

**ACCESSIBILITY STANDARDS LEGISLATION:
CENTRALIZED OR DISPERSED APPROACHES**

Early Release Version

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1. Introduction

Over 22 years have passed since the Manitoba *Human Rights Code* (*Code*) became law yet people with disabilities continue to encounter a diverse range of barriers to accessibility across the province.¹ While the *Code* is an important part of the solution to discrimination and inaccessibility experienced by people with disabilities, it is time to evaluate whether the *Code* is the only or even the most adequate tool available for creating an accessible province for people with disabilities. While the Manitoba Human Rights Commission can respond to barriers facing people with disabilities, it must do so one barrier or category of barriers at a time.

A more broad-based, planned, faster-paced, and intentional approach to barrier-removal could complement the *Code* and require the removal of all barriers across the province. Such an approach would provide specific direction to organizations on how and when to remove specific barriers. For example, it might require organizations to utilize accessible signage or plan for accessibility renovations to widen doorways, rather than responding to individual inquiries in relation to either.

Barrier-Free Manitoba was formed in recognition of the need for another tool to remove barriers to accessibility. Barrier-Free Manitoba is a non-profit, non-partisan, cross-disability initiative that is working toward the enactment of accessibility-standards legislation. Barrier-Free Manitoba believes that the legislation should be strong, effective and require the orderly and timely removal of the pervasive barriers faced by persons with disabilities, as well as prevent the creation of new barriers. A wide array of consumer and service organizations from the fields of disability, health, aging and social justice, along with over five hundred individuals, have endorsed this call for accessibility-standards legislation.² Early in its work, Barrier-Free Manitoba set out nine principles for the legislation. The legislation must:

- Cover all disabilities;
- Reflect a principled approach to equality;

- Move beyond the complaints-driven system to comprehensively address discrimination and barriers;
- Establish a definite target date to achieve a barrier-free Manitoba;
- Require the development of clear, progressive, mandatory and date-specific standards in all major areas related to accessibility that will apply to public and private sectors;
- Establish a timely and effective process for monitoring and enforcing the standards;
- Incorporate ongoing leadership roles for the disability community;
- Supersede all other provincial legislation, regulations or policies which provide lesser protections; and
- Not diminish other legal and human rights protections.

Recently, Barrier Free Manitoba released a strategic options paper to determine the best model for accessibility standards legislation in Manitoba.³ Because the Premier, the Honourable Greg Selinger, committed to introducing legislation modeled on the *Accessibility for Ontarians with Disabilities Act (AODA)*,⁴ that paper was prepared to evaluate the best mechanisms to implement the Ontario model in Manitoba.

In Ontario, standards are developed, monitored and enforced centrally under the supervision of an expert body created especially for this purpose, the Accessibility Directorate of Ontario.⁵ This paper employs the Ontario model as a prototypical example of central standard-development. The exact details of how those standards might be developed, whether by committee or government imposition, is discussed in the strategic options paper. The key in this paper is that the standards exist as Regulations under the *AODA*, not under other statutes, and are all developed, monitored and enforced under the same umbrella, albeit with specialized standard-development committees for each sector and/or group of barriers. In this paper, we refer to this model as the centralized approach.

But this centralized approach is not the only option. Standard development, monitoring and enforcement could also be dispersed throughout existing government entities. Ministries responsible for education would develop, monitor and enforce standards applicable to education; ministries responsible for building safety would develop, monitor and enforce standards applicable to buildings. This model allows government to make

progress without having to establish new entities and new regulatory regimes. This model is referred to as the dispersed approach and other details of this model are discussed in the appropriate sections below.

This paper evaluates these two options from a legislative design and barrier-removal perspective against the nine principles and the stated objective of proactively removing barriers across the province. The paper assumes that under either model, the legislation will include a firm target date to achieve the objective of a barrier-free province.

Some commentators have engaged in a philosophical debate about the appropriateness of addressing disability equality and barrier-removal individually or as part of other policy objectives.⁶ The paper does not engage in the philosophical debate and is only interested in the two models as they further the objective of barrier-removal. In addition, while considerations of cost, efficiency, durability and symbolism are all relevant considerations in deciding between legislative options, we have not identified any evidence that would support a conclusion that either approach is better than the other. As a result, this paper does not discuss these issues.

