59 (*Accessibility Act*) Alliance but ensuring the accessibility of these and other meetings related to public policy on accessibility is not a principle that has been widely applied in Nova Scotia. Beyond the need for an inclusive process for law and policy reform, other important issues include how people with disabilities are processed in the criminal justice system, and training on accessibility and disability-inclusivity for police and legal services. Setting out or clarifying the accessibility standards for the things that police, lawyers, judges, and others working the justice system must know, abide by, and promote would help advance accessibility in the justice system.

Another issue that we learned about was interpersonal violence and bullying. Parents described their children being bullied in schools. Adults with developmental / intellectual disabilities and labels shared their experiences being bullied at work, as did people who live with a mental health disability, individuals who are d/Deaf, and those who are neurodivergent. The bullying takes many forms – verbal, physical, and emotional – and ranges from microaggressions²² to overt harassment.

We repeatedly encountered calls for a government funded “disability advocate” who could provide people with disabilities information about their human rights, identify discrimination, and connect them with resources that would support them in seeking redress. An advocate was also described as a system navigator who could help people with disabilities access the information and services they need to access justice.

A disability advocate located in the Department of Justice was cited as crucial to ensuring justice for d/Deaf people who require sign language interpretation, other people who experience communication barriers or who use assistive technologies / devices to communicate, persons with low literacy or who are neurodivergent, people who have a mental health disability or psychiatric diagnosis, and people who have an intellectual / developmental disability. For instance, we learned from several d/Deaf people about how they had attempted to report crimes, but without proper access to interpreters, these individuals were dismissed and were unable complete their reports. We learned from people with intellectual disabilities living in rural communities

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“We hear of a range of ways that people with disabilities are marginalized and not heard in a system in which the people affected are supposed to be heard.... Lawyers are supposed to have ethical obligations to understand and don’t have the capacity to understand what is happening to [people with cognitive and mental health disabilities]. People will plead guilty to things they don’t understand the consequences of.”

LEGAL EXPERT

“[We] need someone that people can call and there’s a phone that’s picked up, and it’s a real person that can help them find this stuff.”

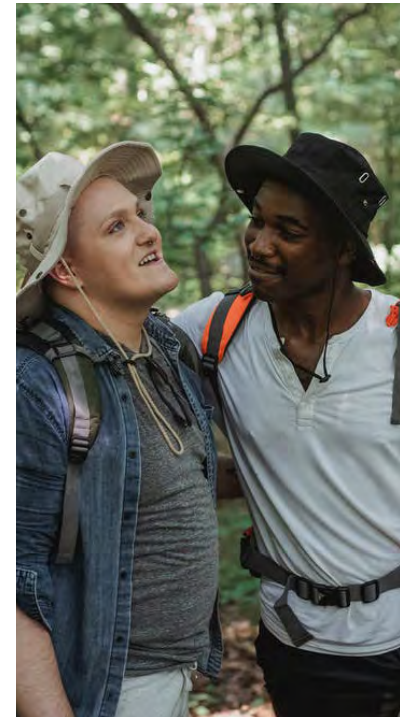
AN INDIVIDUAL FROM AN ORGANIZATION REPRESENTING PEOPLE WITH DISABILITIES

²² Microaggressions are frequently occurring forms of discrimination that may be subtle, indirect or even unintentional, but which are disparaging or degrading and harmful, nonetheless.

who attempted to report that they had money stolen from them who were simply given instructions like “be more careful and not so trusting” without further action to address their complaints. An African Nova Scotian parent with disabilities shared challenges they faced advocating for their children in the school and criminal justice systems, and having their children removed from their care. Women shared their experiences of being coerced into dependencies on family members for “care” and having no place to turn when submitted to gender-based violence by family members. Two young people with disabilities we spoke with, one in their twenties, were living in institutions due to barriers accessing home care in their communities.

Racism, ableism, and other systemic inequities have contributed to the overrepresentation of Indigenous and racialized people within criminal justice and forensic mental health systems (Department of Justice Canada, 2023; Dickson & Stewart, 2021). A broadening of the definition of accessibility barriers to include a consideration of the cultural dimensions of disability and accessibility would offer a way to address intersecting discrimination, action commitments to reconciliation, and support system-level change.²³

Interviews with government staff across multiple departments and offices highlighted that any work to prevent and remove barriers to accessing justice and to advance the human rights of diverse people with disabilities and others facing accessibility barriers should consider the implications of the recently introduced *Dismantling Racism and Hate Act* (Nova Scotia, 2022f). Those efforts towards accessible justice should be pursued in collaboration with the Human Rights Commission, the Office of Equity and Anti-Racism, African Nova Scotian Affairs, the Office of L’nu Affairs, the Department of Health, the Department of Community Services, Nova Scotia Advisory Council on the Status of Women, and other relevant government departments and community organizations.



d. Recreation, leisure and community arts

Access to justice is not only an issue for the justice system. Access to justice is also a disability culture and community issue. Disability justice acknowledges and responds to the exclusion of historically marginalized groups from disability rights and inclusion movements, centering intersectionality, interdependence and collective access (Berne, Morales, Langstaff, Sins Invalid, 2018). Deaf, Disability and Mad arts contribute to disability justice through cultural events and activities that build community and promote recognition of the value and diversity of disability experiences, identities and lives (Canada Council for the Arts, 2018; Jacobson & McMurchy, 2010). The review team learned of exciting First Voice led and engaged arts-informed culture and community building work happening in Nova Scotia, and the contributions it made to preventing and removing barriers.

One lesson that could be drawn into clearer relief concerning the provision of accessible services is related to the full inclusion of people with disabilities in situations and activities for recreation, leisure and community arts. People

23 The ‘Hearing Their Voices’ research program led by the Wabanaki Council on Disability proposes an Indigenous paradigm of accessibility that acknowledges the disabling effects of intergenerational trauma experienced by Indigenous people and communities as cultural disability. Additional information about this research can be accessed via <https://www.hearingtheirvoices.org/>.

with disabilities have a right to *feel* expected and welcome in all public spaces and should be able to fully enjoy all the benefits those spaces and opportunities have to offer. Where people *experience* welcome, belonging and being fully included in recreation and leisure, the experience is often the result of the ease and pleasure with which spaces and things in those spaces can be used, and the result of the informal, affirmative interactions with others that occur in those spaces. The experience of inclusion and welcome is less a predictable product of a formal “program” that has discrete steps and actions that aim to bring about specific, measurable “results”. What, then, are effective leaders in recreation, leisure and community arts doing to make people *experience* being welcomed and fully included in those spaces and opportunities? Lessons learned about how leaders in the recreation and leisure fields are doing this effectively could be more broadly shared.

Employment

In the consultations for the present review, we listened to stories by people with disabilities who experienced barriers to obtaining and maintaining gainful employment. Those accounts illustrated employment discrimination based on disability. For instance, people told us about barriers to accessing information about job opportunities and submitting applications. For some people who were employed, we learned of experiences of exclusion in the workplace. Several people shared stories of being harassed by coworkers. Others described being stuck in entry level positions and the implications this had for their income and pensions. Others described how disability benefit and insurance program policies made it very difficult to re-enter the workforce after a leave. Some of the most troubling stories were from people living with intellectual and developmental disabilities who were being paid stipends that amounted to less than the minimum wage. They described knowing this was wrong but not knowing what else they could do.

Some individuals identified a subtle form of structural and institutionalized ableism that has negatively affected theirs or others’ employment. Sometimes called “aversive ableism” (Friedman, 2018), this form of discrimination may, on the one hand, be reflected in positive ideas about disability that people responsible for the workplace or coworkers hold about disability; such individuals typically have good intentions and mean well. On the other hand, in practice this form of ableism is also reflected in hiring someone with a disability but not adequately supporting them to develop the knowledge and capacities they need to do their job properly or failing to provide other conditions the individual needs to succeed at their job. The aversive ableism people told us about is typically accompanied by “three strikes” policies, where failure to progress despite the lack of coaching, professional development, job accommodations, and other support eventually spells termination of employment.

The preceding examples are about some of the difficulties people with disabilities experience in the workplace. However, organizations we consulted also

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“We’ve known for over 50 years that unemployment and blindness are close friends. If you look at the working age the unemployment rate is too high, and is rising, despite degrees in higher education. At one point 70% of the population was unemployed. Now it is closer to 75-80%.”

FIRST VOICE DISABILITY ORGANIZATION REPRESENTATIVE

“We really need some proactive approaches to hiring people with disabilities. We need to put some dollars in place and make sure that people are being hired so people see themselves represented on the other side of the service equation.”

GOVERNMENT REPRESENTATIVE INVOLVED IN ACTIVITIES RELATED TO IMPLEMENTING THE ACT

highlighted the routinely unfulfilled promise of people being able to obtain *any* gainful employment after earning a university degree or college diploma. Such individuals are often left with substantial postsecondary debt and no means of paying it down.

People we spoke with in this review urged that lessons learned from Diversity, inclusion and Equity initiatives be put into action. In particular, people urged that investments be made in human resource practices that will include the targeted hiring of people with disabilities. Related is the need for measures to change the culture of service provision to citizens in general in Nova Scotia and to people with disabilities in particular. Here, better representation of people with disabilities in the service-sector workforce is needed to support greater inclusivity. That is, people should be able to see themselves reflected in those who provide services. The workers who provide services should be able to draw upon their coworkers' experiential knowledge of living with disability.

Issues related to potential areas for standards in the future

Healthcare

Evidence from national and international research shows that people with disabilities are more likely to experience discrimination, unmet healthcare needs and poor health outcomes (Janz, 2019). Disability related stigma and barriers to accessible, equitable and high-quality healthcare result in unnecessary costs and a higher likelihood of poor outcomes leading to strains on patients, their paid and unpaid caregivers, and the health system more broadly.

In the consultations for the *Access by Design 2030* strategy, there were strong expressions of support for healthcare as an area for the development of an accessibility standard. The letters submitted as part of the law amendment process leading up to the promulgation of Nova Scotia's *Accessibility Act* also referred to the importance of healthcare as a human right. Healthcare was often raised as an area that requires greater accessibility and its own standard.

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“...the single most important thing that we've identified is the need to have health as a separate standard.”

**ACCESSIBILITY ADVISORY
BOARD MEMBER**

Some healthcare issues that people described in our review included:

- Access to primary and specialist care (diagnoses, referrals, follow-up)
- Financial barriers to specialist assessments and diagnoses
- Supports for people with rare and/or complex diseases/disorders/conditions
- Physician gatekeeping
- Access to sexual and reproductive healthcare and health education
- Accessible ambulances

Many people for the review we conducted also spoke of the need to address accessibility barriers in continuing care and mental healthcare.

