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ITAC INFORMATION TECHNOLOGY ASSOCIATION OF CANADA

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**Distributed to: Standing Committee on Social Affairs, Science and Technology**

Date: March 28, 2019

The Information Technology Association of Canada (ITAC) and the Information Technology Industry Council (ITI) thank the Standing Committee on Social Affairs, Science and Technology for the opportunity to provide a joint brief regarding the *Accessible Canada Act* (C-81 or the Act). We fully support the legislation’s objective of enhancing “the full and equal participation of all persons, especially persons with disabilities, in society”, and are happy to share our views and recommendations on this important legislation in advance of your committee’s deliberations and a Third reading in the Senate.

Information and communications technology (ICT) is a critical component in helping people of all abilities fully realize their potential, whether at work, at school, or at play. As the transition toward digital societies continues apace, accessible ICT will assume an ever-increasing role in ensuring all citizens can fully participate in, and contribute their ideas and talents to, their communities and nations.

ITAC and ITI members bring to the table many, many years of experience working with people with disabilities and other stakeholders to help ensure all people can use and benefit from ICT. We have had the pleasure of collaborating with many Canadian experts in developing some of the most significant accessibility standards being implemented in the world today. One example is the W3C/WAI Web Accessibility Content Guidelines (aka ISO/IEC 40500:2012), which have already been adopted by the Province of Ontario as well as Australia, the European Union, and the United States. In all standards and policy engagements, we advocate for a global approach to

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ICT accessibility to enhance the ability of consumers to access information and services wherever they may travel, regardless of jurisdiction. We used this same lens to evaluate C-81.

Overall, we believe the *Accessible Canada Act* closely aligns with the policy goals embraced by governments in other countries. It strikes a reasonable balance between policy mandates and innovation, avoiding prescriptive requirements that could constrain the ability of entities and persons covered by the Act to leverage new digital technologies and services to meet the needs of the marketplace, including people with disabilities.

# Part 2: Canadian Accessibility Standards Development Organization

Of particular interest to our members is Part 2 of the Act, which would establish the Canadian Accessibility Standards Development Organization (CASDO). The Act assigns various mandates and powers to the new entity that, on their surface, appear designed to position CASDO as an international standards development organization. The Act authorizes the CASDO to develop accessibility standards “for any person or entity, including any government in Canada or *elsewhere*” (Part 2, Provision 20, emphasis added). Clearly, the CASDO will be a significant standards-setting organization with the ability to impact Canadian and non-Canadian businesses alike, including ICT companies.

Given the above, we agree with the AODA Alliance that the Act should be strengthened to ensure the openness and inclusiveness of CASDO and its standards processes FOOTNOTE 1. To accomplish this, we believe it is appropriate and essential for the CASDO to be required to apply for accreditation by the Standards Council of Canada (SCC) FOOTNOTE 2, a federal Crown corporation tasked with promoting efficient and effective standardization in Canada. We believe the Council’s mandate and mission are fully consistent with the purposes of the Act and would ensure openness and inclusiveness. Moreover, SCC accreditation will provide critical guidance for the CASDO and help create international confidence in its procedures and publications.

BEGIN FOOTNOTES:

1. *See* page 7, “Brief to the Parliament of Canada on Bill C-81, the Proposed Accessible Canada Act,” September 27, 2018, [https://www.aodaalliance.org/wp-content/uploads/2018/09/Sept-27-2018-](https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.aodaalliance.org%2Fwp-content%2Fuploads%2F2018%2F09%2FSept-27-2018-AODA-Alliance-Brief-to-Parliament-on-Bill-C81-Final-Version.docx&amp;data=02%7C01%7CAnnMarie.Rohaly%40microsoft.com%7Cc2d5066df4ab465a132208d633a29e6d%7C72f988bf86f141af91ab2d7cd011db47%7C1%7C0%7C636753170879836708&amp;sdata=HbFeQf0HpmFDpQSNk6kIbqHLSOvz1Bna%2F80umNlnIq0%3D&amp;reserved=0) [AODA-Alliance-Brief-to-Parliament-on-Bill-C81-Final-Version.docx](https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.aodaalliance.org%2Fwp-content%2Fuploads%2F2018%2F09%2FSept-27-2018-AODA-Alliance-Brief-to-Parliament-on-Bill-C81-Final-Version.docx&amp;data=02%7C01%7CAnnMarie.Rohaly%40microsoft.com%7Cc2d5066df4ab465a132208d633a29e6d%7C72f988bf86f141af91ab2d7cd011db47%7C1%7C0%7C636753170879836708&amp;sdata=HbFeQf0HpmFDpQSNk6kIbqHLSOvz1Bna%2F80umNlnIq0%3D&amp;reserved=0), accessed October 19, 2018.