The paper recommends that the centralized approach be adopted in Manitoba as this option is much more likely to provide for adequate coordination, consistency of standards, monitoring and enforcement, adequate breadth of coverage, supremacy of standards and public accountability. Theoretically, the dispersed approach could also meet the stated objective of barrier removal and the nine principles. However, the dispersed approach's reliance on many more actors and moving parts will make it much more difficult to achieve progressive and coherent success across the province and across industries.

2. Scope of Coverage, Monitoring and Enforcement

To meet the objective of removing all types of barriers to accessibility across the province, the principles require that the legislation cover “all major areas related to accessibility that will apply to public and private sectors” and “comprehensively address discrimination and barriers.” A first question is what are the “areas” that ought to be covered. The standards developed in Ontario, the United States, and Australia and the experience of the Manitoba Human Rights Commission provide some guidance on types of barriers and sectors that might require standards:

- Customer service;⁷
- Transportation;⁸
- Built environment and access to premises;⁹
- Information and communications;¹⁰
- Employment;¹¹
- Education and related services;¹²
- Government services, including municipalities; and¹³
- Housing.¹⁴

In the centralized model, standards can be developed to cover any area within provincial jurisdiction. Standards can be developed based on industries or types of barriers as is necessary to achieve the objective of barrier-removal. There are no limits on the scope of coverage and therefore it meets this objective. In Ontario, for example, draft standards generally require organizations of all sizes, both public and private, regardless of industry to comply by taking particular steps to remove barriers. Transportation, having been identified as a priority industry for people with disabilities, is also subject to specific draft standards. Once developed, all standards are subject to the specially created (or identified) monitoring and enforcement mechanisms.

In the dispersed approach, standards can only be developed under existing regulatory and investigatory regimes. If no such regime exists for a particular industry or barrier, or at least not a regime with the level of detail expected of accessibility standards, no standards can be developed. Therefore the scope of coverage under this approach depends upon the scope of existing regulatory regimes and investigatory and enforcement

mechanisms, or the government's willingness to expand upon the scope of existing regimes.

For example, detailed requirements, investigations and enforcement mechanisms exist under the *Manitoba Building Code*.¹⁵ It could easily incorporate detailed requirements on accessibility in the built environment and if the typical grandfathering for existing buildings were inapplicable to such standards, it would serve the objectives of disability standards legislation.

However, other sectors and types of barriers are not regulated in this level of detail nor subject to government funding. Grocery stores, for example, are subject to a variety of rules on food safety, their buildings, and employment standards. However, no specific requirements, investigation or enforcement mechanisms, other than the *Code*, exist to regulate their relationship with customers. There simply does not exist a regulatory regime that would be well suited to requirements on how staff interact with customers, store policies (such as policies on perfumes or assisting customers), or signage. Either new regimes would have to be created, thereby undermining the benefit of the dispersed model, or such barriers and industries would be left largely unaddressed by standards, which is contrary to the nine principles.

Still other sectors, such as public para-transportation and education, are subject to requirements through government policy, direction, or procurement contracts, though the level of detail and breadth of coverage varies from sector to sector. Some of these requirements are of the specificity that would allow for inclusion of disability standards, but many are not.

As a result, the dispersed approach is unlikely to have the breadth of coverage that will require the removal of all types of barriers in all sectors across the province. It is well suited to some types of barriers, such as those in the built environment, but inappropriate to others. In Ontario, Charles Beer's recently released independent review of the *AODA* notes that the standards-development process results in gaps in coverage because of the silo approach and lack of strong central coordination.¹⁶ The section of this paper on consistency of standards addresses this issue further, but it is worth noting that even in this centralized system, if there is

inadequate central coordination, gaps may exist. A dispersed system compounds this risk.

FINDING A: To ensure that all sectors and barriers are addressed, it is best that standards are developed centrally with special exceptions only being considered in the case of those regulatory regimes where the level of detail and the monitoring and enforcement mechanisms are sufficient to allow disability standards to be adopted.

