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Statutes of Canada 2019
Chapter 10
Assented to
June 21, 2019

An Act to ensure a barrier-free Canada

Recommendation

Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in a measure entitled “An Act to ensure a barrier-free Canada”.

Summary

This enactment enacts the Accessible Canada Act in order to enhance the full and equal participation of all persons, especially persons with disabilities, in society. This is to be achieved through the realization, within the purview of matters coming within the legislative authority of Parliament, of a Canada without barriers, particularly by the identification, removal and prevention of barriers.

Part 1 of the Act establishes the Minister’s mandate, powers, duties and functions.

Part 2 of the Act establishes the Canadian Accessibility Standards Development Organization and provides for its mandate and structure and its powers, duties and functions.

Part 3 of the Act authorizes the Accessibility Commissioner to provide the Minister with information, advice and written reports in respect of the administration and enforcement of the Act. It also requires the Accessibility Commissioner to submit an annual report on his or her activities under the Act to the Minister for tabling in Parliament.

Part 4 of the Act imposes duties on regulated entities that include the duty to prepare accessibility plans and progress reports in consultation with persons with disabilities, the duty to publish those plans and reports and the duty to establish a feedback process and to publish a description of it.

Part 5 of the Act provides for the Accessibility Commissioner’s inspection and other powers, including the power to make production orders and compliance orders and the power to impose administrative monetary penalties.

Part 6 of the Act provides for a complaints process for, and the awarding of compensation to, individuals that have suffered physical or psychological harm, property damage or economic loss as the result of — or that have otherwise been adversely affected by — the contravention of provisions of the regulations.

Part 7 of the Act provides for the appointment of the Chief Accessibility Officer and sets out that officer’s duties and functions, including the duty to advise the Minister in respect of systemic or emerging accessibility issues.

Part 8 of the Act authorizes the Governor in Council to make regulations, including regulations to establish accessibility standards and to specify the form of accessibility plans and progress reports. It also provides, among other things, for the designation of the week starting on the last Sunday in May as National AccessAbility Week.

Part 9 of the Act provides for the application of certain provisions of the Act to parliamentary entities, without limiting the powers, privileges and immunities of the Senate, the House of Commons and the members of those Houses.

Parts 10 and 11 of the Act make related and consequential amendments to certain Acts.

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Preamble

Whereas the Canadian Charter of Rights and Freedoms guarantees the right to the equal protection and equal benefit of the law without discrimination and, in particular, discrimination on the basis of disability;

Whereas the Canadian Human Rights Act recognizes that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated without discrimination and, in particular, discrimination on the basis of disability;

Whereas a proactive and systemic approach for identifying, removing and preventing barriers to accessibility without delay complements the rights of persons with disabilities under the Canadian Human Rights Act;

Whereas Canada is a State Party to the United Nations Convention on the Rights of Persons with Disabilities and Canada has agreed to take appropriate measures respecting accessibility and to develop and monitor minimum accessibility standards;

Whereas barriers to accessibility can impact all persons in Canada, in particular those with disabilities and their families, and can prevent persons with disabilities from achieving their full and equal participation in society;

And whereas Parliament considers that it is essential to ensure the economic, social and civic participation of all persons in Canada, regardless of their disabilities, and to allow them to fully exercise their rights and responsibilities in a barrier-free Canada;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Short title

1 This Act may be cited as the Accessible Canada Act.

Interpretation

Definitions

2 The following definitions apply in this Act.

Accessibility Commissioner means the member of the Canadian Human Rights Commission that is appointed under subsection 26(1) of the Canadian Human Rights Act and that is referred to in that Act as the “Accessibility Commissioner”. (commissaire à l’accessibilité)

barrier means anything — including anything physical, architectural, technological or attitudinal, anything that is based on information or communications or anything that is the result of a policy or a practice — that hinders the full and equal participation in society of persons with an impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment or a functional limitation. (obstacle)

broadcasting undertaking has the same meaning as in subsection 2(1) of the Broadcasting Act. (entreprise de radiodiffusion)

Canadian carrier has the same meaning as in subsection 2(1) of the Telecommunications Act. (entreprise canadienne)

disability means any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person’s full and equal participation in society. (handicap)

Minister means the member of the Queen’s Privy Council for Canada designated under section 4. (ministre)

personal information has the same meaning as in section 3 of the Privacy Act. (renseignements personnels)

regulated entity means an entity or person referred to in subsection 7(1). (entité réglementée)

Standards Organization means the Canadian Accessibility Standards Development Organization established under subsection 17(1). (organisation de normalisation)

telecommunications service provider has the same meaning as in subsection 2(1) of the Telecommunications Act. (fournisseur de services de télécommunication)

Her Majesty

Binding on Her Majesty

3 This Act is binding on Her Majesty in right of Canada.

Designation

Designation of Minister

4 The Governor in Council may, by order, designate a member of the Queen's Privy Council for Canada as the Minister for the purposes of this Act.

Purpose of Act

Purpose

5 The purpose of this Act is to benefit all persons, especially persons with disabilities, through the realization, within the purview of matters coming within the legislative authority of Parliament, of a Canada without barriers, on or before January 1, 2040, particularly by the identification and removal of barriers, and the prevention of new barriers, in the following areas:

- (a) employment;
- (b) the built environment;
- (c) information and communication technologies;
- (c.1) communication, other than information and communication technologies;
- (d) the procurement of goods, services and facilities;
- (e) the design and delivery of programs and services;
- (f) transportation; and
- (g) areas designated under regulations made under paragraph 117(1)(b).

Clarification

5.1 (1) The area of communication referred to in paragraph 5(c.1)

- (a) includes the use of American Sign Language, Quebec Sign Language and Indigenous sign languages; and
- (b) does not include broadcasting as defined in subsection 2(1) of the Broadcasting Act or telecommunications as defined in subsection 2(1) of the Telecommunications Act.

Recognition of sign languages

(2) American Sign Language, Quebec Sign Language and Indigenous sign languages are recognized as the primary languages for communication by deaf persons in Canada.

Interpretation

5.2 Nothing in this Act, including its purpose of the realization of a Canada without barriers, should be construed as requiring or authorizing any delay in the removal of barriers or the implementation of measures to prevent new barriers as soon as is reasonably possible.

Principles

Principles

6 This Act is to be carried out in recognition of, and in accordance with, the following principles:

- (a) all persons must be treated with dignity regardless of their disabilities;
- (b) all persons must have the same opportunity to make for themselves the lives that they are able and wish to have regardless of their disabilities;
- (c) all persons must have barrier-free access to full and equal participation in society, regardless of their disabilities;
- (d) all persons must have meaningful options and be free to make their own choices, with support if they desire, regardless of their disabilities;
- (e) laws, policies, programs, services and structures must take into account the disabilities of persons, the different ways that persons interact with their environments and the multiple and intersecting forms of marginalization and discrimination faced by persons;
- (f) persons with disabilities must be involved in the development and design of laws, policies, programs, services and structures; and
- (g) the development and revision of accessibility standards and the making of regulations must be done with the objective of achieving the highest level of accessibility for persons with disabilities.

Application

Application

7 (1) This Act applies to the following entities and persons:

- (a) each entity named or set out in any of Schedules I to V to the Financial Administration Act;

- (b) each Crown corporation, as defined in subsection 83(1) of the Financial Administration Act that is not referred to in Schedule III to that Act;
- (c) every portion of the federal public administration that is designated under subsection (3);
- (d) the Canadian Forces;
- (e) any person, partnership or unincorporated organization that operates a work or carries on an undertaking or business that is within the legislative authority of Parliament, other than a work, undertaking or business of a local or private nature in Yukon, the Northwest Territories or Nunavut; and
- (f) any entity or person — including a trustee, executor, administrator, liquidator of the succession, guardian, curator or tutor — that acts in the name of, or for the benefit of, any entity or person in the operation of a work or carrying on of an undertaking or business that is within the legislative authority of Parliament, other than a work, undertaking or business of a local or private nature in Yukon, the Northwest Territories or Nunavut.

Parliamentary entities

(2) This Act also applies, to the extent provided for in Part 9, to the entities referred to in the definition of parliamentary entity in section 134.

Designation

(3) For the purposes of paragraph (1)(c), the Governor in Council may, by order, designate any portion of the federal public administration that is not named or set out in any of Schedules I to V to the Financial Administration Act.

Non-application

8 Nothing in this Act applies to the Yukon Government, the Government of the Northwest Territories or the Government of Nunavut or a corporation established to perform any function or duty on behalf of any of those Governments.

Canadian Forces

9 Nothing in this Act is to be construed as affecting the principle of universality of service under which members of the Canadian Forces must at all times and under any circumstances perform any functions that they may be required to perform.

Royal Canadian Mounted Police

10 Nothing in this Act is to be construed as affecting the principle that certain physical and other qualifications are necessary for appointment under the Royal Canadian Mounted Police Act or to

prevent the establishment of requirements that are necessary to carry out functions and duties within the Royal Canadian Mounted Police.

Part 1 - Minister's Powers, Duties and Functions

Mandate

11 (1) The Minister's mandate is the realization of a Canada without barriers on or before January 1, 2040.

Powers

(2) In carrying out his or her mandate, the Minister may, among other things,

- (a) provide information, advice and assistance in relation to matters relating to accessibility; and
- (b) promote, support and conduct research into the identification and removal of barriers and the prevention of new barriers.

Minister's powers, duties and functions

12 The Minister's powers, duties and functions extend to and include all matters relating to accessibility over which Parliament has jurisdiction and that are not by law assigned to any other Minister or to any department, board or agency of the Government of Canada.

Policies, programs and projects

13 The Minister may initiate, recommend, implement and promote policies, programs and projects in relation to matters relating to accessibility.

Grants and contributions

14 The Minister may make grants and contributions in support of the Minister's programs and projects in relation to matters relating to accessibility.

Information

15 Subject to the Statistics Act, the Minister may collect, analyse, interpret, publish and distribute information in relation to matters relating to accessibility.

Coordination with provincial and territorial authorities

16 The Minister must make every reasonable effort to collaborate with provincial or territorial authorities with a view to coordinating efforts in relation to matters relating to accessibility.

Part 2 - Canadian Accessibility Standards Development Organization

Establishment

Canadian Accessibility Standards Development Organization

17 (1) A corporation is established to be known as the Canadian Accessibility Standards Development Organization.

Agent of Her Majesty

(2) The Standards Organization is an agent of Her Majesty in right of Canada.

Head office

(3) The head office of the Standards Organization is to be at a place in Canada that is designated by the Governor in Council.

Mandate

Mandate

18 The Standards Organization's mandate is to contribute to the realization of a Canada without barriers, on or before January 1, 2040, through, among other things,

- (a) the development and revision of accessibility standards;
- (b) the recommendation of accessibility standards to the Minister;
- (c) the provision of information, products and services in relation to the accessibility standards that it has developed or revised;
- (d) the promotion, support and conduct of research into the identification and removal of barriers and the prevention of new barriers; and

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

Powers

Powers

19 The Standards Organization, in carrying out its mandate, may

- (a) enter into contracts, agreements or other arrangements with any person or entity, including any government, in the name of Her Majesty in right of Canada or in its own name;
- (b) make grants and contributions;
- (c) establish and register its own marks under the Trade-marks Act and authorize and regulate their use subject to that Act;
- (d) license, sell or otherwise make available any patent, copyright, industrial design, trade-mark or other similar property right that it holds, controls or administers;
- (e) charge a fee for any accessibility standard that it develops or revises and any information, product or service that it provides under this Act;
- (f) spend any money that it receives through its activities, in the fiscal year in which the money is received or in the subsequent fiscal year;
- (g) acquire any money, securities or other personal or movable property by gift or bequest and expend, administer or dispose of the property subject to the terms, if any, on which the gift or bequest was made; and
- (h) undertake any other activities that it considers conducive to the furtherance of its mandate and the exercise of its powers.

Other powers

20 The Standards Organization may develop accessibility standards for — or provide any information, product or service related to accessibility standards to — any person or entity, including any government in Canada or elsewhere.

Minister

Ministerial directions

21 (1) The Minister may issue general directions to the Standards Organization respecting the carrying out of its mandate.

Non-application of Statutory Instruments Act

(2) The Statutory Instruments Act does not apply to directions issued under subsection (1).

Board of Directors

Establishment and composition

22 The Standards Organization is to have a board of directors consisting of not more than 11 directors, including a Chair and a Vice-Chair.

Appointment and tenure

23 (1) The directors are to be appointed by the Governor in Council to hold office on a part-time basis and during pleasure for a term of not more than four years that will ensure, to the extent possible, the end in any one year of the terms of office of not more than one half of the directors.

Appointment considerations

(2) The appointment of directors is to be made having regard to the following considerations:

- (a) that at all times, as far as possible, the majority of the directors are persons with disabilities;
- (b) the importance of having directors that are representative of the diversity of Canadian society; and
- (c) the importance of having directors that are representative of the diversity of disabilities faced by Canadians.

Persons not eligible for appointment

(3) A person is not eligible to be appointed or to continue as a director if the person

- (a) is not a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act;
- (b) is a member of the Senate or House of Commons or a member of a provincial or territorial legislature; or
- (c) is employed on a full-time basis in the federal public administration or the public service of a province or territory.

Reappointment

(4) A director is eligible for reappointment in the same or another capacity.

Remuneration and expenses

24 A director is to be paid the remuneration that is fixed by the Governor in Council and is entitled to be paid reasonable travel and living expenses incurred while absent from their ordinary place of residence in the course of performing their duties under this Act.

Benefits

25 A director is deemed to be an employee for the purposes of the Government Employees Compensation Act and employed in the federal public administration for the purposes of regulations made under section 9 of the Aeronautics Act.

