

Submission to the Select Committee on Accessibility

Feedback on *Achieving Greater Accessibility: New Brunswick's Framework for Accessibility Legislation*

About the New Brunswick Women's Council

The New Brunswick Women's Council is an independent advisory body for study and consultation on matters of importance, interest, and concern to women and their substantive equality. Its objectives are:

- a) to be an independent body that provides advice to the Minister on matters of importance to women and their substantive equality;
- b) to bring to the attention of government and the public issues of interest and concern to women and their substantive equality;
- c) to include and engage women of diverse identities, experiences and communities, women's groups and society in general;
- d) to be strategic and provide advice on emerging and future issues; and
- e) to represent New Brunswick women.

In delivering on these objectives, the Women's Council may conduct or commission research and publish reports, studies, and recommendations. The Women's Council is directed by an appointed volunteer membership that includes both organizations and individuals. The work is executed by a small staff team.

Require advisory body committees and accessibility plan advisory committees to include people with disabilities.

The [framework](#) requires that the majority of members of the advisory body must be persons with disabilities. Committees that will work on the development of accessibility standards, technical issues, and accessibility plans, however, do not have the same requirement.

For the technical advisory committees that may be established under the advisory body, the only details on composition are the inclusion of "technical experts and other parties familiar with specific issues to provide input as required."¹ This does not guarantee that disabled persons will be part of these committees.

The framework is inconsistent on the composition of standard development committees that may be established under the advisory body. In the section "Who will develop the standards?" the framework says that these committees "*must* include persons with disabilities"² (emphasis ours). The section of the framework that details the mandate and composition of these committees, however, states that they "[must] include persons with disabilities *or* representatives from organizations representing persons with disabilities"³ (emphasis ours). Accessibility plan advisory committees "*should* include persons with disabilities, *or* representatives from organizations representing persons with disabilities"⁴ [emphasis ours]).

These committees must be required to include persons with disabilities. This means replacing "should" with "must." It also means requiring that committees include both persons with disabilities *and* representatives from organizations representing persons with disabilities. Organizations that represent people with disabilities often have staff and volunteers who are not themselves disabled—and having a non-disabled person from an organization representing disabled people is not the same thing as having disabled people at the decision-making table.

Making this change is a matter of living up to the framework's affirmation that "Persons with disabilities must be directly involved in decisions that affect them, including the development of future accessibility legislation and standards."⁵ As these committees will shape the standards, as well as their implementation in the public sector, persons with disabilities must be directly involved—not just represented by organizations or consulted.

Information on the importance of representation of persons with disabilities *by* persons with disabilities, please read the "Nothing about us without us" section of the Council's original [Submission to the Select Committee](#).

¹ P.15.

² P.20.

³ P.15.

⁴ P.18.

⁵ P.24.

Recognize and affirm that some disabled individuals and disability communities use identity-first language.

The use of person-first language (e.g., woman with a disability) and identity-first language (e.g., disabled woman) is often a political choice and a person's preferences may change over time or based on context. The disability community is not monolithic and its members have varied, meaningful preferences on how they are described. Given this, the Select Committee's decision to only include person-first language in the framework's standardized definitions, and presumably the legislation, is not ideal.

Standardized language can be useful and is at times necessary; this may be particularly true when it comes to drafting legislation. In this specific case, however, it is not appropriate.

Using only person-first language is reductive. It contributes to the erasure of the diversity of disabled individuals and communities. It undermines the agency of those disabled people and communities who use identity-first language. It does this for the sake of having a single standardized term, presumably for ease of reference and to accommodate the status quo of legislative drafting.

Reductive language. Erasure of diversity. Undermining agency. Prioritizing institutional processes over people and communities. These are all practices that enable ableism and undermine accessibility.

Instead of engaging in these practices, the legislation could serve as a model on how to affirm the agency of disabled people and their diverse experiences—even when it poses challenges for established ways of working.

The Council encourages the Select Committee to explore how to include both person-first and identity-first language in legislation and regulations. The Council also recommends that the work of the Accessibility Secretariat (e.g., development of standards; awareness raising; creation of templates and training; monitoring and evaluation) affirm both language models and provide guidance on respecting the preference of specific individuals and communities regarding which model is used.

More information on the importance of both person-first and identity-first language is available in the Council's [original submission to the Select Committee](#).

Provide additional information and a timeline on how this legislation will apply to the private sector.

While the framework is clear on how legislation will be implemented for the public sector, it lacks information on private sector implementation.

Early on, the framework states that legislation will “Apply broadly to regulate the public sector and apply to the private sector...”⁶ It later explains that “The legislation will first apply to government departments, followed by public sector bodies, and then to other entities (such as the private sector).”⁷ It appears that accessibility standards will apply to all sectors while accessibility plans will only be required from public entities. The Accessibility Secretariat is described as having a role to support public entities throughout the implementation of the legislation and its regulations but there is no mention of the private sector.

Beyond this information, there are no clear references to the private sector. Instead, the framework uses the language of “individuals and organizations.” The framework does not provide a definition of organizations. At times, the term seems to include the public sector⁸; at other times, the public sector is listed separately from “individuals and organizations.”⁹ This makes it difficult to determine whether certain measures (e.g., data collection and reporting, incentives, offenses) that will apply to “organizations” will apply to the private sector.

Accessibility legislation must be accompanied by public policy that addresses social conditions in the province.

As New Brunswick moves toward creating legislation, regulations, standards, and plans to increase accessibility, the Council reminds the Select Committee that these tools are not enough on their own.

There are structural barriers to accessibility embedded in the current social conditions of the province. The housing, cost-of-living, health care access, and caregiving labour crises all disproportionately impact people with disabilities. There are also public policies that, while not dedicated solely to disabled people, impact them in heightened or unique ways (e.g., [Social Development’s Household Income Policy](#) that result in disabled clients losing benefits if they move in with a non-disabled spouse).

Government must address these barriers through public policy. This means developing evidence- and equity-based policy; using tools like gender-based analysis and disability analysis; engaging in co-creation; and building more robust social infrastructure.

⁶ P.4.

⁷ P.7.

⁸ P. 5, p.7, p.19, p.21, p.22, p.23.

⁹ P.13.