3. Consistency

a. Consistency in Standards

Where the power to develop, monitor and enforce standards is dispersed, consistency of standards and timelines across sectors and barrier-types cannot be presumed. Because of the likely number of government entities involved in draft standards, consistency is unlikely. Different entities may assign different levels of priority and schedules for the development of standards, the types of barriers and disabilities covered, and the timelines for compliance. While intentional differences in requirements may be justifiable on a principled-basis, differences that are the result of different drafters are more difficult to justify.

In a centralized approach, the same entity develops all standards (or at least supervises their development) and therefore one might presume the standards to be consistent with one another. We assume that any inconsistencies would be intentional such as differences based on the size of the organization or whether in the public or private sector. Under Ontario's customer service accessibility standard, for example, the same requirements and schedule of compliance apply to all entities except that different documentary requirements apply based on the size of the organization and different schedules for compliance apply based on whether the entity is in the public or private sector.

Despite the centralized approach adopted in Ontario, Charles Beer suggests that still greater centralization and coordination is required to ensure that the standards are consistent and harmonious with one another. Beer notes:

The disability community and the obligated sectors both repeatedly expressed concerns about the lack of harmonization. The standards that have been developed cut across and intersect with one another – and with other pieces of legislation. There are many who believe that the 'silo' approach of having five separate standards development committees has resulted in gaps, discrepancies and overlapping details. The review was told that the absence of coordination of requirements and timing across the standards

will make it difficult to comply with the regulations and communication expectations with respect to priorities and timeframes.¹⁷

As learned in Ontario, only a strong, centralized, coordinating authority can mitigate the risk of such inconsistencies. The American Access Board, for example, centrally develops accessibility requirements that apply in all government procurement.¹⁸ While each government agency is responsible for ensuring compliance with those requirements, the Access Board centrally develops them. In Ontario, Beer has recommended the establishment of the Ontario Accessibility Standard Board to develop the expertise necessary to draft accessibility standards.¹⁹

The Manitoba government and disability community should learn from the Ontario experience and move towards a more highly integrated and centralized system rather than creating silos, confusion, and disharmony. The Manitoba Human Rights Commission could play this role, as could a newly established government authority. However, having such a central body coordinating standard-development may undermine the primary rationale for a dispersed approach: capitalizing on a range of existing rather than new agencies.

FINDING B: For standards to be consistent and harmonious, strong central coordination or development is essential.

b. Consistency in Monitoring and Enforcement

Under the centralized approach, one method of monitoring and enforcement applies to all sectors. We assume that any inconsistencies would be intentional such as differences based on the size of the organization or whether in the public or private sector. While not fully developed, it is expected that the monitoring and enforcement mechanisms in Ontario will be consistent across sectors.

If multiple regulatory regimes have responsibility for monitoring and enforcement, inconsistencies may arise. There are differences among the monitoring and inspection mechanisms under different regulatory sectors, including how frequently such inspections are carried out, their level of intrusiveness, and what initiates an inspection. Under some regimes,

inspections are carried out before an entity is allowed to operate or take a particular step, while under other regimes organizations are rarely inspected or only after a complaint is lodged. Further, the penalties for non-compliance under each regulatory regime are different. Monetary penalties, criminal sanctions, or prohibitive orders may apply depending on the statute.

Such inconsistencies of monitoring and enforcement are not principally justified and do not advance the objective of inclusion, therefore if existing (and dispersed) monitoring and enforcement mechanisms are utilized, the legislation ought to ensure consistency of the monitoring and enforcement of accessibility standards across sectors.

FINDING C: A centralized approach is most likely to ensure consistency of monitoring and enforcement.

4. Public Consultation and Accountability

a. Leadership for the Disability Community

The principles developed by Barrier-Free Manitoba require that an ongoing leadership role for the disability community be incorporated in any process that is developed. As noted in the strategic options paper, leadership for the disability community is important because it ensures that a key stakeholder, with great expertise in the barriers faced by individuals, is able to influence the standards. It is also to the benefit of government and industry as meaningful consultation and input will ensure that people with disabilities have faith in the process and standards developed.

While either of these models can incorporate an opportunity for consultation with the disability community, it is essential to consider the availability of resources within the disability community to regularly review and comment on draft standards. If inadequately resourced and regularly asked to comment, the capacity of the disability community may be quickly exhausted. There would then be a risk of the industry representatives having their concerns weighed more heavily than those of the disability community.