Role of board of directors

26 The board of directors is responsible for

- (a) setting the strategic direction for the Standards Organization;
- (b) supervising and managing the Standards Organization's activities and affairs; and
- (c) advising the Chief Executive Officer on matters relating to the Standards Organization's mandate.

By-laws

27 (1) The board of directors may make by-laws respecting the carrying out of its activities and the conduct of its affairs.

Copy to Minister

(2) The board of directors must send a copy of every by-law to the Minister.

Advisory and other committees

28 The board of directors may, in accordance with the by-laws, appoint advisory or other committees.

Chair

Role of Chair

29 (1) The Chair presides over meetings of the board of directors and performs any other duties that are assigned by the board.

Absence or incapacity of Chair

(2) In the event of the absence or incapacity of the Chair, or a vacancy in that office, the Vice-Chair acts as Chair.

Absence or incapacity of Chair and Vice-Chair

(3) In the event of the absence or incapacity of the Chair and the Vice-Chair or a vacancy in both those offices, the Minister may authorize another director to act as Chair, but no director so authorized has authority to act for a term of more than 90 days without the Governor in Council's approval.

Chief Executive Officer

Appointment

30 (1) The Chief Executive Officer of the Standards Organization is to be appointed by the Governor in Council to hold office on a full-time basis during pleasure for a term of up to five years.

Reappointment

(2) The Chief Executive Officer is eligible for reappointment.

Remuneration and expenses

(3) The Chief Executive Officer is to be paid the remuneration that is fixed by the Governor in Council and is entitled to be paid reasonable travel and living expenses incurred while absent from his or her ordinary place of work in the course of performing his or her duties under this Act.

Benefits

(4) The Chief Executive Officer is deemed to be employed in the public service for the purposes of the Public Service Superannuation Act, an employee for the purposes of the Government Employees Compensation Act and employed in the federal public administration for the purposes of regulations made under section 9 of the Aeronautics Act.

Role of Chief Executive Officer

31 (1) The Chief Executive Officer is responsible for the Standards Organization's day-to-day operations.

Rank of deputy head

(2) The Chief Executive Officer has the rank and the powers of a deputy head of a department.

Absence or incapacity of Chief Executive Officer

(3) In the event of the absence or incapacity of the Chief Executive Officer, or a vacancy in that office, the Minister may authorize any person to act as Chief Executive Officer, but no person so authorized has authority to act for a term of more than 90 days without the Governor in Council's approval.

Committees

32 (1) The Chief Executive Officer may establish committees to assist in the development and revision of accessibility standards.

Public notice

(2) As soon as feasible after establishing a committee, the Chief Executive Officer must make the committee's terms of reference and the names of its members available to the public.

Human Resources

Officers and employees

33 Officers and employees necessary for the proper conduct of the work of the Standards Organization are to be appointed in accordance with the Public Service Employment Act.

General

Recommended standards to be made public

34 The Standards Organization must make available to the public every accessibility standard that it recommends to the Minister under paragraph 18(b).

Inventions

35 Despite section 9 of the Public Servants Inventions Act, the administration and control of any invention made by an employee of the Standards Organization and vested in Her Majesty by that Act, and any patent issued with respect to the invention, are vested in the Standards Organization.

Annual Report

Duty to submit

36 (1) The Standards Organization must, within three months after the end of each fiscal year, submit a report on its activities in that fiscal year to the Minister.

Tabling

(2) The Minister must cause the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the report is received by the Minister.

Part 3 - Accessibility Commissioner

Provision of information or advice

37 The Accessibility Commissioner may provide information or advice to the Minister in respect of issues arising from the administration and enforcement of this Act.

Special report

38 (1) The Accessibility Commissioner may report in writing to the Minister in respect of issues arising from the administration and enforcement of this Act.

Publication

(2) The Accessibility Commissioner may, after the sixtieth day after the day on which it was provided, publish any report that he or she provided to the Minister.

Annual report

39 (1) The Accessibility Commissioner must, within three months after the end of each fiscal year, submit a report on his or her activities under this Act during that year to the Minister and provide the Minister of Justice with a copy of the report.

Contents

(2) The report must include

- (a) information about the following in respect of the fiscal year, including their number:
 - (i) inspections conducted under section 73,
 - (ii) orders made under section 74,
 - (iii) orders made under section 75,
 - (iv) notices of violation issued under section 79, and
 - (v) complaints filed under subsection 94(1);
- (b) the Accessibility Commissioner's observations about whether the information referred to in paragraph (a) discloses any systemic or emerging accessibility issues; and
- (c) information prescribed in regulations made under subsection 117(1).

Tabling

(3) The Minister must cause the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the report is received by the Minister.

Delegation to any person

40 (1) Subject to subsection (2), the Accessibility Commissioner may delegate, subject to any restrictions or limitations that he or she may specify, any of his or her powers, duties and functions under this Act — other than those set out in sections 37 to 39, 76, 82, 84, 93, 95 to 103 and 110 and subsections 140(5), (7) and (8) and the power to delegate under this subsection and subsection (2) — to any person, other than the Chief Commissioner of the Canadian Human Rights Commission.

Delegation to member or staff of Commission

(2) The Accessibility Commissioner may delegate, subject to any restrictions or limitations that he or she may specify, any of his or her powers, duties and functions under sections 93 and 95 to 103 to another member of the Canadian Human Rights Commission — other than the Chief Commissioner — or to a member of the staff of that Commission.

Consultation

(3) The Accessibility Commissioner must consult with the Chief Commissioner before delegating any power, duty or function to a member of the Canadian Human Rights Commission.

Certificate of delegation — subsection (1)

(4) Each person to whom powers, duties or functions are delegated under subsection (1) must be provided with a certificate of delegation in the form established by the Accessibility Commissioner and, if the person enters any place under subsection 73(1), the person must, on request, produce the certificate to the occupant or person in charge of the place.

Certificate of delegation — subsection (2)

(5) Each person to whom powers, duties or functions are delegated under subsection (2) must be provided with a certificate of delegation in the form established by the Accessibility Commissioner and, if the person enters any place under subsection 73(1) or paragraph 98(d), the person must, on request, produce the certificate to the occupant or person in charge of the place.

Immunity

41 No action or other proceeding of a civil nature lies against the Accessibility Commissioner, or any person acting on behalf or under the direction of the Accessibility Commissioner, in respect of anything that is done or omitted to be done in good faith while exercising their powers or performing their duties and functions under this Act.

Part 4 - Duties of Regulated Entities

Regulated Entities That Carry On Broadcasting Undertakings

Accessibility Plans — Requirements Under the Broadcasting Act

Initial accessibility plan

42 (1) A regulated entity that carries on a broadcasting undertaking must, before the expiry of one year after the day fixed or determined by regulations made under subsection 45(1) that apply to that regulated entity, prepare and publish, in accordance with this Act and regulations made under that subsection, an accessibility plan respecting

- (a) its policies, programs, practices and services in relation to the identification and removal of barriers, and the prevention of new barriers, in the areas referred to in paragraphs 5(c), (d) and (e), the area referred to in paragraph 5(c.1) as it relates to the areas referred to in paragraphs (d) and (e) and, if it is not subject to the Employment Equity Act, employment equity;
- (b) the conditions of the regulated entity's licence issued under Part II of the Broadcasting Act that relate to the identification and removal of barriers and the prevention of new barriers;
- (c) the provisions of any order made under subsection 9(4) of that Act that relate to the identification and removal of barriers and the prevention of new barriers and that apply to the regulated entity; and
- (d) the provisions of any regulations made under subsection 10(1) of that Act that relate to the identification and removal of barriers and the prevention of new barriers and that apply to the regulated entity.

Updated accessibility plan

(2) The regulated entity must prepare and publish, in accordance with this Act and regulations made under subsection 45(1), an updated version of its accessibility plan no later than the third anniversary of the day on which the plan was last published or before the expiry of the applicable period prescribed by regulations made under that subsection.

Notice to Commission

(3) The regulated entity must notify the Canadian Radio-television and Telecommunications Commission, within the time and in the manner prescribed in regulations made under subsection 45(1), of the publication of every version of its accessibility plan.

Duty to consult

(4) The regulated entity must consult persons with disabilities in the preparation of its accessibility plan and every updated version of its accessibility plan.

Manner of consultation

(5) The accessibility plan must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of the plan.

Applicable requirements

(6) The accessibility plan need not address a requirement that applies to the regulated entity and that is set out in a condition, order or regulation referred to in paragraphs (1)(b) to (d) unless the requirement has been in force at least three months before the day on which the accessibility plan must be published.

Duty to make plan available on request

(7) If a person makes a request in accordance with subsection (8), the regulated entity must, within the time prescribed by regulations made under subsection 45(1), make its accessibility plan available to the person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(8) The request must be made in the form and manner prescribed by regulations made under subsection 45(1) and must indicate the format prescribed by regulations made under that subsection in which the accessibility plan is to be made available to the person making the request.

Principles

(9) The regulated entity must take into account the principles set out in section 6 when it prepares an accessibility plan or an updated version of its accessibility plan.

Feedback

Establishment of process

43 (1) A regulated entity referred to in subsection 42(1) must establish a process for receiving feedback about the following and for dealing with that feedback:

- (a) the manner in which the regulated entity is implementing its accessibility plan; and
- (b) the barriers encountered by persons that deal with the regulated entity.

Publication

(2) The regulated entity must publish a description of its process in accordance with regulations made under subsection 45(1).

Notice to Commission

(3) The regulated entity must notify the Canadian Radio-television and Telecommunications Commission, within the time and in the manner prescribed in regulations made under subsection 45(1), of the publication of the description of every version of its process.

Progress Reports

Obligation

44 (1) A regulated entity referred to in subsection 42(1) must prepare and publish, in accordance with this Act and regulations made under subsection 45(1), a progress report respecting its implementation of its accessibility plan.

Notice to Commission

(2) The regulated entity must notify the Canadian Radio-television and Telecommunications Commission, within the time and in the manner prescribed in regulations made under subsection 45(1), of the publication of its progress report.

Duty to consult

(3) The regulated entity must consult persons with disabilities in the preparation of its progress report.

Manner of consultation

(4) The progress report must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of its progress report.

Feedback information

(5) The progress report must set out information concerning the feedback received by the regulated entity through its feedback process and how that feedback was taken into consideration.

Duty to make progress report available on request

(6) If a person makes a request in accordance with subsection (7), the regulated entity must, within the time prescribed by regulations made under subsection 45(1), make its progress report available to the person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(7) The request must be made in the form and manner prescribed by regulations made under subsection 45(1) and must indicate the format prescribed by regulations made under that subsection in which the progress report is to be made available to the person making the request.

Regulations

Regulations

45 (1) The Canadian Radio-television and Telecommunications Commission may make regulations

- (a) fixing or determining, for the purposes of subsection 42(1), a day in respect of a regulated entity;
- (b) specifying the form in which accessibility plans required by subsections 42(1) and (2) are to be prepared and the manner in which they are to be published;
- (b.1) respecting the feedback process required by subsection 43(1);
- (c) specifying the form and manner in which descriptions of the feedback process required by subsection 43(1) are to be published;
- (d) specifying the form in which progress reports required by subsection 44(1) are to be prepared and the time and manner in which they are to be published; and
- (e) prescribing anything that is to be prescribed by any of subsections 42(3), (7) and (8), 43(3) and 44(2), (6) and (7).

Obligation

(1.1) The Canadian Radio-television and Telecommunications Commission must make at least one regulation under subsection (1) within the period of two years that begins on the day on which this subsection comes into force.

Distinguishing — classes

(2) Regulations made under subsection (1) may distinguish among different classes of regulated entities.

Exemptions

Power to exempt

46 (1) The Canadian Radio-television and Telecommunications Commission may, by order, exempt any regulated entity or class of regulated entities from the application of all or any part of sections 42 to 44, on any terms that the Commission considers necessary. The order ceases to have effect on the earlier of the end of the period of three years that begins on the day on which the order is made and the end of any shorter period specified in the order.

Non-application of Statutory Instruments Act

(2) The Statutory Instruments Act does not apply to an order made under subsection (1) in respect of a regulated entity, but the order must be published in the Canada Gazette and the reasons for the making of the order must be made available to the public.

Accessibility Plans — Regulations Under This Act

Initial accessibility plan

47 (1) A regulated entity referred to in subsection 42(1) must, before the expiry of one year after the day fixed or determined by regulations made under subsection 117(1) that apply to that regulated entity, prepare and publish, in accordance with this Act and regulations made under subsection 117(1), an accessibility plan respecting

- (a) its policies, programs, practices and services in relation to the identification and removal of barriers, and the prevention of new barriers, in the areas referred to in paragraphs 5(a), (b), (f) and (g) and in the area referred to in paragraph 5(c.1) as that paragraph applies in respect of the areas referred to in those paragraphs; and
- (b) the provisions of regulations made under subsection 117(1) that apply to it.

Updated accessibility plan

(2) The regulated entity must prepare and publish, in accordance with this Act and regulations made under subsection 117(1), an updated version of its accessibility plan no later than the third anniversary of the day on which the plan was last published or before the expiry of the applicable period prescribed by regulations made under that subsection.

Notice to Accessibility Commissioner

(3) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of every version of its accessibility plan.

Duty to consult

(4) The regulated entity must consult persons with disabilities in the preparation of its accessibility plan and every updated version of its accessibility plan.

Manner of consultation

(5) The accessibility plan must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of the plan.

Applicable requirements

(6) The accessibility plan need not address a requirement that applies to the regulated entity and that is set out in regulations made under subsection 117(1) unless the requirement has been in force at least three months before the day on which the accessibility plan must be published.