A focus group with allied healthcare professionals from across the province highlighted the complexity of accessibility barriers. We learned that people without a primary care physician face barriers to accessing specialist care, as the physician is often needed for follow-up. We also learned that people without a primary residence and fixed address may not receive home care, and that home care agencies have policies that require certain conditions be met before care workers can enter the dwelling, such as no pets in the vicinity. Home care provider policies can pose challenges to some people with disabilities being able to access the care they need to live independently and well, and that is in cases where home care is available. For some Nova Scotians living in rural and remote communities, the availability of home care may be limited or non-existent. Even in larger towns and more urban spaces, the supply of home care workers may not be sufficient to meet the demand. In such cases, institutionalized facility-based care should not be the default, but typically is.

Work to prevent and remove accessibility barriers in healthcare could help to ensure people have access to the health-related services and supports they need without access depending on the political good will of individual political leaders or the discretion of civil servants. Standard recommendations related to health could also complement work happening in the other standard areas. Frequently cited examples from members of the public and from healthcare professionals who participated in the consultations included ensuring the availability of accessible ambulances under the accessibility standard for transportation, disability customer service training for hospital staff and healthcare providers and accessible medical equipment under the goods and services standard.

Housing

It remains to be seen whether the many concerns expressed about the availability and affordability of accessible housing will be addressed by the built environment standard and regulations, together with Appendix C on Accessibility in the Nova Scotia Building Code (Nova Scotia, 2021). If not, it has been strongly urged that a separate standard of accessibility be considered for housing. Clearly it would have to be well integrated with the *Building Code*.

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“My daughter hit her head and I had to go with her to the emergency room. At triage the nurse refused to remove her mask so I could read her lips. I asked for VRI [video remote interpreter services]. She said couldn’t my daughter just interpret for me? My daughter was the patient...”

**DEAF COMMUNITY
MEMBER**

Justice

It also remains to be seen whether the accessibility of the justice system will be adequately addressed by creative applications of accessibility standards that have been or will be developed for built environments, services, information and communication, and for the employment of people who work in the justice system. If not, it was again strongly urged in the consultations for this review that the Government consider developing a separate standard to ensure the full accessibility and disability competence and confidence of all matters that fall within the scope the justice system, including police, the Public Prosecution Service, the judiciary and courts, Nova Scotia Legal Aid, correctional and victim services.

Crosscutting issues

Disability-related supports

As with the aids, devices, and supportive services to assist with communication (discussed above, in section VI.D.2.b “Information and communication”), people who have mobility impairments often need mobility devices (e.g., manual or power wheelchairs, scooters) to access the built environments where educational services, employment, and consumer goods and services are provided, and so they can obtain the accessible transportation they need to get to and from a variety of opportunities that most people can take for granted. However, we learned in our consultations about the prohibitively high costs of mobility devices and support services (e.g., attendants) that people need to work, learning, and recreation. It is beyond the financial reach of many people with disabilities to meet the cost of a wheelchair, scooter, or attendant. People with learning difficulties may need an unaffordable digital notetaker or tutor to assist with their studies. People who are d/Deaf or hard of hearing may require interpreter services that they cannot afford. It has been well established in the research literature that needs for disability-related supports are diverse and that cost is a significant and longstanding barrier to fulfilling these needs (e.g., Statistics Canada, 2008, 2010; Morris et al., 2018). In view of the financial barriers to accessing the diverse equipment, technologies, and human supports that many people with disabilities need for everyday activities, realistic cost estimates need to be developed. Workable approaches to subsidizing these costs also require practical attention.

Better coordination of standards and other accessibility initiatives

Several consultees said that it would be helpful if a more coordinated and integrated approach across accessibility standard areas were adopted. Ideally

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“Long term care, and housing and healthcare are all connected. If you make somebody’s home more accessible, they’re not in hospital or long-term care, as long as they don’t have to leave their home because they can’t get to their bathroom upstairs. Like there’s a connection with all of that. If healthcare was the standard area, that could potentially bring some of those issues into focus so we could see the connections between those things.”

ACCESSIBILITY ADVISORY BOARD MEMBER

“If a Deaf person is arrested and handcuffed behind their back, how can they communicate? They should be handcuffed in front so they can still communicate. In processing I’ve learned of police removing people’s hearing aids. This is a human rights issue.”

DEAF COMMUNITY MEMBER

“Our quality of life is diminished because we have to be self-advocates our whole lives.”

FIRST VOICE COMMUNITY MEMBER

that coordination would include initiatives that fall within the standards that have been developed, that are being worked on, or that will be developed in the next few years.

The need for greater awareness and capacity building

As discussed earlier in this report, there is a widespread need for the public in general and for people with a direct stake in accessibility issues to be better informed about the work that is being done, areas where progress is being achieved, “success factors” that help account for the progress, and areas where improvements are needed. While the Accessibility Directorate has been given significant responsibilities under the *Accessibility Act* to help build this awareness and develop organizational capacity, this important work is not solely the responsibility of the Directorate. The Accessibility Advisory Board, standard development committees, accessibility advisory committees for PPSBs, disability organizations, and government departments all have important roles to play, here. The Directorate can feed information and resources to all these groups and can help them effectively communicate what they have been doing to fulfill their responsibilities under the *Act*. However, each group with direct responsibilities should also be effectively communicating *their own* activities and results.

Other issues

We collected many pages’ worth of concerns and potential solutions that the people we consulted raised about other pressing issues for people with disabilities. We here provide only a brief summary of key “take away messages”.

Poverty

Poverty rates in Nova Scotia are the highest in Canada and remain relatively high compared to other provinces and the national average, and 24% of Nova Scotian children live below the poverty line (Statistics Canada, 2022e; Frank, Fisher & Saulnier, 2021; Whitley & Hollweck, 2020). As discussed earlier in this report, recent surveying on levels of wellbeing in Nova Scotia suggests that those who have a disability, chronic illness and/or low mental or physical health are more likely to experience poverty and often cannot afford to meet their basic needs. Government efforts to reduce and eliminate poverty thus remain critical to the wellbeing and rights of people with disabilities. Presently, many people with disabilities have difficulties paying for anything but the most “bare-bones” – and often not very healthy – essentials of life.

Climate and Environment

Participants from across diverse consultee groups described the importance of advancing accessibility agendas in environmentally conscious and sustainable ways so that the world is livable for current and future generations of people with and without disabilities. Key messages were as follows:

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“... I don’t think that we’re fully considering the impact of living in poverty, and a low income and having disability. Because if you’re from a higher socioeconomic status, and you have more income, you can pay for more supports; right, you can pay out of pocket for those services. But if you are a recipient of social assistance in Nova Scotia, and you have a disability, you’re living in poverty. So, I think it creates an extra barrier to access because how can you advocate for your needs when you’re just trying to, you know, have a place to sleep?”

**AN INDIVIDUAL FROM
AN ORGANIZATION
REPRESENTING PEOPLE
WITH DISABILITIES**

- Emergency health and community services need to improve their supports to people with disabilities, where they are, during prolonged periods without electricity and telecommunications. Such responses should include guaranteed access to accessible transportation and emergency attendant care, and pre-established plans and processes for checking on people to ensure they are safe.
- All levels of government should ensure that emergency planning and emergency responses for people with disabilities are accessible, equitable and inclusive. Climate events like Hurricane Fiona expose systemic inequities that position some people and communities in ways that can make them especially vulnerable to harm.
- All levels of government should ensure people with disabilities have the information and guidance they need both before and during events like Fiona for the best possible outcomes.
- Using channels such as the Accessibility Directorate's website and the websites of other government departments, the provincial Government should make publicly, prominently, and quickly available resources such as *Emergency Planning Checklist for Seniors and Persons with Disabilities*. This document is produced under the auspices of the Accessibility Directorate and Department of Justice (2017) but is difficult to obtain online. That document refers the reader to the *Are You Ready Guide* for more information, but that document is also difficult to find online. Some people we consulted looked for these documents online during Fiona but were unable to find them.

The accessibility plans of prescribed public sector bodies should include details about disability and accessibility for the organizations' emergency planning and management.

Intersectionality and Equity in Human Rights Concerns

A range of unaddressed equity and human rights concerns embedded in existing policy and practices were described as important backdrops that impact the achievement of an accessible Nova Scotia. Representatives from organizations supporting people with disabilities emphasized that addressing broader, persisting accessibility barriers needs to be deeply integrated within a broad-level accessibility strategy. The barriers faced by some disability communities are complex. This complexity is informed by systemic issues and requires a cross-sectoral, whole-government approach.

Respondents called for policy and practice solutions for issues such as:

- Inequitable access to social, health, and other services.
- Restrictive means testing and diagnosis-based eligibility requirements for program entry.

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“Autism doesn't qualify for some services.... for autistic people to access services, they need to have a co-occurring diagnosis that does qualify... due to outdated policies.”

**AN INDIVIDUAL FROM
AN ORGANIZATION
REPRESENTING PEOPLE
WITH DISABILITIES**

Paternalistic and patronizing service responses from health care and other social systems that persist and that were described as marginalizing persons with mental health and intellectual disabilities, and other challenges.

- The absence of core funding for many disability organizations as a root cause of persistent inequality.

- Challenges and inequities facing families who support children and youth with disabilities, including income testing for gaining access to resources.
- Better access to transportation, housing, and affordable assistive devices for older adults, along with an integration of people with dementia and age-friendly approaches in any accessibility initiatives.
- Better access to transportation options and more even access to internet and medical services for people living in rural communities, particularly older adults.

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“Funding should not be income tested when it comes to supporting youth with disabilities in programs like after-school programmes. It should not fall on a family of a child with a disability.”