2 *See* <https://www.scc.ca/en>

END FOOTNOTES.

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# Part 2, Mandate

As mentioned, the Part 2 section outlines mandates to be carried out by the CASDO, including “the development and revision of accessibility standards”. The text, however, appears to preclude the possibility of CASDO identifying and recommending to the Minister accessibility standards that have already achieved wide acceptance by the global ICT industry, including Canadian businesses.

Regardless of geographical location, technical solutions to achieve accessibility are essentially the same. If the CASDO were to develop accessibility standards that diverge or potentially conflict with widely implemented ICT accessibility standards, it would add years of delay before new standards could be fully implemented, as well as add costs and administrative burdens for ICT developers and service providers. In the meantime, industry’s focus on developing inclusive emerging technologies and innovative accessibility solutions would be diverted towards reconciling standards rather than ensuring entire generations of new ICT would be accessible to Canadians with disabilities.

We believe the most appropriate methodology is to emphasize adoption of existing standards first, followed by the adaptation of existing standards in the event they do not fully address the needs of the Canadian market. The development of unique standards should be a last resort, utilized solely to fill any gaps that may be identified after a thorough evaluation of the global accessibility standards landscape. To this end, we urge Parliament to consider revising Part 2 as follows (new text in bold italics):

# Mandate

**18** The Standards Organization’s mandate is to contribute to the progressive realization of a Canada without barriers by, among other things,

***(a) Initiation of a comprehensive review of accessibility standards currently implemented in the global marketplace and the evaluation of their potential utility in achieving the objectives of the Act;***

***(b) In areas where existing standards evaluated under (a) do not fully achieve the objectives of the Act, the development of***

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***recommendations for improving the standards and engagement of the relevant organization(s) or corporation(s) toward their adoption;***

***(c) In areas where the adoption or adaptation of existing standards in (a) and (b) were unable to achieve the objectives of the Act, the development of accessibility standards to fill the identified gaps;***

**(d)** The recommendation of accessibility standards to the Minister;

**(e)** The provision of information, products and services in relation to the accessibility standards that it has developed or revised;

**(f)** The promotion, support and conduct of research into the identification and removal of barriers and the prevention of new barriers; and

**(g)** The dissemination of information, including information about best practices, in relation to the identification and removal of barriers and the prevention of new barriers.

# Part 2, Powers

Under this section, the Act permits the CASDO to “charge a fee for any accessibility standard that it develops or revises”. This option potentially creates a financial disincentive for the CASDO to consider and recommend adoption of globally relevant standards. It could also place a burden on small enterprises, as well as hinder consumer organizations and people with disabilities from raising awareness of the new requirements. It is becoming a common practice for standards setting organizations to make accessibility standards available free of charge. The CASDO should do the same FOOTNOTE 3. Finally, if the CASDO were to revise an existing standard from another organization or corporation and then charge a fee for access, it may violate the latter’s intellectual property rights or use policies. We urge Parliament to revise Provision 19(e) as follows (new text in bold italics):

**(e)** Charge a fee for any information, product or service that it provides under this Act, ***where appropriate***;

BEGIN FOOTNOTE 3:

*See* AODA Alliance brief, page 29.

END FOOTNOTE 3.

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Some of summaries of the Act that have been provided by Parliament or its Members indicate that the CASDO can form technical subcommittees to advise it. We strongly endorse this approach, which is widely employed by other standards setting organizations around the world. We note, however, that this important authority is not spelled in the Act itself. Accordingly, we urge Parliament to revise Provision 19(h) as follows (new text in bold italics):

BEGIN TRANSCRIBER’S NOTE:

In the following section,“that it considers” is in bold italics and is crossed-out.

END TRANSCRIBER’S NOTE.

**(h)** Undertake any other activities, ***including the formation of technical committees consisting of standards and industry experts, people with disabilities and their representatives, representatives from affected sectors or organizations, and other interested parties****,* ***~~that it considers~~***conducive to the furtherance of its mandate and the exercise of its powers.

Again, we thank the Standing Committee on Social Affairs, Science and Technology for the opportunity to provide comments and recommendations on C-81. We would be happy to meet with committee members and other interested Members of Parliament to provide further details regarding our submission, as well as to respond to any other questions.

For any questions, please contact Nevin French, Vice-President of Policy, ITAC at nfrench@itac.ca  or 613-238-4822 x2227.

Thank you for your consideration.

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