Duty to make plan available on request

(7) If a person makes a request in accordance with subsection (8), the regulated entity must, within the time prescribed by regulations made under subsection 117(1), make its accessibility plan available to the person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(8) The request must be made in the form and manner prescribed by regulations made under subsection 117(1) and must indicate the format prescribed by regulations made under that subsection in which the accessibility plan is to be made available to the person making the request.

Principles

(9) The regulated entity must take into account the principles set out in section 6 when it prepares an accessibility plan or an updated version of its accessibility plan.

Feedback

Establishment of process

48 (1) A regulated entity referred to in subsection 42(1) must establish a process for receiving feedback about the following and for dealing with that feedback:

- (a) the manner in which the regulated entity is implementing its accessibility plan; and
- (b) the barriers encountered by the regulated entity's employees and by other persons that deal with the regulated entity.

Publication

(2) The regulated entity must publish a description of its process in accordance with regulations made under subsection 117(1).

Notice to Accessibility Commissioner

(3) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of the description of every version of its process.

Progress Reports

Obligation

49 (1) A regulated entity referred to in subsection 42(1) must prepare and publish, in accordance with this Act and regulations made under subsection 117(1), a progress report respecting its implementation of its accessibility plan.

Notice to Accessibility Commissioner

(2) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of its progress report.

Duty to consult

(3) The regulated entity must consult persons with disabilities in the preparation of its progress report.

Manner of consultation

(4) The progress report must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of its progress report.

Feedback information

(5) The progress report must set out information concerning the feedback received by the regulated entity through its feedback process and how that feedback was taken into consideration.

Duty to make progress report available on request

(6) If a person makes a request in accordance with subsection (7), the regulated entity must, within the time prescribed by regulations made under subsection 117(1), make its progress report available to the

person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(7) The request must be made in the form and manner prescribed by regulations made under subsection 117(1) and must indicate the format prescribed by regulations made under that subsection in which the progress report is to be made available to the person making the request.

Exemptions

Power to exempt

50 (1) The Minister may, by order, exempt any regulated entity or class of regulated entities from the application of all or any part of sections 47 to 49, on any terms that the Minister considers necessary. The order ceases to have effect on the earlier of the end of the period of three years that begins on the day on which the order is made and the end of any shorter period specified in the order.

Copy to Accessibility Commissioner

(2) The Minister must provide the Accessibility Commissioner with a copy of every order made under subsection (1).

Non-application of Statutory Instruments Act

(3) The Statutory Instruments Act does not apply to an order made under subsection (1) in respect of a regulated entity, but the order must be published in the Canada Gazette and the reasons for the making of the order must be made available to the public.

Regulated Entities That Are Canadian Carriers or Telecommunications Service Providers

Accessibility Plans — Requirements Under the Telecommunications Act

Initial accessibility plan

51 (1) A regulated entity that is a Canadian carrier or a telecommunications service provider must, before the expiry of one year after the day fixed or determined by regulations made under subsection 54(1) that apply to that regulated entity, prepare and publish, in accordance with this Act and regulations made under that subsection, an accessibility plan respecting

- (a) its policies, programs, practices and services in relation to the identification and removal of barriers, and the prevention of new barriers, in the areas referred to in paragraphs 5(c), (d) and (e) and the area referred to in paragraph 5(c.1) as it relates to the areas referred to in paragraphs (d) and (e);
- (b) the conditions imposed under section 24 or 24.1 of the Telecommunications Act to which the regulated entity is subject that relate to the identification and removal of barriers and the prevention of new barriers; and
- (c) the provisions of any regulations made under that Act that relate to the identification and removal of barriers and the prevention of new barriers and that apply to the regulated entity.

Updated accessibility plan

(2) The regulated entity must prepare and publish, in accordance with this Act and regulations made under subsection 54(1), an updated version of its accessibility plan no later than the third anniversary of the day on which the plan was last published or before the expiry of the applicable period prescribed by regulations made under that subsection.

Notice to Commission

(3) The regulated entity must notify the Canadian Radio-television and Telecommunications Commission, within the time and in the manner prescribed in regulations made under subsection 54(1), of the publication of every version of its accessibility plan.

Duty to consult

(4) The regulated entity must consult persons with disabilities in the preparation of its accessibility plan and every updated version of its accessibility plan.

Manner of consultation

(5) The accessibility plan must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of the plan.

Applicable requirements

(6) The accessibility plan need not address a requirement that applies to the regulated entity and that is set out in a condition or regulation referred to in paragraphs (1)(b) and (c) unless the requirement has been in force at least three months before the day on which the accessibility plan must be published.

Duty to make plan available on request

(7) If a person makes a request in accordance with subsection (8), the regulated entity must, within the time prescribed by regulations made under subsection 54(1), make its accessibility plan available to the

person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(8) The request must be made in the form and manner prescribed by regulations made under subsection 54(1) and must indicate the format prescribed by regulations made under that subsection in which the accessibility plan is to be made available to the person making the request.

Principles

(9) The regulated entity must take into account the principles set out in section 6 when it prepares an accessibility plan or an updated version of its accessibility plan.

Feedback

Establishment of process

52 (1) A regulated entity referred to in subsection 51(1) must establish a process for receiving feedback about the following and for dealing with that feedback:

- (a) the manner in which the regulated entity is implementing its accessibility plan; and
- (b) the barriers encountered by persons that deal with the regulated entity.

Publication

(2) The regulated entity must publish a description of its process in accordance with regulations made under subsection 54(1).

Notice to Commission

(3) The regulated entity must notify the Canadian Radio-television and Telecommunications Commission, within the time and in the manner prescribed in regulations made under subsection 54(1), of the publication of the description of every version of its process.

Progress Reports

Obligation

53 (1) A regulated entity referred to in subsection 51(1) must prepare and publish, in accordance with this Act and regulations made under subsection 54(1), a progress report respecting its implementation of its accessibility plan.

Notice to Commission

(2) The regulated entity must notify the Canadian Radio-television and Telecommunications Commission, within the time and in the manner prescribed in regulations made under subsection 54(1), of the publication of its progress report.

Duty to consult

(3) The regulated entity must consult persons with disabilities in the preparation of its progress report.

Manner of consultation

(4) The progress report must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of its progress report.

Feedback information

(5) The progress report must set out information concerning the feedback received by the regulated entity through its feedback process and how that feedback was taken into consideration.

Duty to make progress report available on request

(6) If a person makes a request in accordance with subsection (7), the regulated entity must, within the time prescribed by regulations made under subsection 54(1), make its progress report available to the person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(7) The request must be made in the form and manner prescribed by regulations made under subsection 54(1) and must indicate the format prescribed by regulations made under that subsection in which the progress report is to be made available to the person making the request.

Regulations

Regulations

54 (1) The Canadian Radio-television and Telecommunications Commission may make regulations

- (a) fixing or determining, for the purposes of subsection 5(1), a day in respect of a regulated entity;
- (b) specifying the form in which accessibility plans required by subsections 51(1) and (2) are to be prepared and the manner in which they are to be published;

- (b.1) respecting the feedback process required by subsection 52(1);
- (c) specifying the form and manner in which descriptions of the feedback process required by subsection 52(1) are to be published;
- (d) specifying the form in which progress reports required by subsection 53(1) are to be prepared and the time and manner in which they are to be published; and
- (e) prescribing anything that is to be prescribed by any of subsections 51(3), (7) and (8), 52(3) and 53(2), (6) and (7).

Obligation

(1.1) The Canadian Radio-television and Telecommunications Commission must make at least one regulation under subsection (1) within the period of two years that begins on the day on which this subsection comes into force.

Distinguishing — classes

(2) Regulations made under subsection (1) may distinguish among different classes of regulated entities.

Exemptions

Power to exempt

55 (1) The Canadian Radio-television and Telecommunication Commission may, by order, exempt any regulated entity or class of regulated entities from the application of all or any part of sections 51 to 53, on any terms that the Commission considers necessary. The order ceases to have effect on the earlier of the end of the period of three years that begins on the day on which the order is made and the end of any shorter period specified in the order.

Non-application of Statutory Instruments Act

(2) The Statutory Instruments Act does not apply to an order made under subsection (1) in respect of a regulated entity, but the order must be published in the Canada Gazette and the reasons for the making of the order must be made available to the public.

Accessibility Plans — Regulations Under This Act

Initial accessibility plan

56 (1) A regulated entity referred to in subsection 51(1) must, before the expiry of one year after the day fixed or determined by regulations made under subsection 117(1) that apply to that regulated entity, prepare and publish, in accordance with this Act and regulations made under subsection 117(1), an accessibility plan respecting

- (a) its policies, programs, practices and services in relation to the identification and removal of barriers, and the prevention of new barriers, in the areas referred to in paragraphs 5(a), (b), (f) and (g) and in the area referred to in paragraph 5(c.1) as it relates to the areas referred to in those paragraphs; and
- (b) the provisions of regulations made under subsection 117(1) that apply to it.

Updated accessibility plan

(2) The regulated entity must prepare and publish, in accordance with this Act and regulations made under subsection 117(1), an updated version of its accessibility plan no later than the third anniversary of the day on which the plan was last published or before the expiry of the applicable period prescribed by regulations made under that subsection.

Notice to Accessibility Commissioner

(3) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of every version of its accessibility plan.

Duty to consult

(4) The regulated entity must consult persons with disabilities in the preparation of its accessibility plan and every updated version of its accessibility plan.

Manner of consultation

(5) The accessibility plan must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of the plan.

Applicable requirements

(6) The accessibility plan need not address a requirement that applies to the regulated entity and that is set out in regulations made under subsection 117(1) unless the requirement has been in force at least three months before the day on which the accessibility plan must be published.

Duty to make plan available on request

(7) If a person makes a request in accordance with subsection (8), the regulated entity must, within the time prescribed by regulations made under subsection 117(1), make its accessibility plan available to the person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(8) The request must be made in the form and manner prescribed by regulations made under subsection 117(1) and must indicate the format prescribed by regulations made under that subsection in which the accessibility plan is to be made available to the person making the request.

Principles

(9) The regulated entity must take into account the principles set out in section 6 when it prepares an accessibility plan or an updated version of its accessibility plan.

Feedback

Establishment of process

57 (1) A regulated entity referred to in subsection 51(1) must establish a process for receiving feedback about the following and for dealing with that feedback:

- (a) the manner in which the regulated entity is implementing its accessibility plan; and
- (b) the barriers encountered by the regulated entity's employees and by other persons that deal with the regulated entity.

Publication

(2) The regulated entity must publish a description of its process in accordance with regulations made under subsection 117(1).

Notice to Accessibility Commissioner

(3) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of the description of every version of its process.

Progress Reports

Obligation

58 (1) A regulated entity referred to in subsection 51(1) must prepare and publish, in accordance with this Act and regulations made under subsection 117(1), a progress report respecting its implementation of its accessibility plan.

Notice to Accessibility Commissioner

(2) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of its progress report.

Duty to consult

(3) The regulated entity must consult persons with disabilities in the preparation of its progress report.

Manner of consultation

(4) The progress report must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of its progress report.

Feedback information

(5) The progress report must set out information concerning the feedback received by the regulated entity through its feedback process and how that feedback was taken into consideration.

Duty to make progress report available on request

(6) If a person makes a request in accordance with subsection (7), the regulated entity must, within the time prescribed by regulations made under subsection 117(1), make its progress report available to the person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(7) The request must be made in the form and manner prescribed by regulations made under subsection 117(1) and must indicate the format prescribed by regulations made under that subsection in which the progress report is to be made available to the person making the request.

Exemptions

Power to exempt

59 (1) The Minister may, by order, exempt any regulated entity or class of regulated entities from the application of all or any part of sections 56 to 58, on any terms that the Minister considers necessary. The order ceases to have effect on the earlier of the end of the period of three years that begins on the day on which the order is made and the end of any shorter period specified in the order.

Copy to Accessibility Commissioner

(2) The Minister must provide the Accessibility Commissioner with a copy of every order made under subsection (1).

Non-application of Statutory Instruments Act

(3) The Statutory Instruments Act does not apply to an order made under subsection (1) in respect of a regulated entity, but the order must be published in the Canada Gazette and the reasons for the making of the order must be made available to the public.

Regulated Entities in the Transportation Network

Accessibility Plans — Regulations Under the Canada Transportation Act

Initial accessibility plan

60 (1) A regulated entity that is required to comply with any provision of regulations made under subsection 170(1) of the Canada Transportation Act must, before the expiry of one year after the day fixed or determined by regulations made under subsection 63(1) that apply to that regulated entity, prepare and publish, in accordance with this Act and regulations made under subsection 63(1), an accessibility plan respecting

- (a) its policies, programs, practices and services in relation to the identification and removal of barriers, and the prevention of new barriers, in
 - (i) the areas referred to in paragraphs 5(c) and (d) to (f),
 - (ii) the built environment, to the extent that the built environment is a passenger aircraft, passenger train, passenger bus, passenger vessel, aerodrome passenger terminal, railway passenger station, bus passenger station or marine passenger terminal, and
 - (iii) the area referred to in paragraph 5(c.1) as it relates to the areas referred to in paragraphs 5(c) and (d) to (f) and to the built environment referred to in subparagraph (ii); and
- (b) the provisions of regulations made under subsection 170(1) of the Canada Transportation Act that apply to it.

Updated accessibility plan

(2) The regulated entity must prepare and publish, in accordance with this Act and regulations made under subsection 63(1), an updated version of its accessibility plan no later than the third anniversary of the day on which the plan was last published or before the expiry of the applicable period prescribed by regulations made under that subsection.