**SCHOOL SUPPORT
WORKER**

People consulted in interviews and focus groups raised specific concerns on intersectionality and equity in human rights in relation to First Nations and Indigenous people and communities, Black and African Nova Scotian communities, Acadian and Francophone Communities, new immigrants and refugees, gender, and 2SLGBTQIA people with disabilities. We touch on those concerns briefly below.

a. First Nations and Indigenous People and Communities

Disability advocates within Indigenous communities emphasized the importance of understanding the impacts of the residential and day school system and how these impacts shape all aspects of Indigenous life, including responses to disability and people with disabilities in Indigenous communities. In Atlantic Canada, Indigenous organizations supporting people with disabilities focus on helping people live and work as fully engaged members of their cultural communities.²⁴ Specific issues presented in the consultations that require attention include:

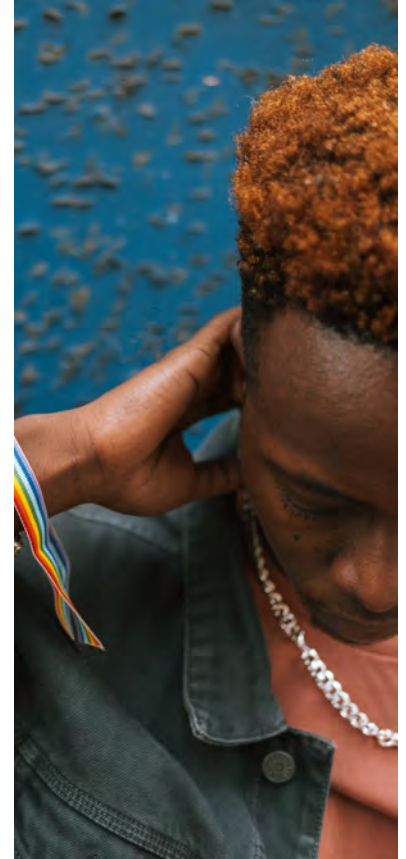
- Government policy and program development that inconsistently differentiates, or does not at all differentiate, Indigenous identities in population surveys or in other research.
- A need for the Government to address the dearth of funding specific to Indigenous disability supports on and off reserve.
- The need to engage Elders, other Indigenous leaders, and communities meaningfully and respectfully in accessibility work, which can provide a way to foster reconciliation with Indigenous peoples.
- The inclusion of culturally and linguistically responsive pedagogy, Indigenous languages, and attention to Indigenous cultures and to the cultural dimensions and contexts of accessibility barriers in orders or regulations included under the accessibility standard in education, and in work in other standard areas as appropriate.
- That L’Nu governments and organizations be kept informed about accessibility initiatives in the province and be invited to engage with this work as they deem appropriate. This could include in Government of Nova Scotia Accessibility Plans, standards development, the identification of priorities, in public awareness, in education and communication initiatives, in collaboration, monitoring and evaluation, and in compliance and enforcement.

24 The Wabanaki Council on Disability advances the economic, social and cultural, spiritual, civil and political rights of Mik’maq, Maliseet, Innu, Passamaquoddy and Penobscot persons with disabilities. The Council has prepared a number of resources on priority issues for Indigenous persons with disabilities in the Atlantic region, including: <https://mawitamk.org/our-stories/jordans-principle/>

b. Black and African Nova Scotian Communities and People of African Descent

Equity initiatives at the municipal and provincial government levels have aimed to strengthen supports for Black and African Nova Scotian communities and people of African descent. Overarching policy and program priorities have focused on employment equity and the development of services and legislation that support greater awareness and understanding of African Nova Scotian cultures, histories, and lived experiences, including the experience of racism. Among the suggestions and concerns offered were:

- The need to foster better understanding of systemic and historical racism, as a vital foundation for public understanding of the unique marginalization of disabled persons of colour.
- That respectful attention should be given to the distinct histories and cultures of Indigenous and Black and African Nova Scotian people and communities, as bases for undoing intersecting structures of oppression.
- That African Nova Scotian communities should lead the work on accessibility in their communities, supported by local and provincial collaborations and resources, and maintain control over any information is collected related to accessibility in the community.
- That there be improved communication by Government about, and action on, what has been learned from African Nova Scotian communities about accessibility barriers in the province, especially from people with lived, First Voice experience.
- That there be greater understanding of what African Nova Scotian leaders have emphasized about barriers to accessibility as being not just environmental, institutional, and attitudinal, but also spiritual, and recognition that cultural oppression has resulted in lived and persisting harms.
- That an equity-oriented intersectional lens informs all work on the Act, *Access by Design 2030* and the accessibility standards.
- As an expression of a commitment to addressing systemic racism, the Accessibility Directorate should continue to develop, deepen, and grow collaborations with organizations that support Black and African Nova Scotian people and communities.
- That measures be adopted to ensure representatives of the Directorate, the Accessibility Advisory Board, and standard development committees reflect the full diversity of Nova Scotian communities.



c. Acadian and Francophone Communities

Consultations conducted by the Directorate since the introduction of the Act have included French language materials (e.g., survey questionnaires, interview guides, slide decks), focus groups, and community information sessions. Francophone organizations and government representatives are also included on the Directorate's distribution lists for information and a few French speaking individuals have participated on accessibility committees. However, we learned from the Directorate that participation overall, however, has been limited.

Our review team hosted a virtual French language consultation in early September 2022 that had 10 registered participants, many of whom represented regional and provincial cultural and service organizations. Participants described the challenges Francophone and French speaking people experience, including barriers to accessing information about the Act in French, as well as barriers to accessing information about services and supports. They also spoke to issues that affect their communities but have broader application. Issues that were highlighted include the following:

- Some participants' lack of clarity about how the various commitments in the Government's Plan connected with one another, and how following through on these commitments would lead to the successful achievement of the stated outcomes.
- Participants' questions about the need to address health, justice, and poverty / income in actions to prevent and remove accessibility barriers.
- The need to seize opportunities to enhance the visibility of work on the human rights of people with disabilities who are linguistic minorities and multiply marginalized, and the need to enhance the visibility of government commitments and actions that could benefit these populations.

Several participants working for Francophone community and service organizations described the significant hardships and distress the French speaking newcomers, refugees, and immigrants have faced in their efforts to navigate educational, health and social care systems.

d. New Immigrants and Refugees

Immigrants with disabilities face distinct accessibility challenges as they transition to life in Canada. Existing accessibility barriers may be compounded by language and cultural differences and by diverse understandings of disability. New immigrants must grapple with unfamiliar support systems, limited awareness of disability-related policy and programs, and the absence of culturally safe spaces.

In consultations with new immigrants and refugees, and with the service providers and organizations that represent them, conversations focused on the need for "pragmatic funding for human resources" and proactive approaches to hiring people with disabilities. Specific issues requiring attention include:

The lack advocacy and representation for immigrants in their interactions with service providers.

- The overworked and under resourced non-government organizations, whose staff are having difficulties keeping abreast of accessibility (and other) legislation and legal requirements.

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“...it's really frustrating for families, especially like with children, when they know that their child has a disability, but they lack the knowledge and the professional language that we use here in Canada to explain those things. They might have never had a formal diagnosis of autism, right? So, they would explain different symptoms or behaviors, but then to have psychologists come back and say we need to wait longer, because some of this might just be a language barrier or a cultural barrier.”

SERVICE PROVIDER WHO WORKS WITH NEW IMMIGRANTS

“All of these pieces compound each other to make for an exponentially difficult experience for immigrants with disabilities.”

INDIVIDUAL WORKING WITH A PROVINCIAL IMMIGRANT SETTLEMENT SERVICE AGENCY

- The lack of formal processes to support disabled clients to attend language acquisition classes, and the lack of training for teachers in this area.
- Barriers to language assessments, which feed into difficulties that new immigrants experience in communicating with others, finding and maintaining employment, and the isolation and mental health issues that accompany those difficulties.
- The differences in services that are provided in different regions and across different levels of government, which new immigrants often find confusing.
- Services that are typically provided only in English, and the common lack knowledge among staff in service organizations, about resources to assist immigrants and how those services can be accessed.
- The lack of assistance with “system navigation”, which can be a significant barrier for new immigrants with disabilities.
- Fears about the impacts of disclosing disability, such as fear of deportation, loss of status, being denied permanent residency, all of which are related to the fear of being denied entry to Canada because of perceived medical inadmissibility.
- The extreme sense of vulnerability often experienced by government assisted refugees, who often live on low income when they arrive and who often experience difficulties with literacy, language barriers, difficulties gaining access to information they can understand, the reliance of organizations on text-based rather than image-based communications, difficulties obtaining approval for support, the length of time often involved in gaining access to services, and confusing service and other structures.
- The disproportionate and “exponentially difficult” impacts of accessibility barriers on racialized people with disabilities, who may also be dealing with other barriers (e.g., those related to being 2SLGBTQQIA new immigrants).



e. Gender

In positioning itself to lead by example, it is vital that the Government of Nova Scotia adopt an explicit intersectional gender lens in all accessibility related work. In the review we learned that gender-related and other issues of intersectionality were being addressed through a year-long government community collaboration that was developed in response to recommendations from the Status of Women funded *Not Without Us* project and report (See Easter Seals Nova Scotia, 2020). Efforts such as this are helping to bring provincial work into better alignment with the federal government, which has mandated a Gender Based Analysis Plus (GBA+) lens for all policy (e.g., Canada, 2022). Specific gender-related issues that people we consulted said require attention were:

- The lack of intersectionality and gender analysis in the *Access by Design 2030* roadmap.
- The inaccessibility of shelters and transition houses, which was identified in the *Not Without Us* project report (Easter Seals Nova Scotia, 2020). This is an area where the Accessibility Directorate has demonstrated effective collaboration with community and government partners on the Not Without Us Government Community Response Committee.

- The Directorate's work to enhance collaborations with groups that serve diverse people with disabilities needs to continue and to be better communicated by Government. The work will likely include people who self-identify as persons with disabilities as well as people who may not self-identify as having a disability but who live with physical, psychosocial, sensorial, and cognitive differences, in conditions of poverty, and / or experience multiple discrimination.
- The importance of increasing public understanding on how race, ethnicity, sexual orientation, experiences of parenthood, intimate partnerships, religious affiliation and other intersecting identities uniquely shape disability experiences and accessibility barriers faced by women (here women is understood as including any person who identifies as a woman, regardless of their sex at birth).

f. 2SLGBTQQIA

In the consultations, we spoke with some people who self-identified as 2SLGBTQQIA but not as people with a disability. However, several people did identify as neurodivergent and, in the interviews, further described physical and sensory impairments and disability-related barriers.

We learned about the importance of accessibility collaborations with non-government groups being pursued with humility, and with an openness to learning about barriers and ways of addressing them from the perspectives of people with lived expertise, including 2SLGBTQQIA people. We also learned about the importance of Government and PPSBs adopting a trauma-informed perspective to review and assess their current approaches to promoting and enacting accessibility. Such an approach is needed to ensure that the people being engaged in this process do not experience further harms. Adopting such an approach will be especially important because accessibility work is focused on addressing discrimination and involves listening to and working with people who have experienced discrimination and harm. Our review suggests that these considerations – humility, an openness to learning about barriers from the perspectives of people with lived expertise, and sensitivity to trauma – require prioritization in accessibility-related work moving forward.



Among the issues flagged for attention by the individuals we consulted were the need for a lifespan approach to disability and 2SLGBTQQIA issues that will address:

- The need among 2SLGBTQQIA people for assistive technology and mobility devices, and recognition that specific support needs change depending on the context and over time.
- The lack of accessible culturally safe spaces, which is an issue of multiple barriers facing 2SLGBTQQIA people with disabilities. For instance, 2SLGBTQQIA meeting places and resource centres are often physically inaccessible to workers, volunteers, clients, and community members.
- The lack of disability awareness within 2SLGBTQQIA communities and the lack of 2SLGBTQQIA awareness within disability communities.