Where development is centralized, the effort required is reduced. However, in the dispersed model this risk is heightened, as presumably numerous standards would be developed in various regulatory regimes simultaneously. The risk that standards will better reflect the concerns of industry is heightened when the standard-development bodies work primarily with a particular industry or sector, rather than the disability community. The agendas of these bodies may be, or may be perceived to be, captured by the interests of the industry rather than reflecting the need for the timely removal of barriers and the experience and interests of people with disabilities.

The statutory framework can incorporate mechanisms to mitigate this risk, which are discussed in the strategic options paper. However, the risk remains greater in the dispersed approach as more consultation with the disability community will be necessary.

FINDING D: A centralized approach better ensures that the disability community can be a full participant in the standard-development process while minimizing the demand on its limited resources.

b. Public Accountability

Achievement of the objective can be undermined by under-resourcing and/or developing weak standards. As noted in the strategic options paper, one mechanism to promote accountability is ongoing political activism by the disability community and not allowing politicians simply to meet their campaign promises by enacting legislation, but also ensuring that the legislation is implemented.

The more dispersed the standard-development, monitoring and enforcement, the more difficult it will be for the disability community to monitor compliance with the requirements of the legislation and the more importance will need to be placed on the robustness of a range of other public accountability mechanisms.

As noted by the Federal Task Force on Disability Issues in 1996 (Scott Taskforce), if “activity is spread across many departments and agencies, it is difficult to assess its effectiveness.” The Scott Taskforce recommended that one organization take on formal and effective responsibility for overseeing and coordination actions.²⁰

This same comment is reflected in Ontario where Charles Beer noted that the disability community and organizations subject to the *AODA*’s standards reported confusion and frustration.²¹ Mr. Beer makes a number of observations and recommendations as they relate to the importance of accountability and how best to achieve it. For example, he notes that:

... within government and perhaps similarly in other large and complex organizations, achieving change requires a focused and high level accountability structure. The degree of change required cannot occur in a “business as usual” environment. Those familiar with government processes confirm that a focused change management approach supported by strong leadership is essential to effect real change.²²

To improve accountability and minimize the existence of separate silos, Mr. Beer recommended increasing cooperation and central responsibility for the standard-development process.²³ Manitoba ought to learn from the experience of Ontario and begin with a more centralized approach rather than dispersing responsibility and creating silos.

FINDING E: A centralized approach allows for better reporting and monitoring of achievement of the legislative objective. Public accountability will be very difficult with a dispersed approach.

5. Other Practical Considerations

a. Supremacy

The nine principles require that the standards supersede other legislation and that existing human rights protections not be diminished. It would be very difficult for disability standards developed under various statutory mechanisms, some in regulation and some in policies, to be supreme over other requirements. The various options on how to achieve this supremacy are discussed in the strategic options paper. Depending on which model of supremacy is adopted, it would require the legislation to identify particular sections of the *Manitoba Building Code*, for example, as supreme while other sections are not, or an assessment of which of multiple sets of standards and the *Code* set the higher level of accessibility. It would also require the government to state that accessibility policies, such as the *Appropriate Educational Programming in Manitoba: Standards for Student Services*, are deemed to be supreme over any contrary provisions. As some of these standards are likely to be contained in policies rather than statute in the dispersed approach (see scope of coverage above), it is questionable whether they can be supreme over legislation.

FINDING F: The centralized approach best ensures that existing protections are not diminished and that they supersede other legislation.

b. Speed of Standard Development

A perceived difference between the centralized and dispersed approaches is the speed at which standards can be developed and accessibility achieved. There is no evidence linking the speed at which standards are developed with either the centralized or dispersed approaches. Rather, the timeliness of standard-development is a result of the mechanism selected for standard-development. The *AODA* utilizes a committee model, which has been criticized by the disability community as being particularly slow.²⁴ If government develops standards, delays will be minimized and largely within its control regardless of whether centrally developed or not.

FINDING G: Rapid standard-development is possible regardless of the approach adopted. If the speed of standard-development is important, the disability community ought to look closely at the government imposition model outlined in the strategic options paper.