Notice to Agency

(3) The regulated entity must notify the Canadian Transportation Agency, within the time and in the manner prescribed in regulations made under subsection 63(1), of the publication of every version of its accessibility plan.

Duty to consult

(4) The regulated entity must consult persons with disabilities in the preparation of its accessibility plan and every updated version of its accessibility plan.

Manner of consultation

(5) The accessibility plan must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of the plan.

Applicable requirements

(6) The accessibility plan need not address a requirement that applies to the regulated entity and that is set out in regulations made under subsection 170(1) of the Canada Transportation Act unless the requirement has been in force at least three months before the day on which the accessibility plan must be published.

Duty to make plan available on request

(7) If a person makes a request in accordance with subsection (8), the regulated entity must, within the time prescribed by regulations made under subsection 63(1), make its accessibility plan available to the person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(8) The request must be made in the form and manner prescribed by regulations made under subsection 63(1) and must indicate the format prescribed by regulations made under that subsection in which the accessibility plan is to be made available to the person making the request.

Principles

(9) The regulated entity must take into account the principles set out in section 6 when it prepares an accessibility plan or an updated version of its accessibility plan.

Feedback

Establishment of process

61 (1) A regulated entity referred to in subsection 60(1) must establish a process for receiving feedback about the following and for dealing with that feedback:

- (a) the manner in which the regulated entity is implementing its accessibility plan; and
- (b) the barriers encountered by persons that deal with the regulated entity.

Publication

(2) The regulated entity must publish a description of its process in accordance with regulations made under subsection 63(1).

Notice to Agency

(3) The regulated entity must notify the Canadian Transportation Agency, within the time and in the manner prescribed in regulations made under subsection 63(1), of the publication of the description of every version of its process.

Progress Reports

Obligation

62 (1) A regulated entity referred to in subsection 60(1) must prepare and publish, in accordance with this Act and regulations made under subsection 63(1), a progress report respecting its implementation of its accessibility plan.

Notice to Agency

(2) The regulated entity must notify the Canadian Transportation Agency, within the time and in the manner prescribed in regulations made under subsection 63(1), of the publication of its progress report.

Duty to consult

(3) The regulated entity must consult persons with disabilities in the preparation of its progress report.

Manner of consultation

(4) The progress report must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of its progress report.

Feedback information

(5) The progress report must set out information concerning the feedback received by the regulated entity through its feedback process and how that feedback was taken into consideration.

Duty to make progress report available on request

(6) If a person makes a request in accordance with subsection (7), the regulated entity must, within the time prescribed by regulations made under subsection 63(1), make its progress report available to the

person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(7) The request must be made in the form and manner prescribed by regulations made under subsection 63(1) and must indicate the format prescribed by regulations made under that subsection in which the progress report is to be made available to the person making the request.

Regulations

Regulations

63 (1) The Canadian Transportation Agency may, with the approval of the Governor in Council given on the recommendation of the Minister of Transport, make regulations

- (a) fixing or determining, for the purposes of subsection 60(1), a day in respect of a regulated entity;
- (b) specifying the form in which accessibility plans required by subsections 60(1) and (2) are to be prepared and the manner in which they are to be published;
- (b.1) respecting the feedback process required by subsection 61(1);
- (c) specifying the form and manner in which descriptions of the feedback process required by subsection 61(1) are to be published;
- (d) specifying the form in which progress reports required by subsection 62(1) are to be prepared and the time and manner in which they are to be published; and
- (e) prescribing anything that is to be prescribed by any of subsections 60(2), (3), (7) and (8), 61(3) and 62(2), (6) and (7).

Obligation

(1.1) The Canadian Transportation Agency must make at least one regulation under subsection (1) within the period of two years that begins on the day on which this subsection comes into force.

Distinguishing — classes

(2) Regulations made under subsection (1) may distinguish among different classes of regulated entities.

Exemptions

Power to exempt

64 (1) The Canadian Transportation Agency, with the approval of the Minister of Transport, may, by order, exempt any regulated entity or class of regulated entities from the application of all or any part of

sections 60 to 62, on any terms that the Agency considers necessary. The order ceases to have effect on the earlier of the end of the period of three years that begins on the day on which the order is made and the end of any shorter period specified in the order.

Non-application of Statutory Instruments Act

(2) The Statutory Instruments Act does not apply to an order made under subsection (1) in respect of a regulated entity, but the order must be published in the Canada Gazette and the reasons for the making of the order must be made available to the public.

Accessibility Plans — Regulations Under This Act

Initial accessibility plan

65 (1) A regulated entity referred to in subsection 60(1) must, before the expiry of one year after the day fixed or determined by regulations made under subsection 117(1) that apply to that regulated entity, prepare and publish, in accordance with this Act and regulations made under subsection 117(1), an accessibility plan respecting

- (a) its policies, programs, practices and services in relation to the identification and removal of barriers, and the prevention of new barriers, in
 - (i) the areas referred to in paragraphs 5(a) and (g),
 - (ii) the built environment, other than passenger aircraft, passenger trains, passenger buses, passenger vessels, aerodrome passenger terminals, railway passenger stations, bus passenger stations or marine passenger terminals, and
 - (iii) the area referred to in paragraph 5(c.1) as it relates to the areas referred to in paragraphs 5(a) and (g) and to the built environment referred to in subparagraph (ii); and
- (b) the provisions of regulations made under subsection 117(1) that apply to it.

Updated accessibility plan

(2) The regulated entity must prepare and publish, in accordance with this Act and regulations made under subsection 117(1), an updated version of its accessibility plan no later than the third anniversary of the day on which the plan was last published or before the expiry of the applicable period prescribed by regulations made under that subsection.

Notice to Accessibility Commissioner

(3) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of every version of its accessibility plan.

Duty to consult

(4) The regulated entity must consult persons with disabilities in the preparation of its accessibility plan and every updated version of its accessibility plan.

Manner of consultation

(5) The accessibility plan must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of the plan.

Applicable requirements

(6) The accessibility plan need not address a requirement that applies to the regulated entity and that is set out in regulations made under subsection 117(1) unless the requirement has been in force at least three months before the day on which the accessibility plan must be published.

Duty to make plan available on request

(7) If a person makes a request in accordance with subsection (8), the regulated entity must, within the time prescribed by regulations made under subsection 117(1), make its accessibility plan available to the person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(8) The request must be made in the form and manner prescribed by regulations made under subsection 117(1) and must indicate the format prescribed by regulations made under that subsection in which the accessibility plan is to be made available to the person making the request.

Principles

(9) The regulated entity must take into account the principles set out in section 6 when it prepares an accessibility plan or an updated version of its accessibility plan.

Feedback

Establishment of process

66 (1) A regulated entity referred to in subsection 60(1) must establish a process for receiving feedback about the following and for dealing with that feedback:

- (a) the manner in which the regulated entity is implementing its accessibility plan; and
- (b) the barriers encountered by the regulated entity's employees and by other persons that deal with the regulated entity.

Publication

(2) The regulated entity must publish a description of its process in accordance with regulations made under subsection 117(1).

Notice to Accessibility Commissioner

(3) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of the description of every version of its process.

Progress Reports

Obligation

67 (1) A regulated entity referred to in subsection 60(1) must prepare and publish, in accordance with this Act and regulations made under subsection 117(1), a progress report respecting its implementation of its accessibility plan.

Notice to Accessibility Commissioner

(2) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of its progress report.

Duty to consult

(3) The regulated entity must consult persons with disabilities in the preparation of its progress report.

Manner of consultation

(4) The progress report must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of its progress report.

Feedback information

(5) The progress report must set out information concerning the feedback received by the regulated entity through its feedback process and how that feedback was taken into consideration.

Duty to make progress report available on request

(6) If a person makes a request in accordance with subsection (7), the regulated entity must, within the time prescribed by regulations made under subsection 117(1), make its progress report available to the

person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(7) The request must be made in the form and manner prescribed by regulations made under subsection 117(1) and must indicate the format prescribed by regulations made under that subsection in which the progress report is to be made available to the person making the request.

Exemptions

Power to exempt

68 (1) The Minister may, by order, exempt any regulated entity or class of regulated entities from the application of all or any part of sections 65 to 67, on any terms that the Minister considers necessary. The order ceases to have effect on the earlier of the end of the period of three years that begins on the day on which the order is made and the end of any shorter period specified in the order.

Copy to Accessibility Commissioner

(2) The Minister must provide the Accessibility Commissioner with a copy of every order made under subsection (1).

Non-application of Statutory Instruments Act

(3) The Statutory Instruments Act does not apply to an order made under subsection (1) in respect of a regulated entity, but the order must be published in the Canada Gazette and the reasons for the making of the order must be made available to the public.

Other Regulated Entities

Accessibility Plans — Regulations Under This Act

Initial accessibility plan

69 (1) A regulated entity – other than a regulated entity referred to in any of subsections 42(1), 51(1) and 60(1) — must, before the expiry of one year after the day fixed or determined by regulations made under subsection 117(1) that apply to that regulated entity, prepare and publish, in accordance with this Act and regulations made under subsection 117(1), an accessibility plan respecting

- (a) its policies, programs, practices and services in relation to the identification and removal of barriers, and the prevention of new barriers, in the areas referred to in paragraphs 5(a) to (g); and

- (b) the provisions of regulations made under subsection 117(1) that apply to it.

Updated accessibility plan

(2) The regulated entity must prepare and publish, in accordance with this Act and regulations made under subsection 117(1), an updated version of its accessibility plan no later than the third anniversary of the day on which the plan was last published or before the expiry of the applicable period prescribed by regulations made under that subsection.

Notice to Accessibility Commissioner

(3) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of every version of its accessibility plan.

Duty to consult

(4) The regulated entity must consult persons with disabilities in the preparation of its accessibility plan and every updated version of its accessibility plan.

Manner of consultation

(5) The accessibility plan must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of the plan.

Applicable requirements

(6) The accessibility plan need not address a requirement that applies to the regulated entity and that is set out in regulations made under subsection 117(1) unless the requirement has been in force at least three months before the day on which the accessibility plan must be published.

Duty to make plan available on request

(7) If a person makes a request in accordance with subsection (8), the regulated entity must, within the time prescribed by regulations made under subsection 117(1), make its accessibility plan available to the person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(8) The request must be made in the form and manner prescribed by regulations made under subsection 117(1) and must indicate the format prescribed by regulations made under that subsection in which the accessibility plan is to be made available to the person making the request.

Principles

(9) The regulated entity must take into account the principles set out in section 6 when it prepares an accessibility plan or an updated version of its accessibility plan.

Feedback

Establishment of process

70 (1) A regulated entity — other than a regulated entity referred to in any of subsections 42(1), 51(1) and 60(1) — must establish a process for receiving feedback about the following and for dealing with that feedback:

- (a) the manner in which the regulated entity is implementing its accessibility plan; and
- (b) the barriers encountered by the regulated entity's employees and by other persons that deal with the regulated entity.

Publication

(2) The regulated entity must publish a description of its process in accordance with regulations made under subsection 117(1).

Notice to Accessibility Commissioner

(3) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of the description of every version of its process.

Progress Reports

Obligation

71 (1) A regulated entity — other than a regulated entity referred to in any of subsections 42(1), 51(1) and 60(1) — must prepare and publish, in accordance with this Act and regulations made under subsection 117(1), a progress report respecting its implementation of its accessibility plan.

Notice to Accessibility Commissioner

(2) The regulated entity must notify the Accessibility Commissioner, within the time and in the manner prescribed in regulations made under subsection 117(1), of the publication of its progress report.

Duty to consult

(3) The regulated entity must consult persons with disabilities in the preparation of its progress report.

Manner of consultation

(4) The progress report must set out the manner in which the regulated entity consulted persons with disabilities in the preparation of its progress report.

Feedback information

(5) The progress report must set out information concerning the feedback received by the regulated entity through its feedback process and how that feedback was taken into consideration.

Duty to make progress report available on request

(6) If a person makes a request in accordance with subsection (7), the regulated entity must, within the time prescribed by regulations made under subsection 117(1), make its progress report available to the person in the format prescribed by regulations made under that subsection that is indicated in the request.

Conditions

(7) The request must be made in the form and manner prescribed by regulations made under subsection 117(1) and must indicate the format prescribed by regulations made under that subsection in which the progress report is to be made available to the person making the request.

Exemptions

Power to exempt

72 (1) The Minister may, by order, exempt any regulated entity or class of regulated entities from the application of all or any part of sections 69 to 71, on any terms that the Minister considers necessary. The order ceases to have effect on the earlier of the end of the period of three years that begins on the day on which the order is made and the end of any shorter period specified in the order.

Copy to Accessibility Commissioner

(2) The Minister must provide the Accessibility Commissioner with a copy of every order made under subsection (1).

Non-application of Statutory Instruments Act

(3) The Statutory Instruments Act does not apply to an order made under subsection (1) in respect of a regulated entity, but the order must be published in the Canada Gazette and the reasons for the making of the order must be made available to the public.

Part 5 - Administration and Enforcement

Inspections

Power to enter

73 (1) Subject to subsection (7), the Accessibility Commissioner may, for a purpose related to verifying compliance or preventing non-compliance with any of sections 47 to 49, 56 to 58, 65 to 67 and 69 to 71 or any provision of regulations made under subsection 117(1), enter any place, including a conveyance, in which he or she has reasonable grounds to believe there is any record, report, electronic data or other document, or any information or thing, relevant to that purpose.