- 2SLGBTQQIA people having to cope with a scarcity of queer centric disability policy and programs and the lack of gender inclusive accessible services.
- The multiple layers of violence and exclusion that many disabled queer youths experience, especially current and former youth in care.
- Distinct age-related barriers experienced by youth, that are tied to their status as “not adults” and which can restrict their agency, self-advocacy, and access to services.
- Intersecting barriers to employment.
- Higher rates of homelessness among 2SLGBTQQIA youth, which can exacerbate already limited access to disability resources and supports.
- Ageist assumptions that can make disability-related discrimination against older people seem normal and acceptable.
- The imposition of psychiatric labels related to sexuality and/or gender identity but without recognition of disability as a dimension of identity, even when people experience accessibility barriers.
- The need for accessible and equitable processes for developing name changes, gender markers, identity documents, accessible and safe injection sites, disability justice education and training, mental health and counselling programs, and accessibility resources for system navigation for 2SLGBTQQIA people, particularly those who are neurodivergent or have a cognitive, intellectual, mental health or communication difference or disability.
- Innovative approaches that should be drawn upon for addressing barriers, such as trauma-informed, intersectional, anti-oppression education and supports, disability arts and justice culture and community-building movements.

Discussions with 2SLGBTQQIA service providers also identified a fundamental limitation with the current approach to preventing and removing accessibility barriers. Their observations and recommendations suggest:

- Many people who live on low income live, learn, work, and play in buildings that are old and geographically out of the way. This is a consequence of gentrification and rising rental and property costs which can put newer, more accessible, buildings out of reach. Restricting the application of accessibility regulations to new buildings may intensify existing inequities, positioning people with disabilities in even more vulnerable and precarious positions who already disproportionately experience barriers to the enjoyment of a full and productive life.
- Standards recommendations that benefit economically privileged people with disabilities without also accounting for, and being accountable to, people experiencing poverty and multiple forms of discrimination. The service providers indicated that such recommendations should not be celebrated as unqualified accessibility successes.
- The need to ensure that poverty and intersectionality are always considered in the development of accessibility plans and standards. In support of this recommendation, the service providers pointed to the statement in the provincial accessibility communications strategy, which states that, “Accessibility is a human right. Creating an accessible province for people with disabilities means more than building ramps and accessible restrooms. It calls for a change in overall attitudes, where everyone is included in all aspects of our society. People with diverse perspectives and experiences make our province stronger” (Nova Scotia, 2022f).

VII. Recommendations

CHANGES TO THE ACCESSIBILITY ACT

Definitions

First Voice engagement and leadership are centered in the Act and were key foci of attention in the consultations for the present review; who counts as “First Voice” and which voices are positioned as “First” was an important issue that consultees raised. The issue has implications for definitions of disability, which are expanding to include diverse experiences. Some consultees expressed concern that the diversity of disability experiences and identities are not being consistently considered and addressed in the work the *Accessibility Act* requires.

The definition of disability in section 3(1)(h) of the Act, parallels the concepts of the UN CRPD, and could be improved by providing more examples, such as was done in section 2 of the *Accessibility for Ontarians with Disabilities Act*. The need for a non-exhaustive list of examples was highlighted by the people we consulted, many of whom indicated that their preferred disability identity was not adequately reflected in the definition of disability that Nova Scotia’s *Accessibility Act* provides.

- I. **Government should include reference to disability as an “evolving concept” in the Preamble of the Act, consistent with the preamble of the UN Convention on the Rights of Persons with Disabilities (CRPD). Recognition of the evolving and fluid meaning of disability should frame the definition of disability included in the Accessibility Act.**

During the consultations we learned from people and leaders of organizations with First Voice perspectives on disability, as well as people involved in teaching disability studies and providing accessibility supports and services in educational and postsecondary institutions, that the current definition of disability includes but does not appropriately reflect the complexity of this identity as it is understood, experienced and claimed by the diversity of Nova Scotians who experience accessibility barriers. Recognition of disability as something that is produced in interaction with barriers is a strength, but the definition as it is now worded fails to express and advance an affirmative understanding of disability as a “difference that makes a difference” (Michalko, 2002), a positive cultural identity (Lawson, 2001) and a source of pride (Garland Thomson, 2016; Clare, 2015; Chandler, 2010; Swain & French, 2000).

The Government of Canada is currently exploring definitional changes as reflected in a recent report by

the Disability Advisory Council and language changes in data collection and program delivery. Revising the definition now to acknowledge these changes will position the Province to be responsive to broader changes in the disability policy landscape.

- II. **Government should revise the Act to include a definition of “organizations representing people with disabilities” that describes how this group is being understood, and which references and includes a definition of “First Voice”.**

We learned in the consultations for the review that some organizations that were identified as organizations representing people with disabilities” may represent communities that include people with disabilities but their work did not have a focus on people with disabilities.

- III. **Government should revise the definition of “barrier” in the Act to include recognition of the cultural dimensions of barriers experienced by Disabled, Deaf, Indigenous and Black or African Nova Scotian people and communities, and other ethnic and linguistic minorities.**

Currently the definition of barrier does not include a consideration of the cultural dimensions of barriers. We heard that the relationship between disability and culture was a significant issue for people who are Deaf, as well as for African Nova Scotia and Mi’kmaq communities, Acadian and Francophone communities, linguistic minorities broadly, and new immigrants and refugees.

- IV. **Government should develop a regulation that provides a description that further clarifies how “impairment” is understood within the definition of disability. The clarification should include additional information about disability categories, noting that disability is an “evolving concept” and that this list is illustrative and not exhaustive.**

First voice disability organizations highlighted the persistence of medicalized understandings of disability in the reference to impairment as problematic. They also identified that discrimination related to disability can be on the basis of perceived disability, or medical records. Also, as previously noted in the report, many people who completed the survey preferred to self-identify in ways that were not included in the definition of disability in the Act. Challenges associated with removing barriers for people with invisible and episodic disabilities were also raised.

The regulation and list of examples should clarify that the definition of persons with disabilities includes people who may *have a record of such an impairment* or *who are regarded as having such an impairment*. This approach would include ‘perceived disability’ and build on lessons learned from the Americans with Disabilities Act, which was amended in 2008 following court cases where the intent of the ADA was not being realized.

Government should revise the Act to remove the exemption of private multi-unit residences from the application of accessibility standards.

Government should remove the language from section 29(c) of the Act that states that the standards will not apply to individuals or organizations that own, operate, maintain or control private residences with three or fewer dwelling units. This exemption of multi-unit residences poses a challenge to increasing the stock of accessible housing, especially in communities where large multi-unit apartment buildings may not be the norm (e.g., rural or low population dense communities). Financial incentives for implementing accessibility offer a viable solution to home builder concerns. Currently, a grant is available to help homeowners make renovations to increase accessibility.

Government should revise the Act to include achieving accessibility in Healthcare and Justice.

Healthcare is identified in *Access by Design 2030* as an area that should be revisited for achieving accessibility. The current Government's focus on healthcare makes this the right time to introduce this standard. Consultations for this review affirmed the importance of healthcare and health equity for people who are Deaf, neurodivergent and people with disabilities. Justice was another key area of concern, and one which is particularly relevant considering the Department of Justice is the lead on accessibility within Government. Introducing an accessibility standard will further the visibility of the Government's commitment to meeting its obligations under the Act and leading by example.

Government should revise the Act to specify a maximum time period from the Minister's receipt of the Accessibility Advisory Board's recommendations to when the Minister recommends the accessibility standard to Governor-in-Council for approval as a regulation.

Physical, social, and technological environments and conditions are constantly changing. Establishing parameters on the amount of time that may pass between the Minister's receipt of recommendations as approved and submitted by the Accessibility Advisory Board and the Minister's recommendation for approval as regulations will help to ensure and promote the relevance and responsiveness of regulations and will help the Directorate understand progress on *Access by Design 2030* and to make needed adjustments in the Directorate's approach to implementing the strategy. Clarity around the maximum length of time can also provide organizations and businesses with information that they can use to prepare for compliance with the standards. For instance, the Act could specify that the Minister, within forty-five calendar days of receiving a recommended standard from the Accessibility Advisory Board, shall either recommend that Government-in-Council approve the recommended standard or shall return it to the Advisory Board with details about specific matters that require clarification before the Minister approves it.

Government should revise the Act, or introduce a regulation, to require the assessment of the prescribed public sector body accessibility plans by the Accessibility Directorate.

S39(2) of the Act states, "A municipality, university or organization shall prepare and make publicly available an accessibility plan within one year of being prescribed as a public sector body." At present, the only requirement is that the accessibility plans be posted publicly within a specific timeframe. The regulated plans should also have minimum criteria they must meet to be accepted as submitted. This would be beneficial to the PPSBs, as it would improve shared understanding of expectations.

Government should develop a regulation (or amend an existing regulation) to require that anyone doing work related to the Act must undergo mandatory anti-ableist, anti-bias training.

Some First Voice members of prescribed public sector body accessibility advisory and planning committees and working groups, and participants in accessibility consultations, described facing accessibility barriers and ableist attitudes. To address this, First-Voice led anti-bias anti-ableist training should be required for the Directorate, Accessibility Advisory Board, standard development committees and working groups, interdepartmental committees and working groups, prescribed public sector bodies, and staff and volunteers with disability organizations directly involved in furthering accessibility with public funding under the Act. Anti-bias, anti-ableist training would include unconscious bias, as well as conscious bias (e.g., overt ableism).

Government should revise the Act to identify a Co-Chair governance model for the Accessibility Advisory Board that requires one Co-Chair represent a First Voice organization representing persons with disabilities.

The Accessibility Advisory Board currently has a Chair and a Vice Chair. It is recommended that moving forward a Co-Chair model be adopted instead in which one of the Co-Chairs is designated for a representative of First Voice disability organization. Both Co-Chairs would liaise with the Executive Director of the Directorate. The Co-Chairs could be recommended by the Governor in Council on advice of the Minister, as currently stated in the Act. However, a change to the Act will be needed to change the language from a Chair and Vice-Chair to Co-Chairs in s15(1) of the Act, and s15(2) as it is currently worded should be deleted.

ACCESSIBILITY STANDARDS

The Standard Development Committees (SDCs) should discontinue the two-phased approach to developing standard recommendations and adopt a single-phase approach in all remaining standard development work.