6. Conclusion and Summary of Findings

Barrier-Free Manitoba, its extensive network of endorsers, and the Honorable Greg Selinger are committed to the development of accessibility-standards legislation that requires the orderly and timely removal of the pervasive barriers faced by persons with disabilities, as well as prevent the creation of new barriers. Nine principles were developed against which any proposed approach is measured. The legislation must:

- Cover all disabilities;
- Reflect a principled approach to equality;
- Move beyond the complaints-driven system to comprehensively address discrimination and barriers;
- Establish a definite target date to achieve a barrier-free Manitoba;
- Require the development of clear, progressive, mandatory and date-specific standards in all major areas related to accessibility that will apply to public and private sectors;
- Establish a timely and effective process for monitoring and enforcing the standards;
- Incorporate ongoing leadership roles for the disability community;
- Supersede all other provincial legislation, regulations or policies which provide lesser protections; and
- Not diminish other legal and human rights protections.

This paper has evaluated two basic approaches, a centralized and a dispersed option, from a legislative design and barrier-removal perspective against the nine principles and the stated objective of proactively removing barriers across the province.

The paper recommends that the centralized approach be adopted in Manitoba as this is much more likely to provide for adequate coordination, consistency of standards, monitoring and enforcement, adequate breadth of coverage, supremacy of standards and public accountability. Theoretically, the dispersed approach could also meet the stated objective of barrier removal and the nine principles. However, the dispersed approach's reliance on many more actors and moving parts will make it

much more difficult to achieve progressive and coherent success across the province and across industries.

We have used the Ontario experience as an example of a centralized approach, but Mr. Beer has recommended that standard-development be further centralized rather than decentralized to ensure accountability, consistency, and broad coverage. Manitoba should learn from the experiences of Ontario and adopt a centralized approach, not a dispersed approach.

Based on these nine principles, the paper also makes the following findings regarding the best approach for disability standard legislation:

- A. To ensure that all sectors and barriers are addressed, it is best that standards are developed centrally with special exceptions only being considered in the case of those regulatory regimes where the level of detail and the monitoring and enforcement mechanisms are sufficient to allow disability standards to be adopted
- B. For standards to be consistent and harmonious, strong central coordination or development is essential.
- C. A centralized approach is most likely to ensure consistency of monitoring and enforcement.
- D. A centralized approach better ensures that the disability community can be a full participant in the standard-development process while minimizing the demand on its limited resources.
- E. A centralized approach allows for better reporting and monitoring of achievement of the legislative objective. Public accountability will be very difficult with a dispersed approach.
- F. The centralized approach best ensures that existing protections are not diminished and that they supersede other legislation.
- G. Rapid standard-development is possible regardless of the approach adopted. If the speed of standard-development is important, the disability community ought to look closely at the government imposition model outlined in the strategic options paper.

End Notes

¹ *The Human Rights Code*, C.C.S.M. c. H175 (“Code”)

² See <http://www.barrierfreemb.com/endorsers>.

³ C. Wilkie and D. Baker, *Accessibility Standards Legislation: A Strategic Options Paper Prepared for Barrier-Free Manitoba*, online: <<http://www.barrierfreemb.com/files/bakerlaw%20report%20final.doc>>.

⁴ *Accessibility for Ontarians with Disabilities Act 2005*, S.O. 2005, c. 11 (“AODA”).

⁵ The Accessibility Directorate of Ontario was created pursuant to the *Ontarians with Disabilities Act, 2001*, S.O. 2001, c. 32. The *ODA* describes its responsibilities and powers as follows:

20.(2) At the direction of the Minister, the Directorate shall,

- (a) support the Accessibility Advisory Council of Ontario and consult with it;
- (b) conduct research and develop and conduct programs of public education on the purpose and implementation of this Act;
- (c) consult with ministries, municipalities, organizations specified by a regulation made under clause 23 (1) (g), public transportation organizations, Scheduled organizations, agencies or other persons or organizations on the preparation of their accessibility plans and policies under this Act;
- (d) request that the ministries, municipalities, organizations specified by a regulation made under clause 23 (1) (g), public transportation organizations, Scheduled organizations, agencies or other persons or organizations that prepare accessibility plans or policies as required by this Act provide the Directorate with the accessibility plans or policies that the Directorate determines;
- (e) review, in the manner that it determines, accessibility plans or policies from among those that it requests under clause (d);
- (f) consult, as the Minister directs, with the Accessibility Advisory Council of Ontario, persons with disabilities and those other persons and organizations that the Minister directs to develop codes, codes of conduct, formulae, standards, guidelines, protocols and procedures related to the subject-matter of this Act;
- (g) consider the comments that it receives on draft regulations under subsection 23 (2) and make recommendations to the Minister on the draft regulations;
- (h) examine and review Acts, regulations, and programs or policies established by Acts or regulations and make recommendations to the Minister for amending them or adopting, making or establishing new Acts, regulations, programs or policies to improve opportunities for persons with disabilities; and
- (i) carry out all other duties related to the subject-matter of this Act that the Minister determines.

Under the *AODA* grants the Accessibility Directorate of Ontario additional powers and responsibilities. The *AODA* describes its further responsibilities and powers as follows:

32.(3) At the direction of the Minister, the Directorate shall,

- (a) advise the Minister with respect to the establishment and composition of standards development committees and with respect to the standards development process established under section 9;
- (b) prepare training material for members of the standards development committees and guidelines and other reference material that may be used in preparing proposed accessibility standards;

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- (c) advise the Minister as to the form and content of accessibility reports and as to the method of reviewing the reports and enforcing the accessibility standards;
 - (d) consult with persons and organizations required to prepare accessibility reports under this Act on the preparation of their reports;
 - (e) conduct research and develop and conduct programs of public education on the purpose and implementation of this Act;
 - (f) consult with organizations, including schools, school boards, colleges, universities, trade or occupational associations and self-governing professions, on the provision of information and training respecting accessibility within such organizations;
 - (g) inform persons and organizations that may be subject to an accessibility standard at a future date of preliminary measures, policies or practices that they could implement before the accessibility standard comes into force in order to ensure that the goods, services, facilities, accommodation and employment they provide, and the buildings, structures and premises they own or occupy, are more accessible to persons with disabilities;
 - (h) examine and review accessibility standards and advise the Minister with respect to their implementation and effectiveness;
 - (i) support the Accessibility Standards Advisory Council and consult with it;
 - (j) examine and review Acts and regulations and any programs or policies established by Acts or regulations and make recommendations to the Minister for amending them or adopting, making or establishing new Acts, regulations, programs or policies to improve opportunities for persons with disabilities; and
 - (k) carry out all other duties related to the subject-matter of this Act that the Minister determines.

⁶ See eg. Irving Zola, "Toward the Necessary Universalizing of a Disability Policy, *Milbank Quarterly*, (1989) Vol. 67, Suppl. 2, Pt. 2 at 401-428; R.K. Scotch, *From Good Will to Civil Rights: Transforming Federal Disability Policy* (Philadelphia: Temple University Press, 1984); S. Barnartt and K. Seelman, "A Comparison on Federal Laws toward the Disabled and Racial/Ethnic Groups in the U.S.A., (1988) *Disability, Handicap and Society* at 3:37-48; S.R. Bagenstos, "The Future of Disability Law", (Oct. 2004) *Yale Law Journal*, Vol. 114, No. 1.

⁷ See eg. *Accessibility Standards for Customer Service*, O.Reg. 429/07; Manitoba Human Rights Commission, *Annual Report 2008* (2008), online: Manitoba Human Rights Commission <http://www.gov.mb.ca/hrc/english/docs/annual_report2008.pdf> at 9 & 11.

⁸ http://www.mcass.gov.on.ca/en/accesson/developing_standards/standards_transportation.aspx, *Americans with Disabilities Act Accessibility Guidelines for Transportation Vehicles*, §1192 (September 1992), online: Access Board, <<http://www.access-board.gov/transit/html/vguide.htm>>; *Australia Disability Standards for Accessible Public Transport Guidelines 2004 (No. 3)*; Manitoba Human Rights Commission, *Annual Report 2008* (2008), online: Manitoba Human Rights Commission <http://www.gov.mb.ca/hrc/english/docs/annual_report2008.pdf> at 9.