Other powers

(2) The Accessibility Commissioner may, for that purpose,

- (a) open and examine any receptacle or package found in the place;
- (b) examine anything found in the place;
- (c) examine any record, report, electronic data or other document that is found in the place and make copies of it or take extracts from it;
- (d) use or cause to be used any computer system at the place to examine any electronic data referred to in paragraph (c);
- (e) reproduce any document from any electronic data referred to in paragraph (c), or cause it to be reproduced, in the form of a printout or other output;
- (f) take the record, report or other document referred to in paragraph (c) or the printout or other output referred to in paragraph (e) for examination or copying;
- (g) use or cause to be used any copying equipment at the place to make copies of any document;
- (h) take photographs and make recordings and sketches;
- (i) order the owner or person having possession of any thing to which any provision of regulations made under subsection 117(1) applies that is found in that place to move it or, for any time that may be necessary, not to move it or to restrict its movement;
- (j) order the owner or person having possession of any conveyance that is found in the place to stop the conveyance, to move it or, for any time that may be necessary, not to move it or to restrict its movement;
- (k) order any person in that place to establish their identity to the Accessibility Commissioner's satisfaction, or to the satisfaction of the Accessibility Commissioner's delegate, as the case may be; and

- (l) order a person in that place to start any activity that is necessary for the purpose of the inspection or to stop any activity that impedes the inspection.

Means of telecommunication

(3) For the purposes of subsection (1), the Accessibility Commissioner is considered to have entered a place when accessing it remotely by a means of telecommunication.

Limitation — place not accessible to the public

(4) The Accessibility Commissioner who, by a means of telecommunication, accesses remotely a place that is not accessible to the public must do so with the knowledge of the owner or person in charge of the place and must be remotely in the place for no longer than the period necessary for the purpose referred to in subsection (1).

Accompanying individual

(5) The Accessibility Commissioner may be accompanied by any other individual the Accessibility Commissioner believes is necessary to help him or her exercise his or her powers or perform his or her duties or functions under this section.

Entering private property

(6) The Accessibility Commissioner and any individual accompanying him or her may enter and pass through private property, other than a dwelling-house on that property, in order to gain entry to a place referred to in subsection (1). For greater certainty, they are not liable for doing so.

Consent required to enter dwelling-house

(7) In the case of a dwelling-house, the Accessibility Commissioner may enter it only with the consent of an occupant.

Assistance

(8) The owner or other person in charge of a place entered by the Accessibility Commissioner or his or her delegate under subsection (1) and every individual found in the place must give the Accessibility Commissioner or the delegate, as the case may be, all reasonable assistance in the individual's power and provide the Accessibility Commissioner or delegate with any information that the Accessibility Commissioner or delegate may reasonably require.

Production Order

Power to order production

74 (1) The Accessibility Commissioner may, for a purpose related to verifying compliance or preventing non-compliance with any of sections 47 to 49, 56 to 58, 65 to 67 and 69 to 71 or any provision of regulations made under subsection 117(1), make an order requiring a regulated entity to produce, at the time and place specified in the order, for examination or copying, any record, report, electronic data or other document that the Accessibility Commissioner has reasonable grounds to believe contains information that is relevant to that purpose.

Copies

(2) The Accessibility Commissioner may

- (a) make copies or take extracts from the record, report, electronic data or other document produced under an order made under subsection (1); and
- (b) reproduce any document from such electronic data, or cause it to be reproduced, in the form of a printout or other output.

Compliance Order

Power to order termination of contravention

75 (1) If the Accessibility Commissioner has reasonable grounds to believe that a regulated entity is contravening or has contravened any of sections 47 to 49, 56 to 58, 65 to 67 and 69 to 71 or any provision of regulations made under subsection 117(1), he or she may make a compliance order requiring the regulated entity to terminate the contravention within the time specified in the order or to take any step specified in the order, within the time specified in the order, to ensure that the contravention does not continue or reoccur.

Copy

(2) The Accessibility Commissioner must cause the regulated entity to be served with a copy of the order.

Request for review

76 (1) Subject to any other provision of this section, an order that is made under section 75 must be reviewed by the Accessibility Commissioner on the written request of the regulated entity to which the order is addressed.

Contents and time for making request

(2) The request must be made within the time and in the manner specified in the order and state the grounds for review and set out the evidence that supports those grounds.

Order in effect

(3) An order made under section 75 continues to apply during a review unless the Accessibility Commissioner decides otherwise.

Decision on completion of review

(4) On completion of a review, the Accessibility Commissioner must confirm, amend, revoke or cancel the order.

Notice of decision

(5) The Accessibility Commissioner must cause the regulated entity to be served with a notice setting out the Accessibility Commissioner's decision under subsection (4) and the reasons for it.

Administrative Monetary Penalties

Commission — regulated entity

77 (1) Every regulated entity that contravenes any of the following commits a violation and is liable to a warning or to a penalty fixed in accordance with regulations made under subsection 91(1):

- (a) any of subsections 47(1) to (4) and (7), 48(1) to (3), 49(1) to (3) and (6), 56(1) to (4) and (7), 57(1) to (3), 58(1) to (3) and (6), 65(1) to (4) and (7), 66(1) to (3), 67(1) to (3) and (6), 69(1) to (4) and (7), 70(1) to (3), 71(1) to (3) and (6) and 73(8) and sections 124 to 126;
- (b) an order made under section 74;
- (c) an order made under subsection 75(1) or amended under subsection 76(4); and
- (d) a provision of regulations made under subsection 117(1).

Commission — person

(2) Every person that contravenes an order made under any of paragraphs 73(2)(i) to (l) or contravenes subsection 73(8) or section 124 or 125 commits a violation and is liable to a warning or to a penalty fixed in accordance with regulations made under subsection 91(1).

Exception

(3) Subsection (2) does not apply to a specified person as defined in subsection 140(11).

Purpose of penalty

78 The purpose of a penalty is to promote compliance with this Act and not to punish.

Issuance of notice of violation

79 (1) If the Accessibility Commissioner has reasonable grounds to believe that a regulated entity or person has committed a violation, the Accessibility Commissioner may issue, and must cause to be served on the regulated entity or person, a notice of violation that names the regulated entity or person, identifies the violation and

- (a) contains a warning; or
- (b) sets out
 - (i) the penalty for the violation that the regulated entity or person is liable to pay,
 - (ii) the particulars concerning the time and manner of payment of the penalty, and
 - (iii) the lesser amount that may be paid in complete satisfaction of the penalty if paid within the time and manner specified in the notice.

Summary of rights and obligations

(2) The notice of violation must also summarize, in plain language, the rights and obligations of the regulated entity or person under this Part, including their right referred to in subsection 80(1), or their rights referred to in subsection 81(2), and the procedure for exercising that right, or those rights, as the case may be.

Warning — right to request review

80 (1) A regulated entity or person that is served with a notice of violation that sets out a warning may, within the time and in the manner specified in the notice, request a review of the acts or omissions that constitute the violation.

Warning — right not exercised

(2) If a regulated entity or person that is served with a notice of violation that contains a warning does not exercise the right referred to in subsection (1) within the time and in the manner specified in the notice, they are deemed to have committed the violation identified in the notice of violation.

Notices with penalty — payment

81 (1) If a notice of violation sets out a penalty and the regulated entity or person named in the notice pays, within the time and in the manner specified in the notice, the amount of the penalty or the lesser amount set out in the notice,

- (a) they are deemed to have committed the violation in respect of which the amount is paid;
- (b) the Accessibility Commissioner must accept that amount in complete satisfaction of the penalty; and
- (c) the proceedings commenced in respect of the violation are ended.

Alternatives to payment

(2) Instead of paying the penalty set out in a notice of violation or the lesser amount that may be paid in lieu of the penalty, the regulated entity or person named in the notice may, within the time and in the manner specified in the notice,

- (a) request to enter into a compliance agreement with the Accessibility Commissioner for the purpose of ensuring their compliance with the provisions of this Act or of regulations made under subsection 117(1), or the order, to which the violation relates; or
- (b) request a review of the acts or omissions that constitute the violation or of the amount of the penalty.

Deeming

(3) If a regulated entity or person that is served with a notice of violation does not exercise any right referred to in subsection (2) within the time and in the manner specified in the notice, they are deemed to have committed the violation identified in the notice.

Entering into compliance agreements

82 (1) After considering a request made under paragraph 81(2)(a), the Accessibility Commissioner may enter into a compliance agreement, as described in that paragraph, with the regulated entity or person making the request on any terms that the Accessibility Commissioner considers appropriate. The terms may

- (a) include a provision for the deposit of reasonable security, in a form and amount satisfactory to the Accessibility Commissioner, as a guarantee that the regulated entity or person will comply with the compliance agreement; and
- (b) provide for the reduction, in whole or in part, of the penalty for the violation.

Deeming

(2) A regulated entity or person that enters into a compliance agreement is, on doing so, deemed to have committed the violation in respect of which the compliance agreement was entered into.

Notice of compliance

(3) If the Accessibility Commissioner is satisfied that a regulated entity or person that has entered into a compliance agreement has complied with it, the Accessibility Commissioner must cause the regulated entity or person to be served with a notice of compliance, and once it is served,

- (a) the proceedings commenced in respect of the violation are ended; and
- (b) any security given under the compliance agreement must be returned to them.

Notice of default

(4) If the Accessibility Commissioner is of the opinion that a regulated entity or person that has entered into a compliance agreement has not complied with it, the Accessibility Commissioner must cause the regulated entity or person to be served with a notice of default informing them of one of the following:

- (a) that instead of being liable to pay the amount of the penalty set out in the notice of violation in respect of which the compliance agreement was entered into, they are liable to pay, within the time and in the manner set out in the notice of default, and without taking account of the limit set out in subsection 91(2), an amount that is twice the amount of that penalty;
- (b) that the security, if any, given under the compliance agreement will be forfeited to Her Majesty in right of Canada.

Effect of service of notice of default — payment

(5) If served with a notice of default under paragraph (4)(a), the regulated entity or person may not deduct from the amount set out in the notice of default any amount they spent under the compliance agreement and they are liable to pay the amount set out in the notice of default within the time and in the manner specified in the notice of default.

Effect of service of notice of default — forfeiture

(6) If served with a notice of default under paragraph (4)(b), the security is forfeited to Her Majesty in right of Canada and the proceedings commenced in respect of the violation are ended.

Effect of payment

(7) If the regulated entity or person pays the amount set out in the notice of default within the time and in the manner specified in the notice of default, the Accessibility Commissioner must accept the amount in complete satisfaction of the amount owing in respect of the violation and the proceedings commenced in respect of the violation are ended.

Refusal to enter into compliance agreement

83 (1) If the Accessibility Commissioner refuses to enter into a compliance agreement requested under paragraph 81(2)(a), the regulated entity or person that made the request is liable to pay, within the time

and in the manner specified in the notice of violation, the amount of the penalty set out in the notice of violation.

Effect of payment

(2) If the regulated entity or person pays the amount set out in the notice of violation within the time and in the manner specified in the notice of violation,

- (a) they are deemed to have committed the violation in respect of which the amount is paid;
- (b) the Accessibility Commissioner must accept the amount in complete satisfaction of the penalty in respect of the violation; and
- (c) the proceedings commenced in respect of the violation are ended.

Deeming

(3) If the regulated entity or person does not pay the amount set out in the notice of violation within the time and in the manner specified in the notice of violation, they are deemed to have committed the violation identified in the notice of violation.

Review — with respect to facts

84 (1) On completion of a review requested under subsection 80(1), or under paragraph 81(2)(b) with respect to the acts or omissions that constitute the violation, the Accessibility Commissioner must determine, on a balance of probabilities, whether the regulated entity or person that requested the review committed the violation.

Violation not committed — effect

(2) If the Accessibility Commissioner determines under subsection (1) that the regulated entity or person did not commit the violation, the proceedings commenced in respect of it are ended.

Violation committed — penalty

(3) If the Accessibility Commissioner determines that the regulated entity or person committed the violation, and a penalty was set out in the notice of violation, the Accessibility Commissioner must determine whether the amount of the penalty was fixed in accordance with regulations made under subsection 91(1) and

- (a) if the Accessibility Commissioner determines that it was correctly fixed, he or she must confirm the amount of the penalty; and
- (b) if the Accessibility Commissioner determines that it was not correctly fixed, he or she must correct the amount.

Notice of decision

(4) The Accessibility Commissioner must cause the regulated entity or person to be served with a notice that sets out the Accessibility Commissioner's decision under this section and the reasons for it and, if the amount of the penalty was confirmed or corrected by the Accessibility Commissioner, the time and manner in which that amount is to be paid.

Payment

(5) The regulated entity or person is liable to pay, within the time and in the manner specified in the notice, the amount of the penalty confirmed or corrected by the Accessibility Commissioner.

Effect of payment

(6) If a regulated entity or person pays the amount referred to in subsection (5), the Accessibility Commissioner must accept the amount in complete satisfaction of the penalty in respect of the violation and the proceedings commenced in respect of the violation are ended.

Certain defences not available

85 (1) A regulated entity or person named in a notice of violation does not have a defence by reason that they

- (a) exercised due diligence to prevent the violation; or
- (b) reasonably and honestly believed in the existence of facts that, if true, would exonerate them.

Common law principles

(2) Every rule and principle of the common law that renders any circumstance a justification or excuse if the act or omission to which the violation relates could have been the subject of a charge for an offence under this Act but for section 127 applies in respect of a violation to the extent that it is not inconsistent with this Act.

Party to violation

86 If a regulated entity commits a violation, any of the following persons that directed, authorized, assented to, acquiesced in or participated in the commission of the violation is a party to and liable for the violation whether or not the regulated entity is proceeded against under this Act:

- (a) an officer, director, agent or mandatary of the regulated entity;
- (b) a senior official of the regulated entity; or

- (c) any other person authorized to exercise managerial or supervisory functions on behalf of the regulated entity.