The two-phased approach to accessibility standard development extended the time spent on developing each standard and increased the number of consultations. Moving forward, only one set of accessibility standard recommendations (i.e., a single-phased approach) should be submitted for each standard area. It is recognized that the two-phased approach is not required and not adopted by the Employment SDC. This recommendation is presented to inform and support future work.

The Accessibility Advisory Board should review and update the SDCs' Terms of Reference based on lessons learned to date.

The Accessibility Advisory Board develops the Terms of Reference (TOR) for the SDCs. At present, the TOR does not include clearly defined end dates. We learned from some Built Environment and Education SDC members at the time of consultations that, while they knew the recommendations had been submitted, they had no further knowledge of progress on the work. In addition to clarifying the end dates for members' terms on the SDC in the TOR, it is also recommended that the Accessibility Advisory Board work with the Directorate to develop a process for keeping SDC members informed of progress on the standards. This process should also be described in the TOR.

The Accessibility Advisory Board should convene SDCs for any remaining standards in 2023 and immediately launch work to complete recommendations in these areas.

In the review we learned that a SDC had been formed for Employment accessibility standards and that recruitment for the Goods and Services SDC was under way. SDCs for the remaining two accessibility standards in Communication and Information, and Transportation, should be formed and work to develop these standards should begin. Each standard area should maintain a distinct standards development committee to ensure that the appropriate expertise informs the recommendations. Implementing this change will require changes to *Access by Design 2030*.

The Built Environment SDC should reconvene to revisit the built environment accessibility standard recommendations related to housing and revise the recommendations as appropriate and assess and report to the Accessibility Advisory Board on whether a new standard on housing is needed.

Consensus on the housing standard recommendations was not achieved on the Built Environment SDC at the time that the built environment accessibility standard recommendations were submitted to the Accessibility Advisory Board for approval. Work to address the lack of accessible, affordable, and appropriate housing options in the province is well underway and enhanced accessibility regulations related to housing are needed to support this work. The Accessibility Advisory Board should immediately request that members of the Built Environment SDC reconvene to review whether the recommendations related to housing are adequate and if not, how they should be changed.

The Accessibility Advisory Board should instruct the Standard Development Committees (SDCs) to include a consideration of intersecting accessibility barriers related to income, healthcare, justice and housing in the development of standard recommendations in all areas.

Representatives from First Voice, Government and organizations representing people with disabilities as well as members of the public identified healthcare and justice as critically important accessibility areas. This review recommends that new accessibility standard areas be introduced in these areas, and that healthcare and justice be considered in the development of standards in the existing six accessibility standard areas identified in the Act.

The Accessibility Advisory Board should develop and implement a process for developing new recommendations for an accessibility standard area that has already been enacted.

The Government needs to be able to respond to changes in knowledge, technology and the conditions of life in Nova Scotia. A process that would permit flexibility in developing new standards will help the Government be responsive.

The Accessibility Directorate should work with the Accessibility Advisory Board to develop and implement a coordinated approach to consultation and engagement which reaches a more diverse group of Nova Scotians.

We learned that consultation fatigue and confusion related to what people are being consulted for and about is a growing challenge in the province and Canada-wide. We also learned that 'the same people' tend to be invited to share perspective, or respond to open invitations, and this is in part related to the networks and conduits being used to consult. The current approach to consultation and engagement is resulting in missed opportunities to learn from a broader and more diverse group of Nova Scotians. Another finding from the consultations is that, despite the reality of consultation fatigue, there are many people who are not being considered or invited to engage in accessibility work.

ACCESS BY DESIGN 2030

The Directorate and Government have made progress on the directions identified in the *Access by Design 2030* strategy. The first *Government of Nova Scotia Accessibility Plan (2018-2021)* has been implemented with some notable achievements (e.g., web accessibility for Government websites) and the second plan covering 2022-2025 was made public in December 2022. Two categories of public sector bodies have been regulated and many have developed Accessibility Advisory Committees and prepared and publicly posted their accessibility plans. However, by January 2023 not all plans were posted. While there has been progress, there are also opportunities for continued development and improvement. Below are recommendations based on a review of information on work to date that was shared with the review team and the consultations.

Accessibility Directorate

- I. **Government should assess and consider whether the Accessibility Directorate would be better positioned to effectively fulfill its mandate as a separate Department rather than as a unit under the Department of Justice.**

Generally, we learned of support for locating the Act and Directorate with the Department of Justice. Some consultees from within Government suggested that the effectiveness of the Directorate in fulfilling its mandate would be further strengthened if the Directorate became a separate Department in the Nova Scotia Government. An Accessibility Department, or Department of Accessibility, would have an enhanced role in accessibility program and service delivery and may be better positioned to move accessibility agendas forward in a timely way, as is required by the Act.

- II. **Government should review and update Access by Design 2030 by 2024 to effectively guide work in the remaining six years.**

A review of the *Access by Design 2030* strategy would help to ensure the strategy's relevance and that it can effectively guide work related to the Act overall. Regular reviews and updates would also provide an opportunity to identify and be responsive to emergent directions in accessibility knowledge, policy, and practice. For instance, *Access by Design 2030* includes information about specific commitments from the *Government of Nova Scotia Accessibility Plan 2018-2021* that have already been made and achieved. However, there is no guidance for subsequent plans and the information about timelines is currently too broad to provide a useful road map. The next update of the strategy should provide greater detail related to short-, medium- and long-term actions and goals. It should be clear how addressing the specific actions and goals identified in the plan contribute to achieving the overall goal of an accessible province by 2030, and why and how these actions and goals have been prioritized.

- III. **In implementing the Access by Design 2030 roadmap and any subsequent initiative to further accessibility in Nova Scotia, greater attention should be paid to ensure those approaches are consistent with principles of intersectionality and gender equity.**

In the consultations for the present review, equity and intersectionality were identified gaps in *Access by Design 2030*. Meetings with government staff engaged in work related to the strategy indicated that an intersectional perspective is being incorporated in some initiatives and is described in the *Government of Nova Scotia Accessibility Plan 2022-2025* released in December 2022 just as the review drew to a close. However, more attention to issues of gender equity and intersectionality is needed in implementing *Access by Design 2030* and will be needed in subsequent policy initiatives on accessibility.

Accessibility Advisory Board

I. **Government should adopt measures to ensure the Accessibility Advisory Board's composition, governance, and operations function at greater arms-length from Government.**

At present the operational relationship between the Accessibility Advisory Board and the Directorate could be improved by shifting resources and responsibilities related to the Board currently held by the Directorate to the Board. We also learned that the current relationship between the Board and the Directorate could be better clarified to Board members and Directorate staff, and that roles and responsibilities could be better defined. In addressing this recommendation, the following should be considered:

- The Board should have a designated staff person to support Board work that reports directly to the Board as Secretary of the Board. The Secretary would be responsible for taking the meeting notes and maintaining a copy of the records of the Board's activities, as well as coordinating meetings and background research to support Board discussions.
- The Board should have a budget for Board activities that is independent from the Directorate's main budget and is appropriate to fulfill its mandate. Such activities may include but are not limited to administrative activities related to Board meetings, accessibility for Board members, and Board communications.

II. **The Accessibility Advisory Board should develop and implement a process that will support the Board in including and engaging diverse First Voice disability organizations in work it undertakes to fulfill its mandate.**

This process should be developed by the Accessibility Advisory Board in collaboration with First Voice disability organizations. A designated presence and process for engaging cross-disability communities more directly and robustly in the Board's work will enhance a disability civil society perspective and facilitate improved communication and collaboration among diverse disability communities and with Government in Nova Scotia.

III. **Within the parameters laid out in the Act on the minimum frequency of Accessibility Advisory Board meetings, the Board should continuously assess the efficacy of the frequency of its meetings and adjust where appropriate,**

The Act states that the Accessibility Advisory Board must meet at least four times in a twelve-month period. With the onset of the pandemic the Board increased its meetings to every month. The increased frequency in meetings led to additional work for the Directorate staff and Board members in preparing for, participating in, and reporting on meetings. The impact of Board meetings should be considered alongside the preferences of Board members and the investment of human and financial resources.

IV. **The Accessibility Advisory Board should work with the Accessibility Directorate on an annual basis to assess the appropriateness of honoraria for volunteers on the Board and SDCs and adjust where appropriate.** The honoraria should ensure the time and expertise of volunteers is respectfully acknowledged and that the amount is adjusted with current knowledge of good practice and / or inflation.

V. **The Accessibility Advisory Board should establish a First Voice youth panel.** Our review of current accessibility committees, working groups and citizen engagement activities highlighted a lack of youth perspectives in work related to the Act overall. The recommended First Voice youth panel should be youth-led and should focus specifically on accessibility barriers for children and youth. The panel could be directly supported by a First Voice Disability Organization provided with government funding for this purpose. This would provide members with access to First Voice mentors.

A First Voice youth panel aligns with the United Nations Convention on the Rights of the Child (1990) and is supported by research in the province. For instance, the *One Chance to be a Child* study report published in 2022 by Dalhousie University's Department of Pediatrics and Healthy Populations Institute calls for the creation of youth panels within government departments and for a consideration of the impact of legislation, policies, or programs on children's rights. A First Voice youth panel could support advice to the Minister and other government departments on issues affecting young people with disabilities. The panel could also provide disability-specific youth perspectives to the Child and Youth Commission, a Government commitment announced in 2022 (Nova Scotia, 2022g).

Awareness and Capacity Building

- I. **Government should continue to develop and improve public awareness of the Act, Access by Design 2030, the Accessibility Directorate, and the Accessibility Advisory Board, with a focus on people, communities, actions, and impacts.**

The Accessibility Advisory Board plays a lead role in the Act, but outside of the Directorate, knowledge of the Board is extremely limited. Board activities, actions and updates should be more frequently communicated to the public, using multiple mediums and accessible formats and venues that include but are not limited to the Government website, in-person and online presentations and information forums, radio, television, news media, social media, public advertisements, and / or a community newsletter circulated to disability communities, organizations representing people who are Deaf, neurodivergent and people with disabilities, prescribed public sector bodies and organizations impacted by the implementation of accessibility standards and the public at large as part of a broader communications strategy. Awareness and understanding of who the Board is and what it does, identifying concrete actions and achievements and opportunities to engage with the Board, are critical to enhancing awareness and understanding of the Act among the public and diverse disability communities. Awareness raising should be situated within awareness of accessibility actions more broadly.

Awareness activities should clarify the meaning of 2030 for the public. For example, does it mean that all the pieces of the framework that are identified in and required by the Act have been established and implemented (i.e., Directorate, Accessibility Advisory Board, prescribed public sector body accessibility advisory committees and accessibility plans, six accessibility standards, a compliance and enforcement Director and framework)? Shared understanding of what an accessible province by 2030 means will be crucial to maintaining trust and momentum.