⁹ Ministry of Community and Social Services, *Developing Accessibility Standards: Built Environment* online: <http://www.mcass.gov.on.ca/en/accesson/developing_standards/standards_built.aspx>; Australian Human Rights Commission, *Premises Standards: Main Changes from the 2004 Draft*, online: <http://www.hreoc.gov.au/disability_rights/standards/Access_to_premises/summ0408.htm>; *Arlene Ursel v. LMG Properties Ltd.*, M.H.R.B.A.D. (June 15, 2009), online: Manitoba <

<http://www.gov.mb.ca/hrc/publications/legal/ursel.html>>; Access Board, *Guide to the ADA and ABA Standards*, online: <<http://www.access-board.gov/ada-aba/guide.htm>>.

¹⁰ Ministry of Community and Social Services, *Developing Accessibility Standards: Information and Communications*, online:

<http://www.mcsc.gov.on.ca/en/accesson/developing_standards/standards_information.aspx>; Australian Human Rights Commission, *World Wide Web Access: Disability Discrimination Act Advisory Notes*, online:

<http://www.hreoc.gov.au/disability_rights/standards/www_3/www_3.html>; <http://www.access-board.gov/gs.htm>; *Electronic and Information Technology Accessibility Guidelines: Final Rule*, 36 CFR Part 1194 (December 21, 2000), online: Access Board, <<http://www.access-board.gov/gs.htm>>; *Telecommunications Act Accessibility*

Guidelines; Final Rule, 36 CFR Part 1193 (February 3, 1998), online: Access Board, <<http://www.access-board.gov/telecomm/telecom.pdf>>.

¹¹ Ministry of Community and Social Services, *Developing Accessibility Standards: Employment*, online:

<http://www.mcsc.gov.on.ca/en/accesson/developing_standards/standards_employment.aspx>; Australian Human Rights Commission, *Revised draft DDA Disability Standards: Employment*, online:

<http://www.hreoc.gov.au/disability_rights/standards/Employment_draft/employment_draft.html>; *L.H. v. Vietnamese Non-Profit Housing Corporation*, M.H.R.B.A.D. (March 16, 2007), online: Manitoba, <http://www.gov.mb.ca/hrc/publications/legal/lh_decision.pdf>.

¹² *Disability Discrimination Act Education Standards*, online: <<http://www.ddaedustandards.info/>>; Manitoba Human Rights Commission, *Annual Report 2008 (2008)*, online: Manitoba Human Rights Commission <http://www.gov.mb.ca/hrc/english/docs/annual_report2008.pdf> at 9.

¹³ Australian Human Rights Commission, *Discussion Paper: DDA Standards on Commonwealth Government Information and Communications*, online: <http://www.hreoc.gov.au/disability_rights/commonwealth/communications.htm>; Manitoba Human Rights Commission, *Annual Report 2008 (2008)*, online: Manitoba Human Rights Commission <http://www.gov.mb.ca/hrc/english/docs/annual_report2008.pdf> at 15.

¹⁴ Manitoba Human Rights Commission, *Annual Report 2008 (2008)*, online: Manitoba Human Rights Commission <http://www.gov.mb.ca/hrc/english/docs/annual_report2008.pdf> at 13.

¹⁵ *The Buildings and Mobile Homes Act*, C.C.S.M. c. B93, Manitoba Building Code, M. Reg. 127/2006.

¹⁶ Charles Beer, *Charting a Path Forward: Report of the Independent Review of the Accessibility for Ontarians with Disabilities Act, 2005* (February 2010), online: Ministry of Community and Social Services <http://www.mcsc.gov.on.ca/en/mcsc/publications/accessibility/charles_beer/tableOfContents.aspx> at 43 (“Beer”).

¹⁷ Beer at 43.

¹⁸ Access Board, *About the U.S. Access Board*, online: <<http://www.access-board.gov/about.htm>>.

¹⁹ Beer at 51-58.

²⁰ Federal Task Force on Disability Issues, *Equal Citizenship for Canadians with Disabilities: The Will to Act* (October 21, 1996).

²¹ Cite for Beer where frustration and confusion

²² Beer at 45.

²³ Beer at 45 & 47.

²⁴ See eg. Beer at 52. Of note, others criticized the standard-development committees as moving too quickly, particularly because of the need for representatives to consult with their constituents and obtain expert advise.