Employees or agents or mandataries

87 A regulated entity is liable for a violation that is committed by any of their employees or agents or mandataries acting in the course of their employment or the scope of their authority as agent or mandatary, whether or not the employee or agent or mandatary that actually committed the violation is identified.

Continuing violation

88 A violation that is committed or continued on more than one day constitutes a separate violation in respect of each day on which it is committed or continued.

Evidence

89 In any proceeding in respect of a violation, a notice of violation purporting to be issued under this Act is admissible in evidence without proof of the signature or official character of the individual purporting to have signed the notice of violation.

Limitation period or prescription

90 No proceedings in respect of a violation may be commenced after the expiry of two years after the day on which the subject matter of the proceedings arose.

Regulations

91 (1) The Governor in Council may make regulations

- (a) classifying each violation as a minor violation, a serious violation or a very serious violation;
- (b) fixing a penalty, or a range of penalties, in respect of each violation;
- (c) establishing criteria to be considered in determining the amount of the penalty if a range of penalties is established;
- (d) respecting the determination of a lesser amount for the purposes of subparagraph 79(1)(b)(iii) and the time and manner in which it is to be paid;
- (e) respecting the circumstances under which, the criteria by which and the manner in which a penalty for a violation may be reduced under the terms of a compliance agreement entered into under subsection 82(1);
- (f) respecting the circumstances under which reviews under section 84 are to be oral or in writing; and
- (g) specifying information for the purposes of section 93.

Paragraph (1)(b)

(2) The maximum penalty in respect of a violation that may be fixed under regulations made under paragraph (1)(b) is \$250,000.

Powers regarding notices of violation

92 The Accessibility Commissioner may establish the form of notices of violation and establish, in respect of each violation, a short-form description to be used in notices of violation.

Publication

93 The Accessibility Commissioner may make public

- (a) the name of a regulated entity or person that is determined under section 84, or that is deemed by this Act, to have committed a violation;
- (b) the nature of the violation;
- (c) the amount of the penalty imposed, if any; and
- (d) any other information specified in regulations made under subsection 91(1).

Part 6 - Remedies

Filing of Complaint

Right to file complaint

94 (1) Any individual that has suffered physical or psychological harm, property damage or economic loss as the result of — or that has otherwise been adversely affected by — a contravention by a regulated entity of any provision of regulations made under subsection 117(1) may file with the Accessibility Commissioner a complaint that is in a form acceptable to the Accessibility Commissioner.

Exception — Federal Public Sector Labour Relations Act — employee

(2) An employee, as defined in subsection 2(1) of the Federal Public Sector Labour Relations Act, is not entitled to file a complaint in respect of a contravention of any provision of regulations made under subsection 117(1) if he or she is entitled to present an individual grievance in respect of that contravention under section 208 of that Act, determined without taking into account subsection 208(2) of that Act and the definition of employee in subsection 206(1) of that Act.

Exception — Federal Public Sector Labour Relations Act — RCMP member

(3) An employee, as defined in subsection 2(1) of the Federal Public Sector Labour Relations Act, that is an RCMP member is not entitled to file a complaint in respect of a contravention of any provision of regulations made under subsection 117(1) if he or she is entitled to present an individual grievance in respect of that contravention under section 238.24 of that Act, determined without taking into account subsection 208(2) of that Act.

Exception — Public Service Employment Act

(4) An individual is not entitled to file a complaint in respect of a contravention of any provision of regulations made under subsection 117(1) if he or she is entitled to make a complaint in respect of that contravention under section 65 or 77 of the Public Service Employment Act.

Notice

(5) The Accessibility Commissioner must cause a written notice of a complaint to be served on the regulated entity against which the complaint was made.

Investigation

Power to conduct investigation

95 The Accessibility Commissioner may conduct an investigation into a complaint filed under subsection 94(1) unless it appears to him or her that

- (a) the complainant ought to exhaust grievance or review procedures otherwise reasonably available;
- (b) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided for under an Act of Parliament other than this Act;
- (c) the complaint is beyond the jurisdiction of the Accessibility Commissioner;
- (d) the complaint is trivial, frivolous, vexatious or made in bad faith; or
- (e) the complaint is based on acts or omissions the complainant became aware of more than one year, or any longer period of time that the Accessibility Commissioner considers appropriate in the circumstances, before the filing of the complaint.

Notice

96 (1) The Accessibility Commissioner must cause a written notice advising of whether or not he or she has decided to investigate a complaint to be served on the complainant and the regulated entity against which the complaint was made.

Time and manner for application for review

(2) If the Accessibility Commissioner's decision is that the complaint will not be investigated, the notice must specify the time within which and the manner in which an application may be made for a review of the decision.

Joint investigation

97 If the Accessibility Commissioner is of the opinion that two or more complaints involve substantially the same issues of fact, he or she may conduct a joint investigation into the complaints.

Powers of Accessibility Commissioner

98 In the conduct of an investigation of a complaint, the Accessibility Commissioner may

- (a) summon and enforce the appearance of persons before the Accessibility Commissioner and compel them to give oral or written evidence on oath and to produce any records and things that the Accessibility Commissioner considers necessary to investigate the complaint, in the same manner and to the same extent as a superior court of record;
- (b) administer oaths;
- (c) receive and accept any evidence and other information, whether on oath, by affidavit or otherwise, that the Accessibility Commissioner sees fit, whether or not it is or would be admissible in a court of law;
- (d) enter any place — including a conveyance — other than a dwelling-house;
- (e) converse in private with any person in any place entered under paragraph (d) and otherwise carry out in that place any inquiries that the Accessibility Commissioner sees fit; and
- (f) exercise any of the powers referred to in any of paragraphs 73(2)(a) to (l).

Dispute resolution mechanisms

99 The Accessibility Commissioner may attempt to resolve complaints by means of a dispute resolution mechanism.

Discontinuance of investigation

100 (1) The Accessibility Commissioner may discontinue the investigation of a complaint if he or she is of the opinion that

- (a) there is insufficient evidence to pursue the investigation;
- (b) any of the circumstances mentioned in paragraphs 95(a) to (e) applies; or
- (c) the matter has been resolved — by means of a dispute resolution mechanism or otherwise — by the complainant and the regulated entity.

Notice

(2) The Accessibility Commissioner must cause the complainant and the regulated entity to be served with written notice of the discontinuance of the investigation that sets out the reasons for the discontinuance and that specifies the time within which and the manner in which an application may be made for a review of the decision to discontinue the investigation.

Complaint dismissed

101 (1) At the conclusion of an investigation, the Accessibility Commissioner must dismiss the complaint if he or she finds that the complaint is not substantiated.

Notice

(2) The Accessibility Commissioner must cause the complainant and the regulated entity to be served with a written notice of the dismissal of the complaint that sets out the reasons for the dismissal and that specifies the time within which and the manner in which an application may be made for an appeal of the decision to dismiss the complaint.

Complaint substantiated

102 (1) If, at the conclusion of an investigation, the Accessibility Commissioner finds that the complaint is substantiated, he or she may order the regulated entity to do one or more of the following:

- (a) take the appropriate corrective measures specified in the order;
- (b) make available to the complainant, on the first reasonable occasion, the rights, opportunities or privileges that were denied to the complainant as a result of the contravention to which the complaint relates;
- (c) pay compensation to the complainant for any or all of the wages that they were deprived of and for any or all of the expenses incurred by the complainant as a result of the contravention;
- (d) pay compensation to the complainant for any or all additional costs of obtaining alternative goods, services, facilities or accommodation, and for any or all of the expenses incurred by the complainant, as a result of the contravention;
- (e) pay compensation to the complainant in an amount that is not more than the amount referred to in subsection (2) for any pain and suffering that the complainant experienced as a result of the contravention;
- (f) pay to the complainant an amount that is not more than the amount referred to in subsection (2), if the Accessibility Commissioner determines that the contravention is the result of a wilful or reckless practice.

Amount

(2) The amount, for the purposes of each of paragraphs (1)(e) and (f), is

- (a) for the calendar year during which subsection (1) comes into force, \$20,000; and

- (b) for each subsequent calendar year, the amount that is equal to the product obtained by multiplying
 - (i) the amount determined under this subsection for the preceding calendar year by
 - (ii) the ratio that the Consumer Price Index for the preceding calendar year bears to the Consumer Price Index for the calendar year before that preceding calendar year.

Definition of Consumer Price Index

(3) In subsection (2), Consumer Price Index, for a calendar year, means the average of the Consumer Price Index for Canada, as published by Statistics Canada under the authority of the Statistics Act, for each month in the calendar year.

Amount to be published

(4) The Accessibility Commissioner must, as soon as it is determined, publish the amount that is the amount for the purposes of paragraphs (1)(e) and (f) for each calendar year after the year during which subsection (1) comes into force.

Interest

(5) An order to pay compensation under paragraph (1)(c) or (d) may include an award of interest at a rate and for a period that the Accessibility Commissioner considers appropriate.

Copy

(6) The Accessibility Commissioner must cause the complainant and the regulated entity to be served with a copy of the order made under subsection (1) and a notice that specifies the time within which and the manner in which an application may be made for an appeal of the order.

Review by Accessibility Commissioner

103 (1) The Accessibility Commissioner may, on application made within the time and in the manner specified in the notice served under section 96 or 100, as the case may be, review a decision under section 95 not to investigate a complaint or a decision under section 100 to discontinue an investigation.

Representations

(1.1) The complainant must be given the opportunity to make representations to the officer or employee conducting the review in a manner that is accessible to the complainant.

Powers

(2) After concluding the review, the Accessibility Commissioner must

- (a) confirm the decision not to investigate the complaint;
- (b) investigate the complaint;
- (c) confirm the decision to discontinue the investigation; or
- (d) continue the investigation.

Notice

(3) The Accessibility Commissioner must cause the complainant and the regulated entity to be served with a written notice that sets out the Accessibility Commissioner's decision under subsection (2) and the reasons for it.

Decision final

(4) Every decision made by the Accessibility Commissioner under any of paragraphs (2)(a) to (d) is final and is not to be questioned or reviewed in any court.

Appeal

104 (1) A complainant or regulated entity that is affected by a decision made under section 101 or an order made under subsection 102(1) may appeal the decision or order to the Canadian Human Rights Tribunal, in writing, within 30 days after the day on which a copy of the order or notice of the decision is served or any longer period — that is not more than 60 days after that day — that the Canadian Human Rights Tribunal considers appropriate in the circumstances.

Nature of appeal

(1.1) The appeal lies on any ground of appeal that involves a question of law or fact alone, or a question of mixed law and fact, including a principle of natural justice.

Grounds of appeal

(2) The request for appeal must contain a statement of the grounds of appeal and set out the evidence that supports those grounds.

Assignment of member

105 (1) On receipt of an application for an appeal, the Chairperson of the Canadian Human Rights Tribunal must assign a member of the Tribunal to hear the appeal, but the Chairperson may assign a panel of three members of the Tribunal to hear the appeal if he or she considers that the complexity of the matters under appeal requires three members.

Chair of panel

(2) If a panel of three members is assigned, the Chairperson must designate one of them to be its chair, but the Chairperson is to be the chair if he or she is a member of the panel.

Decision

106 (1) The member or panel of members of the Canadian Human Rights Tribunal assigned to hear the appeal may, by order, confirm, vary, give the decision that the Accessibility Commissioner should have given or rescind the decision or order to which the appeal relates or refer the complaint back to the Accessibility Commissioner for reconsideration in accordance with any direction the Canadian Human Rights Tribunal may give.

Nature of appeal

(1.1) An appeal shall be on the merits based on the record of the proceedings before the Accessibility Commissioner, but the member or panel of members of the Canadian Human Rights Tribunal shall allow arguments and, if he, she or it considers it necessary for the purposes of the appeal, shall hear evidence not previously available.

Panel's decision

(2) A decision made by a majority of the members of the panel is the decision of the panel or, if no decision is supported by the majority, the decision of the panel's chair is the decision of the panel.

Copy

(3) A copy of the order made by the member or panel of members of the Canadian Human Rights Tribunal must be provided to the Accessibility Commissioner and the parties to the appeal.

Decision final

(4) Every decision made under subsection (1) is final and is not to be questioned or reviewed in any court.

Report of activities

107 The Canadian Human Rights Tribunal must include in its annual report referred to in subsection 61(3) of the Canadian Human Rights Act a report of its activities under this Act during the year.

Regulations

108 The Governor in Council may make regulations

- (a) prescribing the procedures to be followed by the Accessibility Commissioner when conducting an investigation; and
- (b) governing the manner in which complaints are to be investigated by the Accessibility Commissioner.

General

Duty to act informally and expeditiously

109 The Accessibility Commissioner must deal with complaints filed under subsection 94(1) and applications made under subsection 103(1) as informally and expeditiously as the circumstances and considerations of fairness and natural justice permit.

Disclosure of personal information

110 For the purpose of the administration of Part III of the Canadian Human Rights Act, the Accessibility Commissioner may disclose to any officer or employee of the Canadian Human Rights Commission any personal information that is contained in a complaint filed with the Accessibility Commissioner.

Part 7 - Chief Accessibility Officer

Appointment

Special advisor

111 (1) The Governor in Council may appoint, on a full-time basis, a special advisor to the Minister to be called the Chief Accessibility Officer.

Tenure of office

(2) The Chief Accessibility Officer holds office during good behaviour, for a term of not more than five years, but may be removed for cause at any time by the Governor in Council.

Reappointment

(3) The Chief Accessibility Officer is eligible to be re-appointed for a maximum of two further terms of office.