- II. **Government, through the Accessibility Directorate, should continue to work with accessibility service providers to identify and address challenges and opportunities to improve accessibility capacity and service delivery in the province.**

Collaborations should also include education for all Nova Scotians about existing services and service challenges.

- III. **Government, through the Accessibility Directorate, should develop a structure and process for more effectively engaging the business community on issues of accessibility on an ongoing basis.**

Members of the business community involved in Government led work related to the Act described a general lack of awareness regarding the Act, and specifically, their obligations under the Act. They also described missed opportunities to leverage industry expertise and resources.

- IV. **Government should make available the Accessibility Act and all related materials in plain language, ASL, braille, audio description, French and Mi'kmaw.** Accessibility must include the language that information about the Act is shared in. At minimum, materials related to the Act should be available in plain language, ASL, braille, audio description, and French and Mi'kmaw, recognizing the historical presence of these two linguistic communities in the province, and aligning Government work to prevent and remove accessibility barriers with the *Mi'kmaw Language Act (Bill 148)*.

Collaboration and Support

- I. **Government should enhance financial supports for organizations representing persons with disabilities that have the express aim of building and sustaining disability civil society in the province.** Opportunities for both core and catalyst funding should be provided to support the vitality and sustainability of disability civil society in the province. Disability community leaders were pivotal in establishing the Act, in shaping *Access by Design 2030*, and in moving the province towards achieving accessibility by 2030. Many individuals engaged in this work are volunteers, and that existing groups struggle in a context of resource scarcity and precarious funding. In this final stretch it is critical that community organizations and leaders are supported in achieving change from the ground-up alongside Government, non-government, academic and industry partners.
- II. **Government, through the Accessibility Directorate, should continue to develop and grow collaborations with postsecondary institutions to leverage, develop and improve accessibility capacity and expertise in the province through the establishment of an accessibility observatory.** Collaborations with postsecondary institutions are playing a valuable role in the administration of the Act. Collaborations with postsecondary institutions should continue to be explored and strengthened. One way this could be achieved is through the establishment of an accessibility observatory. An observatory could support multi-disciplinary, evidence-informed approaches in accessibility policy and practice. It could also leverage postsecondary infrastructure and expertise and serve as a platform that could be used to advance accessibility science, synthesize, and mobilize accessibility knowledge, facilitate education and training, and convene cross-sectoral knowledge exchanges.

Compliance and Enforcement

- I. **Government, through the Accessibility Directorate, should clarify what will trigger enforcement actions in the compliance and enforcement process in communications.** There is presently much room for Government discretion in the compliance and enforcement framework which can be confusing for organizations subject to the Act.
- II. **Government, through the Accessibility Directorate, should clarify the role of PPSBs in compliance and enforcement.**
In the consultations representatives from PPSBs shared their perceptions of the potential for overlap between accessibility standards and existing regulations. It was unclear to consultees whether and how existing regulatory regimes would be engaged and / or new ones created, and what role PPSBs would play in this process (beyond potential for representation on the Compliance and Enforcement Working Group).
- III. **Government, through the Accessibility Directorate, should clarify how transparency and accountability will be maintained in compliance complaints in which the Government is the respondent.**

- IV. **Government should show leadership and accountability by publicly posting and archiving all Government of Nova Scotia accessibility plans. The public should have access to all plans as well as information about progress and achievements.**

Monitoring and Evaluation

- I. **Government should enhance communication to the public about all monitoring and evaluation activities and results related to the Act.**

We learned from the Accessibility Directorate about monitoring and evaluation activities and tools in development. More frequent and regular communication with the public about activities under development and in-progress would enhance public awareness of work the Government is doing to meet its obligations under the Act.

- II. **The Directorate staff should provide timely review, assessments, and follow-up analyses of PPSB accessibility plans, plans that are updated every three years, and progress reports.**

The Accessibility Directorate staff reviews and analyses of accessibility plans and reports can yield valuable information about trends and promising directions and identify implementation gaps. Results could be used to develop an evaluation framework tailored for the PPSB accessibility plans. The framework should be used to annually assess PPSBs' progress on goals and other achievements. This framework could also be used as a self-assessment tool that PPSBs can use to guide the implementation and updating of their accessibility plans. In this review we learned that work in these areas has started. This recommendation is included in support of that work.

- III. **Government should take steps to ensure that every Prescribed Public Sector Body (PPSB) Accessibility Advisory Committee and consultation process includes diverse perspectives, including those of diverse people with and without disabilities in Black and African Nova Scotian and Mi'kmaq communities, and immigrants, newcomers and refugees (e.g., as revealed through annual and other reporting and required in PPSB Accessibility Advisory Committee Terms of Reference).**

Our review found that the composition of PPSB accessibility plan advisory committees did not always reflect the diverse perspectives of Nova Scotians. We also learned from some PPSB representatives that there was a lack of diversity among people and communities that participated in the consultations for their plans. PPSBs should be encouraged to adopt an accessibility, equity, diversity and inclusion lens in all work related to the Act, such as consultations and advising and decision making related to the development, implementation, and monitoring and evaluation of accessibility plans. Information about this work should be required of PPSB's in any reporting and / or updating of plans and considered in PPSB Accessibility Advisory Committee Terms of Reference.

Government of Nova Scotia – Leading by Example

- I. **Government should affirm its commitment to accessibility in departmental mandates and budgets.**

The Provincial Government is encouraged to include a standing reference to accessibility in all department mandate letters. Government should require that accessibility be considered in departmental business plans and budgets as a priority consideration and an expression of Government's commitment to leading by example to achieve an accessible province by 2030.

- II. **Government should complete the development of and make public any accessibility, equity and disability inclusivity lenses being used to guide its work and describe how these lenses will be used.**

There should be ongoing collaboration between the Accessibility Directorate and Government departments to ensure the Government's work is guided by an accessibility, equity and disability inclusivity lens. As part of this, departments should consult with the Directorate prior to developing and implementing policies, plans or programs that impact persons with disabilities. Any lenses used should be referenced and posted publicly as a resource for the public, organizations, and businesses. Multiple lenses are currently identified in some Government work related to the Act, but it is not always clear what these lenses are or how they are being used.

III. The Accessibility Directorate should mobilize knowledge and capacity gained from the implementation of the Government of Nova Scotia Accessibility Plan 2018-2021 and other initiatives to support the non-profit sector.

Government should provide further, ongoing support the non-profit sector that is informed by work it undertakes to action its commitments. For example, engaging Government staff in work with non-profits to improve the accessibility of their websites, sharing lessons learned about accessibility barriers or resources, accessibility assessment tools and techniques, and information about what is involved in providing accessible programs and services to diverse publics.

Prescribed Public Sector Bodies (PPSBs)

I. The Accessibility Directorate should work with PPSBs to improve public access to PPSB accessibility plans through a centralized portal.

The Accessibility Directorate should work with other government departments to develop a portal accessed via the Government of Nova Scotia's accessibility website that would support access to all PPSB accessibility plans, updates, reports, and related information. Rather than attempting to serve as a centralized repository of such information, the portal could serve as a centralized hub that routinely update links to the websites where accessibility plans and other resources are posted. However, these linked-to plans and resources should be accessible.

Removing barriers to accessing existing plans would help support PPSBs that have not yet developed their plans, or that may need to revise their plans to comply with the regulations, or whose plans may need updating. Centralized access to the plans and other resources could help PPSBs exceed minimum standards and connect with other PPSBs. In making the plans more visible and easily accessible by all Nova Scotians, such a portal is also likely to assist with compliance and enforcement efforts.

II. Government, through the Accessibility Directorate, should continue to provide and enhance resources and supports to PPSBs to develop, implement and update their accessibility plans.

The Government should ensure all PPSBs are provided with the education, training, tools, and incentives they need to achieve full accessibility. Key needs are information and resources for developing, implementing and updating their accessibility plans, for monitoring and reporting on progress, and for understanding how the PPSBs will be held accountable for developing, submitting, and implementing their plans. The review team learned of some work currently in development and underway, however all information about this work is not finalized or public.

III. Accessibility Plan Compliance and Reporting

1. **PPSB accessibility plans should be required to include information about actions being taken to support disability inclusivity within the institution, organization, or community.**
The information and actions described would include assessments and steps taken to address how people with disabilities are being represented, included, and engaged in all their diversity, and with what impacts.
2. **PPSBs should be required to submit standardized annual progress reports on their accessibility plans to the Accessibility Directorate.**
PPSBs should be using a standard reporting template (e.g., an online survey). The reports should be posted publicly on the PSPB websites.
3. **As part of overarching approaches to monitoring, evaluation, and compliance and enforcement, the Accessibility Directorate should develop and implement a process for collecting, tracking, and reporting anonymous feedback from members of the PSPB Accessibility Advisory Committees on an annual basis.**
We learned that PSPB Accessibility Advisory Committee members across sectors and across the province had very different perceptions and experiences of the plan development process. Soliciting anonymous feedback from the committee members would provide information that could be used to improve supports and resources for PSPBs.
4. **Government should require that the composition of PSPB Accessibility Advisory Committees be made public, with evidence that at least half of the committee members are persons with disabilities or are representatives of an organization that represents persons with disabilities (and distinguishing which perspective is represented), as described in s44(1)(2) of the Act.**
The review team's scan of publicly posted PSPB plans identified instances where it was not possible to determine whether committee composition aligned with the requirements in the Act. A distinction should be made between committee members who are First Voice with direct lived experience of disability, committee members who are family members of people with disabilities, and representatives of organizations that serve or represent people with disabilities.
5. **Government should require proportional representation of collaborating PSPBs on jointly developed accessibility plans. No PSPB Accessibility Advisory Committee should have less than six people. Each participating PSPB should have at least two members, one of whom is a person with a disability or a representative of an organization that represents persons with disabilities.**
The Terms of Reference for PSPB Accessibility Advisory Committees should establish conditions for sole or joint committees with a minimum number of members and some parameters around proportional representation of diverse perspectives and experiences when multiple regions or bodies are included.