Absence or incapacity of Chief Accessibility Officer

(4) In the event of the absence or incapacity of the Chief Accessibility Officer, or if the office of Chief Accessibility Officer is vacant, the Minister may authorize a person to act as Chief Accessibility Officer, but no person so authorized has authority to act for a term of more than 90 days without the Governor in Council's approval.

Remuneration and Expenses

Remuneration and expenses

112 (1) The Chief Accessibility Officer is to be paid the remuneration that is fixed by the Governor in Council and is entitled to be paid reasonable travel and living expenses incurred while absent from his or her ordinary place of work in the course of performing his or her duties under this Act.

Benefits

(2) The Chief Accessibility Officer is deemed to be employed in the public service for the purposes of the Public Service Superannuation Act, an employee for the purposes of the Government Employees Compensation Act and employed in the federal public administration for the purposes of regulations made under section 9 of the Aeronautics Act.

Duties and Functions

Advice

113 The Chief Accessibility Officer may — or, if requested to do so by the Minister, must — provide information or advice to the Minister in respect of systemic or emerging accessibility issues.

Special report

114 (1) The Chief Accessibility Officer may — or, if requested to do so by the Minister, must — report in writing to the Minister in respect of systemic or emerging accessibility issues.

Publication

(2) The Chief Accessibility Officer may, after the sixtieth day after the day on which it was provided, publish any report that he or she provided to the Minister.

Assistance

115 The Accessibility Commissioner, the Canadian Transportation Agency, the Canadian Radio-television and Telecommunications Commission, the Canadian Human Rights Commission, the Federal Public

Sector Labour Relations and Employment Board and the Standards Organization must take all reasonable steps to assist the Chief Accessibility Officer in the performance of his or her duties and functions.

Annual report

116 (1) The Chief Accessibility Officer must, after the end of each fiscal year but no later than December 31 following the end of that fiscal year, submit to the Minister a report on

- (a) the outcomes achieved by this Act during that fiscal year; and
- (b) systemic or emerging accessibility issues.

Tabling

(2) The Minister must cause the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the report is received by the Minister.

Part 8 - General

Regulations

Regulations

117 (1) Subject to sections 118 to 120, the Governor in Council may make regulations

- (a) defining, for the purposes of this Act, any term that is used but not defined in this Act;
- (b) designating areas for the purposes of paragraph 5(g);
- (c) establishing standards intended to remove barriers and to improve accessibility in the areas referred to in section 5;
- (d) imposing obligations or prohibitions on regulated entities for the purpose of identifying or removing barriers or preventing new barriers;
- (e) fixing or determining, for the purposes of subsections 47(1), 56(1), 65(1) and 69(1), a day in respect of a regulated entity;
- (f) specifying the form in which the accessibility plans required by subsections 47(1) and (2), 56(1) and (2), 65(1) and (2) and 69(1) and (2) are to be prepared and the manner in which they are to be published;
- (f.1) respecting the feedback process required by subsections 48(1), 57(1), 66(1) and 70(1);
- (g) specifying the form and manner in which descriptions of the feedback process required by subsections 48(1), 57(1), 66(1) and 70(1) are to be published;
- (h) specifying the form in which progress reports required by subsections 49(1), 58(1), 67(1) and 71(1) are to be prepared and the time and manner in which they are to be published;

- (i) respecting the records, reports, electronic data or other documents that are required to be prepared, retained or provided by regulated entities and
 - (i) the time, manner or place in which they are to be prepared and retained, or
 - (ii) the time, manner or form in which they are to be provided;
- (j) respecting the making, serving, filing and manner of proving service of any notice, order, report or other document referred to in this Act or regulations made under this subsection;
- (k) respecting the circumstances under which reviews under section 76 are to be oral or in writing;
- (l) exempting, on any terms that are specified in the regulations, in whole or in part, any of the following, or any class of the following, from the application of all or any part of sections 47 to 49, 56 to 58, 65 to 67 and 69 to 71 or all or any provision of regulations made under this subsection:
 - (i) a regulated entity,
 - (ii) a built environment,
 - (iii) an object,
 - (iv) a work, undertaking or business that is within the legislative authority of Parliament,
 - (v) an activity conducted by a regulated entity, and
 - (vi) a location; and
- (m) prescribing anything that is to be prescribed by any of sections 39, 47 to 49, 56 to 58, 65 to 67 and 69 to 71.

Obligation

(1.1) The Governor in Council must make at least one regulation under any of paragraphs (1)(e) to (h) within the period of two years that begins on the day on which this subsection comes into force.

Distinguishing — classes

(2) Regulations made under subsection (1) may distinguish among different classes of regulated entities.

Paragraph (1)(c)

(3) A standard established in regulations made under paragraph (1)(c) may be general or specific in its application and may be limited as to time and location.

Incorporation by reference — limitation removed

(4) The limitation set out in paragraph 18.1(2)(a) of the Statutory Instruments Act to the effect that a document must be incorporated as it exists on a particular date does not apply to the powers to make regulations under paragraph (1)(c).

Limited application — broadcasting

118 (1) Subject to subsections (2) and (3), regulations made under subsection 117(1) apply in respect of a regulated entity that carries on a broadcasting undertaking only if the regulations relate to the identification, prevention and removal of barriers in the areas referred to in paragraphs 5(a), (b), (f) and (g) and in the area referred to in paragraph 5(c.1) as it relates to the areas referred to in those paragraphs.

Non-application — employment equity

(2) Regulations made under subsection 117(1) that are in relation to employment do not apply in respect of a regulated entity that carries on a broadcasting undertaking and that is not subject to the Employment Equity Act.

Non-application — areas specified in regulations

(3) Regulations made under subsection 117(1) that are in relation to the identification, prevention and removal of barriers in an area referred to in paragraph 5(g) do not apply in respect of a regulated entity that carries on a broadcasting undertaking if requirements in relation to the identification, prevention and removal of barriers in that area apply to the regulated entity under

- (a) a condition of a licence issued under Part II of the Broadcasting Act;
- (b) an order under subsection 9(4) of that Act; or
- (c) a regulation made under subsection 10(1) of that Act.

Limited application — telecommunications

119 (1) Subject to subsection (2), regulations made under subsection 117(1) apply in respect of a regulated entity that is a Canadian carrier or a telecommunications service provider only if the regulations relate to the identification, prevention and removal of barriers in the areas referred to in paragraphs 5(a), (b), (f) and (g) and in the area referred to in paragraph 5(c.1) as it relates to the areas referred to in those paragraphs.

Non-application — areas specified in regulations

(2) Regulations made under subsection 117(1) that are in relation to the identification, prevention and removal of barriers in an area referred to in paragraph 5(g) do not apply in respect of a regulated entity that is a Canadian carrier or telecommunications service provider if requirements in relation to the identification, prevention and removal of barriers in that area apply to the regulated entity under a condition imposed under section 24 or 24.1 of the Telecommunications Act or a regulation made under that Act.

Limited application — transportation

120 The only regulations made under subsection 117(1) that apply in respect of a regulated entity that is required to comply with any provision of regulations made under subsection 170(1) of the Canada Transportation Act are those that relate to the identification and removal of barriers, and the prevention of new barriers, in the following areas:

- (a) employment;
- (b) the built environment, other than a passenger aircraft, passenger train, passenger bus, passenger vessel, aerodrome passenger terminal, railway passenger station, bus passenger station or marine passenger terminal;
- (c) the procurement of goods, services and facilities that are not related to the mobility of persons with disabilities;
- (d) areas designated under regulations made under paragraph 117(1)(b); and
- (e) the area referred to in paragraph 5(c.1) as it relates to the areas referred to paragraphs (a) to (d).

Exemption

121 (1) On application by a regulated entity, the Minister may, by order and on any terms that he or she considers necessary,

- (a) exempt a regulated entity from the application of any provision of regulations made under subsection 117(1) if the Minister is satisfied that the regulated entity has taken or will take measures that will result in an equivalent or greater level of accessibility for persons with disabilities; or
- (b) exempt a class of regulated entities from the application of any provision of regulations made under subsection 117(1) if the Minister is satisfied that all the members of the class have taken or will take measures that will result in an equivalent or greater level of accessibility for persons with disabilities.

The order ceases to have effect on the earlier of the end of the period of three years that begins on the day on which the order is made and the end of any shorter period specified in the order.

Copy to Accessibility Commissioner

(2) The Minister must provide the Accessibility Commissioner with a copy of every order made under subsection (1).

Non-application of Statutory Instruments Act

(3) The Statutory Instruments Act does not apply to an order made under paragraph (1)(a), but the order must be published in the Canada Gazette and the reasons for the making of the order must be made available to the public.

For greater certainty

121.1 For greater certainty, nothing in any provision of this Act or the regulations limits a regulated entity's duty to accommodate under any other Act of Parliament.

Miscellaneous

Collaboration — complaints, applications and grievances

122 (1) The Accessibility Commissioner, the Canadian Transportation Agency, the Canadian Radio-television and Telecommunications Commission, the Canadian Human Rights Commission and the Federal Public Sector Labour Relations and Employment Board must work together to put in place mechanisms for the efficient and expeditious referral to the appropriate authority of accessibility-related complaints, applications and grievances.

Notice of referral

(2) If an authority referred to in subsection (1) decides not to deal with a complaint, application or grievance for one of the following reasons and it decides to refer the complaint, application or grievance to the appropriate authority, it must cause a written notice of its decision, and the reasons for it, to be served on the individual that filed the complaint or application, or presented the grievance, and on the individual or entity that is the subject of the complaint, application or grievance:

- (a) the complaint, application or grievance is one that could more appropriately be dealt with, initially or completely, according to a procedure provided for under any Act of Parliament; or
- (b) the complaint, application or grievance is beyond the jurisdiction of the authority required to serve the notice.

Suspension of time

(3) If an authority causes a notice under subsection (2) to be served, the period that begins on the day on which the complaint or application was filed or the grievance was referred to adjudication and that ends on the day on which the complaint, application, or grievance was referred to the appropriate authority is not to be included in the calculation of any time the individual has to avail themselves of any procedure under any Act of Parliament.

Disclosure of information

(4) An authority referred to in subsection (1) may, for the purpose of implementing the mechanisms referred to in subsection (1), disclose to the appropriate authority any information, including personal information, that is contained in a complaint, application or grievance that it refers to the appropriate authority.

Collaboration — policies and practices

123 The Accessibility Commissioner, the Canadian Transportation Agency, the Canadian Radio-television and Telecommunications Commission, the Canadian Human Rights Commission and the Federal Public Sector Labour Relations and Employment Board must work together to foster complementary policies and practices in relation to accessibility-related matters.

Obstruction

124 It is prohibited to obstruct, by act or omission, the Accessibility Commissioner or his or her delegate while they are engaged in the exercise of powers or the performance of duties or functions under this Act.

False statements — Accessibility Commissioner

125 It is prohibited to knowingly make any false or misleading statement verbally or in writing to the Accessibility Commissioner, or to his or her delegate, while they are engaged in the exercise of powers or the performance of duties or functions under this Act.

False statements — records, reports, etc.

126 It is prohibited for a regulated entity to knowingly make, or participate in, assent to or acquiesce in the making of a false or misleading statement in any record, report, electronic data or other document that it is required to prepare, retain or provide under this Act.

Section 126 of Criminal Code

127 Section 126 of the Criminal Code does not apply to or in respect of any contravention of any provision of this Act or of regulations made under subsection 117(1).

Debts to Her Majesty

128 (1) The following amounts constitute debts due to Her Majesty in right of Canada that may be recovered in the Federal Court:

- (a) costs incurred by Her Majesty in right of Canada in relation to the inspection of a place or the examination of any thing;
- (b) the amount of a penalty, from the time the notice of violation setting out the amount of the penalty is served;
- (c) every amount undertaken to be paid under a compliance agreement entered into with the Accessibility Commissioner under subsection 82(1), from the time the compliance agreement is entered into;
- (d) the amount set out in a notice of default referred to in subsection 82(4), from the time the notice is served;

- (e) the amount of a penalty confirmed or corrected in the Accessibility Commissioner's notice of decision served under subsection 84(4), from the expiry of the time specified in the notice.

Limitation period

(2) No proceedings to recover a debt referred to in subsection (1) may be commenced after the expiry of five years after the day on which the debt became payable.

Debt final

(3) A debt referred to in subsection (1) is final and not subject to review or to be restrained, prohibited, removed, set aside or otherwise dealt with except to the extent and in the manner provided by sections 81 to 84.

Certificate of default

129 (1) Any debt referred to in subsection 128(1) in respect of which there is a default of payment, or the part of any such debt that has not been paid, may be certified by the Accessibility Commissioner.

Registration in Federal Court

(2) Registration in the Federal Court of a certificate issued under subsection (1) has the same force and effect as a judgment of that court for a debt of the amount specified in the certificate and all related registration costs.

Enforcement of order

130 An order made under subsection 75(1) or amended under subsection 76(4) and an order made under subsection 102(1) or section 106 may, for the purpose of enforcement, be made an order of the Federal Court by following the usual procedure or by the Accessibility Commissioner filing in the Registry of the Court a copy of the order certified by the Accessibility Commissioner to be a true copy.

Review by Senate and House of Commons

131 (1) Five years after the day on which the first regulation is made under subsection 117(1), or as soon as feasible after that day, a comprehensive review of the provisions and operation of this Act is to be commenced by a committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established by the Senate, the House of Commons or both Houses of Parliament, as the case may be, for that purpose.

Report

(2) Within six months, or any further time that is authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be, after the day on which the review is commenced, the committee must submit a report on that review to the Senate, the House of Commons or both Houses of Parliament, as the case may be, together with a statement of any changes recommended by the committee.