VIII. Conclusion

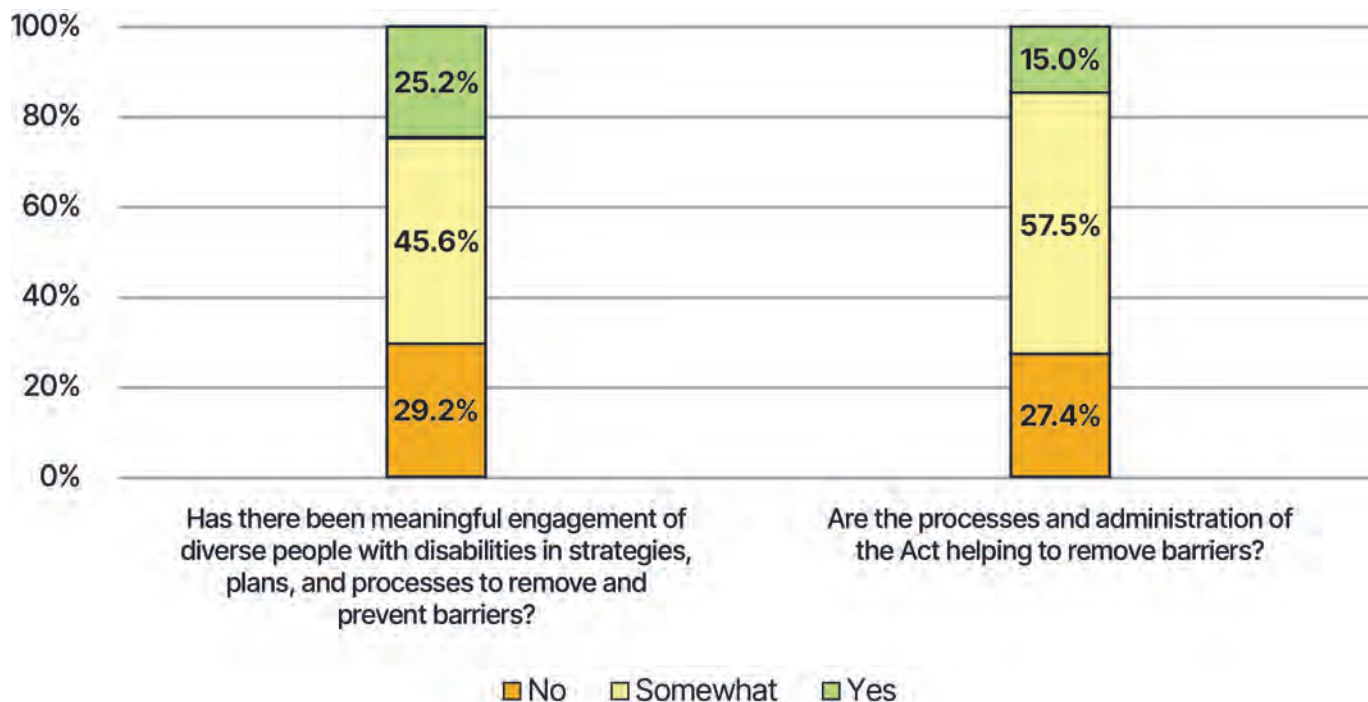
We asked the people we consulted for this review for their overall assessments of:

- Whether diverse people with disabilities have been meaningfully included in the strategies, plans and processes that are being implemented to prevent and remove barriers to accessibility in Nova Scotia, and
- Whether the processes that have been implemented and the administration of the *Act* so far have been helping to prevent and remove barriers to accessibility for people with disabilities in Nova Scotia.

A recurring issue is that many people (29.2%) did not know about the diverse representation of people with disabilities in practical measures to address barriers and many (16.4%) did not know about whether processes and administration for the *Act* have been contributing to barrier prevention and removal. However, as shown in Figure 18, among those who did have opinions, most (70.8%) indicated that diverse people with disabilities have been included and most (72.6%) also considered that the processes implemented, and the administration of the *Act*, have been contributing to barrier prevention and removal. For the most part, respondents said these things have been happening “somewhat”, and between about quarter and a third of respondents felt that these things have not been happening, all of which suggests there is room for improvement. That said, the overall finding is that at least some improvements have been achieved. A challenge will be to increase the numbers and percentages of people who provide a clear, unambiguous “yes” to such questions.

Depending on where people are situated in relation to the Accessibility Directorate, the Accessibility Advisory Board, standard development committees, intergovernmental committees and interdepartmental working groups, the Department of Justice and other government departments and prescribed public sector bodies, people have different impressions about the levels and areas of progress towards greater accessibility in Nova Scotia. Often these impressions are quite positive.

Figure 18 Overall assessments by people who had opinions about whether diverse people with disabilities have been meaningfully engaged (N=226) and whether the processes and administration of the Act are helping to remove and prevent barriers (N=266).



However, a clear message to be drawn from this review is the need to better address the lack of awareness, information, and knowledge among people who just “don’t know” about if, and how well, things are moving forward on the accessibility front. Increased awareness, information, and knowledge are needed even among people who are directly engaged in addressing accessibility issues. Such people should be knowledgeable and should be able to formulate opinions about how well things are moving forward, but in many cases cannot formulate such opinions. It is difficult not to conclude that, perhaps with better awareness, information, and knowledge, people directly engaged in work to improve accessibility, as well as the public at large, may come to a fuller appreciation of the work that is being done and how things are improving.

Fostering the needed awareness and knowledge will require the gathering of good-quality information about activities under the *Act*, the results that are being achieved, and where improvements are needed. Sharing that information, along with suitable analysis, will require clear, reasonably frequent reporting and other awareness-raising efforts. The regular monitoring and evaluation of the *Act*, and of the organizations with obligations under it, should be able to deliver that much-needed information.

It is critical that *Access by Design 2030* be reviewed and revised to clarify the timelines. This is especially important given the phased approach to standard implementation, which begins with government, then moves to public sector bodies, and then other organizations. It will also be important for all of Nova Scotia to receive clear and unambiguous information and education about accessibility timelines and how they have been interpreted, so that everyone in the province can move forward towards an accessible Nova Scotia by 2030 together. The inclusion of the 2030 timeline provided a unifying moment for community and government. Abandoning this timeline may come with the

risk of jeopardizing established relationships with disability communities and progress made to advance recognition of disability in equity and inclusion initiatives (where small gains have been made but much work remains).

Nova Scotia's communities are its greatest asset. It was community leadership that introduced the possibility of an accessible province equally enjoyed by everyone. As we work towards 2030, success should be measured by the impact of the *Accessibility Act* on the everyday lives of Nova Scotians. A province-wide celebration of the contributions of First Voice cross-disability communities to equity and inclusivity in the province would offer an occasion for communities to come together with pride and provide a powerful expression of the Government's commitment to collaboration and to "leading by example".

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X. Appendix

A. Our Approach to the Consultation Process

The review adopted an inclusive and iterative design that offered a range of ways for our team, experts and advisors, Nova Scotians and organizations and other entities in the province impacted by the *Accessibility Act*, to engage. Time constraints and the scope of our review did not allow us to engage in the kind of relationship building that would ideally be a feature of the Government's activities on accessibility. However, our approach provides some insights into the early stages of outreach that others may want to consider pursuing in the interests of furthering their own genuine and substantive engagement with diverse disability communities and other interested and impacted groups.

Our review activities were divided into three phases: 1) a review of documentation and other media; 2) the development of a comprehensive consultation list, and 3) engaging in appropriate outreach, through interviews, focus groups, and other methods.

Review of Documentation and Other Media

The first phase of the work involved a scan and review of relevant media, documents and policies using a disability and inclusion based analytical lens (IRIS, 2012). This lens highlights unequal opportunities experienced by people with disabilities and was selected considering the Act's focus on preventing and removing barriers to accessibility experienced by people with disabilities and the emphasis on rights and reference to disproportionate poverty experienced by people with disabilities (i.e., inequalities).

Development of a comprehensive consultation list

Within the space of several months, our review team compiled a comprehensive consultation list and consulted with a diversity of people, groups and communities across the province. We recognized at the outset that the review process would take time, imagination, and collaboration across a review team of diverse of disability, racial, and other identities. In organizing a list of groups to include in the consultation, we:

- Began with the view that diverse representation and input will be critical to the quality of information garnered and the legitimacy of the review.
- Used a team approach to brainstorming about groups who should be included and/or engaged in an advisory capacity.
- Conducted Internet searches to expand awareness of key organizations and individuals across all consultee groups.
- Invited known interested and impacted groups and accessibility leaders and champions to share their contacts and networks to build our list of individuals and organization representatives to be consulted.
- Maintained a spreadsheet as a living document, collaboratively and continuously screening for comprehensiveness and gaps.

Appropriate Outreach

We established initial contact through email, in which we introduced ourselves, explained the purpose of the contact, and invited questions. In preparation for these emails, we:

- Developed unique templates (collaboratively, with team review) for email communications that would be tailored to the interests/representation of the individuals and groups to be consulted.
- Specifically expressed interest in knowing how best to support these people to engage meaningfully in the consultation process.
- Requested an opportunity to meet virtually or in person to further discuss the purpose of our email.

In conducting the consultations and based on feedback from the organizations and individuals we approached, we used venues that have been developed and/or often used by diverse communities of people with disabilities and others in Nova Scotia.

The outreach steps outlined above were taken for our initial contacts with a range of perspectives for our consultations. In the case of non-responses, we sent a follow up email to determine if there was any interest in connecting with us.

To support government outreach efforts for community building in the future, the basic steps outlined above would ideally be adopted before any consultation process begins.

- An introductory email, similar to the one described above, could be dispatched with a request for a subsequent meeting to explore the consultee's role, concerns, possible engagement in consultations, and to explore what government needs to know to support their engagement.
- The initial email would be a conversation starter, intended to support further relationship development with the consultee before inviting them to take part in a formal consultation process.
- In addition to keeping people apprised of developments related to their contributions, other post-consultation follow-ups could include evaluating the perceived effectiveness/ appropriateness of the consultation processes used.

An accessible interactive website developed in February-March 2022 was launched in April 2022 to support the review work by sharing information about the review and providing contact information to reach the review team. Visitors could also submit comments to a review email directly through the website. The review team received 15 written submissions via email. From April 1 to October 1, 2022, the website had a total of 2,6000 views from 1246 users. The review team also used social medial platforms to share information. A Linked-In account and a Twitter account were created, and an active process of targeted recruitment used to connect with individuals and organizations representing the groups identified in the Review TOR. We reached 510 individuals and organizations via social media. The Twitter account had a total of 173 followers, and the Linked-In account had 337 connections.

The consultation and engagement phase of the work opened in April 2022. The COVID-19 pandemic impacted the engagement plan and posed a challenge to in-person meetings, especially in groups. Media accounts highlighted concern across disability communities about the safety of in-person meetings. Decisions to proceed as usual failed to consider and include people more vulnerable to the disease and at a higher risk of complications from COVID-19. Our review team shifted to online engagement to ensure the safety of consultees and our own team members.

There was a press release that was posted publicly on the Government of Nova Scotia website. There were also three local radio stories (CJFX Antigonish/Eastern NS; CBC Mainstreet and CBC Cape Breton) and one national radio story (AMI), one local print story (Port Hawkesbury Reporter) and one national print story (Disability Scoop).

Our approach included partnering with existing organizations. We sought expressions of interest and met people where they were. We covered the costs of travel for any in-person meetings and provided honoraria for participants and donations to organizations that assisted with outreach and coordination. We entered the review with an appreciation of the diversity of disability, and a sensitivity to the distinct conditions that shape disability communities and organizing in a mostly rural environment. We were intentional in outreach with grassroots groups and members of the public who may not be connected to provincial groups and organizations.

Over the course of the review, we collected feedback on accessibility. One issue that was brought to our attention was that our website did not score 100% compliance with WCAG current guidance. This was resolved within one week of the team being notified. Another issue raised was that some questions on the online survey administered using Qualtrics were not fully readable by all screen readers. In that case we followed up with the person who left comment to explore an individual interview. In instances where we were not able to proceed with a focus group, we

sought out other opportunities to meet with people via individual interviews. Captioning during focus groups was an issue on two occasions. Once in an online focus group the captions were not appearing for one of the participants and we were unable to correct it during the session, and secondly, in a Francophone community session the captions appeared in English. In both cases this did not pose a barrier to participation for the people who were present but was noted to inform future sessions. As a team we worked to recognize our limitations, identify barriers, create and communicate opportunities to provide feedback on accessibility, and to respond to that feedback in a timely way.

In total, we connected directly with 791 Nova Scotians through website submissions, interviews, focus groups and community sessions. See Appendix Figure 1 for an overview of our methods for outreach and community engagement.

Appendix Figure 1: Snapshot of Consultation and Engagement Activities for The Review.



A **long-form online survey** was launched in April 2022 that was circulated to the public and posted on the review website. Targeted outreach was also undertaken, supported by contact lists developed by the team using publicly available information about persons with disabilities, representatives from organizations representing persons with disabilities, and representatives from organizations affected by the implementation of accessibility standards in Nova Scotia, and information shared by the Accessibility Directorate. The survey was designed to align with the Nova Scotia Accessibility Act Review Terms of Reference (TOR) to ensure the responses were within the scope of the review. To support accessibility, respondents could start and then pause the survey and return to complete it within a two-week period, at which time it would be closed. One person completed the online survey as part of an interview with American Sign Language interpretation and their response was included with the interview and focus group responses. 326 people completed the survey, and of that number 7 people were screened out because they identified they did not live or work in Nova Scotia – leaving **319 respondents**.

In late May and early June 2022, the review team was present at the Formal Proclamation and Flag Raising Ceremony and Mel Hebb Hourglass Action Awards which were both held at Halifax City Hall and Nova Scotia League of Equal Opportunity's annual Scholarship Luncheon for Students with Disabilities. The reviewers had a table at the Scholarship

Luncheon with information about the review, and a presentation on the review was included as part of the opening remarks for the day. The event was livestreamed to support inclusion of people who were not able to attend in person. There were approximately 100 people in attendance at the luncheon. Attendees included scholarship recipients and their families, politicians, disability organization leads, members of the Directorate and Accessibility Advisory Board, and industry sponsors. A **short-form survey** with ten questions was also developed for use at public and disability community events during Nova Scotia's Access Awareness Week May 28-June 3, 2022 (<https://www.aawns.ca/>).

The short-form survey was available as a text document and in braille for completion on site and online using the Survey Monkey platform. 14 surveys were completed in person and 15 surveys were completed online, totaling **29** surveys.

The review also involved **semi-structured interviews, focus groups and community discussion sessions**. As with the survey questionnaire, interview guides were structured around the Review TOR. A master guide was developed that included all the question areas, and this guide was tailored to specific perspectives. Interviews were approximately 60-90 minutes in duration. Questions for the focus groups and community discussion sessions with co-developed with select review advisors and community partners and ranged from 60-120 minutes.

Interviews were conducted between April and October 2022 with a total of **217** people. Of the 217 interviews conducted, 150 people were directly involved in Government led work related to the Act (Accessibility Directorate, Accessibility Advisory Board, Government Interdepartmental Committee, government employees involved with the Nova Scotia Government Accessibility Plans, standards development and compliance and enforcement committees and working groups). This included representatives from 27 Government Departments, Offices, and Commissions, as well as subject matter experts, representatives of organizations representing people with disabilities, and representatives of PPSBs participating on the committees and working groups. The remaining 67 people interviewed responded to open and targeted invitations to provide perspective on the Act and included representation from all perspectives identified in the Review TOR.

There were five online community discussion sessions that were open to the public in May and June 2022. Information about the sessions was shared on the review website, via social media on Twitter and Linked-In and in emails to disability organizations, municipalities, and MLAs. There was one session for each of four regions in the province and one session that was open to everyone regardless of region. A registration process was used to confirm accessibility requests. A total of 55 people participated in the online community discussion sessions.

From April to October 2022, 24 focus groups were conducted with a total of 156 participants. Five focus groups were held in person and 19 were online. Of the five that were held in person, one was in the Eastern region, one was in Northern, and three were in Central. One focus group was offered in French. Ten people registered who represented Francophone organizations and service providers as well as members of the public. Four of the five in-person focus groups were with people with disabilities, and one was with a provincially funded service provider leadership team. Community discussion sessions and focus groups included representation from all perspectives identified in the Review TOR.

The organizations we engaged

Individuals who participated in the consultation process identified affiliation with the groups, organizations and offices listed below. Participants contributed perspective using one or more of the following methods: short or long-form survey, interview, focus group or community discussion session, or by providing comments via email or over the phone, sharing information about the review with their networks or supporting recruitment. To preserve confidentiality some groups and organizations are not listed.

Groups and Organizations Representing Persons with Disabilities

- Alzheimer Society Nova Scotia
- Autism Nova Scotia
- Canadian Association of Retired Professionals – Nova Scotia (CARP)
- Canadian Mental Health Association Nova Scotia
- Canadian National Institute for the Blind – Nova Scotia
- Community Links
- Disability Rights Coalition
- Easter Seals Nova Scotia
- Inclusion Clare
- Inclusion Nova Scotia
- James McGregor Stewart Society
- National Educational Association of Disabled Students
- Nova Scotia Centre on Aging
- Nova Scotia Challenger Baseball
- Nova Scotia League for Equal Opportunities
- Para Sport Nova Scotia
- People First of Nova Scotia
- ReachAbility Halifax
- Schizophrenia Society of Nova Scotia
- Society of Deaf and Hard of Hearing Nova Scotians

First Voice Led or Centered Projects and Initiatives

- My Home My Rights
- Park Bench Players
- The Youth Project
- Zuppa Theatre

Residential and / or Vocational Services

- Breton Ability Centre
- Canadian Association for Community Living - Antigonish
- Diverse Abilities Nova Scotia
- Harbourside Lodge & Mountains and Meadows Care Group
- Health Association Nova Scotia
- New Leaf Enterprises
- Northwood Care Inc.
- Prescott Group
- Riverview Enhanced Living
- Summer Street Industries

Cultural Organizations

- Association of Black Social Workers
- Atlantic Policy Congress of First Nations Chiefs
- Canadian Race Relations Foundation
- Delmore Buddy Daye Learning Institute
- Immigrant Services Association of Nova Scotia
- Mawita'mk Society
- Wabanaki Council on Disability

Francophone

- Immigration Francophone Nouvelle-Écosse
- L'Association Des Juristes D'Expression Française De La Nouvelle-Ecosse
- Le Conseil jeunesse provincial de la Nouvelle-Écosse
- Conseil de développement économique de la Nouvelle-Écosse
- La Picasse, Centre Communautaire Culturel
- Fédération des Femmes Acadiennes de la Nouvelle-Ecosse
- Le Regroupement des aînés de la Nouvelle-Écosse (RANE)

Organizations Affected by the Implementation of Accessibility Standards

Municipalities and Villages*

- Nova Scotia Federation of Municipalities

*Individuals working in various municipalities and villages participated in the consultations, providing perspective on the issues in their community but not always in the capacity of a municipal or village representative

Postsecondary Institutions

- Acadia University
- Cape Breton University
- Council of Nova Scotia University Presidents
- Dalhousie University
- Mount Saint Vincent University
- Nova Scotia Community Colleges (NSCC)
- Saint Mary's University
- St. Francis Xavier University
- Université Sainte Anne
- University of King's College

Research

- Engage Nova Scotia
- PEACH Research Unit, Dalhousie University
- Inclusive Design Research Centre, Ontario College of Art & Design
- Maritime Strategy for Patient-Oriented Research (MSSU)

Nova Scotia Government Departments and Offices

- Department of Community Services
- Department of Justice
- Department of Agriculture
- Department of Advanced Education
- Department of Communities, Culture, Tourism and Heritage
- Department of Economic Development
- Department of Education and Early Childhood Development

- Department of Fisheries and Aquaculture
- Department of Health and Wellness
- Department of Labour, Skills and Immigration
- Department of Municipal Affairs and Housing
- Public Service Commission
- Department of Public Works
- Department of Seniors and Long-term Care
- Service Nova Scotia

Agencies and Commissions

- Acadian Affairs and Francophonie
- Accessibility Directorate
- Advisory Council on the Status of Women
- African Nova Scotian Affairs
- Communications Nova Scotia
- Emergency Management
- Executive Council
- Human Rights Commission, Nova Scotia
- Immigration, Nova Scotia
- Nova Scotia Gaming Corporation
- Nova Scotia Liquor Commission
- Nova Scotia Museum
- Nova Scotia Provincial Library
- Office of African Nova Scotian Affairs
- Office of Equity and Anti-racism Initiatives
- Office of the Fire Marshall

Other Public Sector Bodies

- Atlantic Provinces Special Education Authority
- Develop Nova Scotia
- Events East
- Hearing and Speech Nova Scotia
- Housing Nova Scotia
- Izaak Walton Killam (IWK) Health Centre

- Labour and Advanced Education
- Nova Scotia Health Authority

Industry

- Atlantic Chamber of Commerce
- Building Owners and Managers Association
- Chartered Professionals in Human Resources
- Construction Association of Nova Scotia
- Mainland Building Trades Council
- Masstown Market
- Retail Council of Canada (Atlantic Canada)
- Tourism Industry Association of Nova Scotia
- Truro & Colchester Chamber of Commerce

OTHER

Federal Government

- Human Rights Commission of Canada

Non-Profit and Non-Government Associations

- Nova Scotia Legal Aid
- Feed Nova Scotia
- Recreation Nova Scotia



NOVA SCOTIA

ACCESSIBILITY ACT REVIEW

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