Independent review

132 (1) Five years after the first day on which a report is submitted under subsection 131(2) to either House of Parliament and every tenth anniversary of that day, the Minister must cause an independent review of the provisions and operation of this Act to be conducted, and must cause a report on the review to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the review is completed.

Duty to consult

(2) The person or persons conducting the review must consult the public, persons with disabilities, organizations that represent the interests of persons with disabilities, regulated entities and organizations that represent the interests of regulated entities.

National AccessAbility Week

Designation

133 Throughout Canada, in each year, the week starting on the last Sunday in May is to be known as National AccessAbility Week.

Part 9 - Parliamentary Entities

Definition and Application

Definition of parliamentary entity

134 In this Part, parliamentary entity means

- (a) the Senate, as represented by any committee or person that the Senate by its rules or orders designates for the purposes of this Part;
- (b) the House of Commons, as represented by the Board of Internal Economy of the House of Commons;
- (c) the Library of Parliament;
- (d) the office of the Senate Ethics Officer;

- (e) the office of the Conflict of Interest and Ethics Commissioner;
- (f) the Parliamentary Protective Service; and
- (g) the office of the Parliamentary Budget Officer.

Application of other Parts

135 Parts 4 to 6 and 8 apply in respect of parliamentary entities only to the extent provided for in this Part.

Constituency offices

136 For greater certainty, this Part applies with respect to the constituency offices of members of the House of Commons.

Parliamentary Powers, Privileges and Immunities

Powers, privileges and immunities

137 For greater certainty, nothing in this Act or in any regulations made under it is to be construed as limiting in any way the powers, privileges and immunities of the Senate and the House of Commons and their members or as authorizing the exercise of a power or the performance of a function or duty under this Act if the exercise of that power or the performance of that function or duty would interfere, directly or indirectly, with the business of the Senate or the House of Commons.

Application

Application of Part 4

138 (1) Sections 69 to 71 apply with respect to a parliamentary entity as if it were a regulated entity.

Exemption

(2) After consulting with the Accessibility Commissioner, the Speaker of the Senate or the Speaker of the House of Commons — or, in the case of the Library of Parliament, the Parliamentary Protective Service and the office of the Parliamentary Budget Officer, both Speakers acting jointly — may exempt in writing a parliamentary entity from the application of all or any part of sections 69 to 71, on any terms that the Speaker or Speakers consider necessary.

Amendment or revocation

(3) The Speaker or Speakers who gave an exemption under subsection (2) must consult with the Accessibility Commissioner before amending it but need not do so before revoking it.

Statutory Instruments Act

(4) For greater certainty, an exemption, amendment or revocation referred to in this section is not a statutory instrument for the purposes of the Statutory Instruments Act.

Application of Part 5 — inspection

139 (1) Section 73 applies with respect to a parliamentary entity.

Orders

(2) Sections 74 to 76 apply with respect to a parliamentary entity as if it were a regulated entity.

Contravention — parliamentary entity

140 (1) The Accessibility Commissioner may issue a notice of contravention to a parliamentary entity, and must cause it to be served with the notice, if the Accessibility Commissioner has reasonable grounds to believe that the parliamentary entity has contravened

- (a) any of subsections 69(1) to (4) and (7), 70(1) to (3), 71(1) to (3) and (6) and 73(8) and sections 124 to 126;
- (b) an order made under section 74;
- (c) an order made under subsection 75(1) or amended under subsection 76(4); or
- (d) a provision of regulations made under subsection 117(1) that applies with respect to the parliamentary entity.

Contravention — specified person

(2) The Accessibility Commissioner may issue a notice of contravention to a specified person, and must cause them to be served with the notice, if the Accessibility Commissioner has reasonable grounds to believe that the specified person has contravened an order made under any of paragraphs 73(2)(i) to (l) or has contravened subsection 73(8) or section 124 or 125.

Contents of notice

(3) A notice of contravention must

- (a) name the parliamentary entity or specified person;
- (b) identify the contravention;

- (c) summarize, in plain language, the rights and obligations of the parliamentary entity or specified person under this section, including their right to request to enter into a compliance agreement with the Accessibility Commissioner or request a review of the acts or omissions that constitute the contravention; and
- (d) set out the time and manner — as determined by the Accessibility Commissioner — in which the parliamentary entity or specified person may make a request under subsection (4).

Options

(4) A parliamentary entity or specified person that is served with a notice of contravention may, within the time and in the manner set out in the notice,

- (a) request to enter into a compliance agreement with the Accessibility Commissioner for the purpose of ensuring their compliance with the provision or order to which the notice relates; or
- (b) request a review of the acts or omissions that constitute the contravention.

Review

(5) On completion of a review requested under paragraph (4)(b), the Accessibility Commissioner must determine, on a balance of probabilities, whether the parliamentary entity or specified person committed the contravention and confirm or cancel the notice of contravention. The Accessibility Commissioner must cause the parliamentary entity or specified person to be served with a notice setting out the decision under this subsection and must, if the notice of contravention is confirmed, specify in the notice the time and the manner in which they may make a request under subsection (6).

Request for compliance agreement

(6) If the Accessibility Commissioner confirms the notice of contravention on review, the parliamentary entity or specified person may, within the time and in the manner set out in the notice of decision, request to enter into a compliance agreement as set out in paragraph (4)(a).

Entering into compliance agreement

(7) After considering a request to enter into a compliance agreement, the Accessibility Commissioner may enter into a compliance agreement with the parliamentary entity or specified person on any terms that the Accessibility Commissioner considers appropriate, other than any terms that would provide for a deposit of security or for a penalty.

Notice

(8) If the Accessibility Commissioner is satisfied that a parliamentary entity or specified person that has entered into a compliance agreement has complied with it, he or she must cause the parliamentary entity or specified person to be served with a notice of compliance. If he or she is satisfied that the

parliamentary entity or specified person has not complied with the agreement, he or she must cause them to be served with a notice of default.

Limitation period or prescription

(9) No notice of contravention is to be issued after the expiry of two years after the day on which the subject matter of the contravention arose.

Application — sections 85 and 87

(10) Sections 85 and 87 apply with respect to contraventions referred to in this section, with any reference to a regulated entity to be read as a reference to a parliamentary entity, any reference to a person to be read as a reference to a specified person and any reference to a violation to be read as a reference to a contravention.

Definition of specified person

(11) In this section, specified person means a person performing duties and functions in the course of the activities or business of a parliamentary entity.

Application of Part 6

141 (1) Subject to subsections (2) and (3), sections 94 to 104, subsection 106(1) and sections 108 to 110 apply with respect to a parliamentary entity as if it were a regulated entity.

Exception

(2) An individual is not entitled to file a complaint under subsection 94(1) in respect of a contravention by a parliamentary entity of any provision of regulations made under subsection 117(1) if the individual is entitled to present a grievance under section 62 of the Parliamentary Employment and Staff Relations Act in respect of the contravention.

Appeal

(3) An appeal with respect to a parliamentary entity under subsection 104(1) is to be made to the Federal Public Sector Labour Relations and Employment Board instead of to the Canadian Human Rights Tribunal and, with respect to such an appeal, a reference to the member or panel of members of the Tribunal in subsection 106(1) is to be read as a reference to a panel of the Board.

For greater certainty

(4) For greater certainty, section 35 of the Federal Public Sector Labour Relations and Employment Board Act does not apply with respect to an order of the Federal Public Sector Labour Relations and Employment Board made with respect to an appeal under subsection 104(1).

Application of Part 8 — regulations

142 (1) Regulations made under any of paragraphs 117(1)(a) to (l) — and under paragraph 117(1)(m) with respect to sections 69 to 71 — apply with respect to a parliamentary entity as if it were a regulated entity, but only to the extent that the regulations apply generally to regulated entities that are departments named in Schedule I to the Financial Administration Act.

Exemption

(2) On application by a parliamentary entity and after consulting with the Accessibility Commissioner, the Speaker of the Senate or the Speaker of the House of Commons — or, in the case of the Library of Parliament, the Parliamentary Protective Service and the office of the Parliamentary Budget Officer, both Speakers acting jointly — may, in writing and on any terms that they consider necessary, exempt the parliamentary entity from the application of any provision of the regulations referred to in subsection (1) if the Speaker or Speakers are satisfied that the parliamentary entity will take or has taken measures that will result in an equivalent or greater level of accessibility for persons with disabilities.

Amendment or revocation

(3) The Speaker or Speakers who gave an exemption under subsection (2) must consult with the Accessibility Commissioner before amending it but need not do so before revoking it.

Statutory Instruments Act

(4) For greater certainty, an exemption, amendment or revocation referred to in this section is not a statutory instrument for the purposes of the Statutory Instruments Act.

Sections 122 to 125, 127 and 131

(5) Sections 122 to 125, 127 and 131 apply with respect to a parliamentary entity.

Sections 126 and 132

(6) Sections 126 and 132 apply with respect to a parliamentary entity as if it were a regulated entity.

Notification of Speakers

Notification — entrance into place

143 (1) The Accessibility Commissioner must notify the Speaker of the Senate or the Speaker of the House of Commons, or both, of his or her intention to enter, under section 73 or paragraph 98(d), a place that is under the authority of a parliamentary entity.

Other notifications

(2) The Accessibility Commissioner must notify the Speaker of the Senate or the Speaker of the House of Commons, or both, as soon as possible after he or she

- (a) makes an order with respect to a parliamentary entity under section 74;
- (b) makes a compliance order with respect to a parliamentary entity under section 75;
- (c) makes a decision under subsection 76(4) in respect of a compliance order referred to in paragraph (b);
- (d) begins to conduct an investigation of a parliamentary entity under section 95;
- (e) makes an order under subsection 102(1) with respect to a parliamentary entity;
- (f) issues a notice of contravention under subsection 140(1) or (2);
- (g) makes a decision under subsection 140(5); or
- (h) causes a notice of compliance or default to be served under subsection 140(8).

Notice or order — complaint

(3) Whenever the Accessibility Commissioner causes a parliamentary entity to be served with a notice under subsection 94(5), 96(1), 100(2), 101(2) or 103(3), the Accessibility Commissioner must provide a copy to the Speaker of the Senate or the Speaker of the House of Commons, or both.

Notification — appeal under subsection 104(1)

144 (1) The Federal Public Sector Labour Relations and Employment Board must notify the Speaker of the Senate or the Speaker of the House of Commons, or both, as soon as possible after the Board receives a request for appeal of a decision or order with respect to a parliamentary entity under subsection 104(1).

Power of Speakers

(2) If the Speaker of the Senate or the Speaker of the House of Commons is notified that an appeal has been brought,

- (a) the Board must, at the Speaker's request, provide to the Speaker a copy of any document that is filed with the Board in the appeal and that is necessary to enable the Speaker to present evidence and make representations under paragraph (b); and
- (b) the Speaker may present evidence and make representations to the Board in the appeal.

Non-compliance with compliance order

145 (1) The Accessibility Commissioner must provide to the Speaker of the Senate or the Speaker of the House of Commons, or both, a compliance order that is made under section 75 or amended under subsection 76(4) with respect to a parliamentary entity, if the order is not complied with.

Order under subsection 102(1)

(2) The Accessibility Commissioner must provide an order made under subsection 102(1) with respect to a parliamentary entity to the Speaker of the Senate or the Speaker of the House of Commons, or both, if the order is not complied with.

Order under subsection 106(1)

(3) The Federal Public Sector Labour Relations and Employment Board must, at the request of the Accessibility Commissioner or the complainant, provide an order made under subsection 106(1) with respect to a parliamentary entity to the Speaker of the Senate or the Speaker of the House of Commons, or both, if the order is not complied with.

Tabling by Speaker

146 The Speaker of the Senate or the Speaker of the House of Commons, or both, must, within a reasonable time after receiving it, table every notice of default received under paragraph 143(2)(h) and every order received under section 145 in the House over which the Speaker presides.

Part 10 - Related Amendments

Canadian Radio-television and Telecommunications Commission Act (R.S., c. C-22)

147 Section 13 of the Canadian Radio-television and Telecommunications Commission Act is renumbered as subsection 13(1) and is amended by adding the following:

Broadcasting Act

(2) The report must include information about the following in respect of the fiscal year, including their number:

- (a) inquiries conducted under subsection 12(1) of the Broadcasting Act in relation to the identification, prevention and removal of barriers;
- (b) inquiries conducted under that subsection in relation to sections 42 to 44 of the Accessible Canada Act;
- (c) orders made under subsection 12(2) of the Broadcasting Act in relation to the identification, prevention and removal of barriers; and
- (d) orders made under that subsection in relation to sections 42 to 44 of the Accessible Canada Act.

Telecommunications Act

(3) The report must include information about the following in respect of the fiscal year, including their number:

- (a) inspections conducted under section 71 of the Telecommunications Act in relation to compliance with decisions made under that Act in relation to the identification, prevention and removal of barriers;
- (b) inspections conducted under that section in relation to compliance with sections 51 to 53 of the Accessible Canada Act;
- (c) orders made under section 51 of the Telecommunications Act in relation to the identification, prevention and removal of barriers;
- (d) orders made under that section in relation to sections 51 to 53 of the Accessible Canada Act;
- (e) notices of violation issued under section 72.005 of the Telecommunications Act in relation to contraventions of decisions made under that Act in relation to the identification, prevention and removal of barriers;
- (f) notices of violation issued under that section in relation to contraventions of any of subsections 51(1) to (4) and (7), 52(1) to (3) and 53(1) to (3) and (6) of the Accessible Canada Act;
- (g) inquiries conducted under subsection 48(1) of the Telecommunications Act in relation to the identification, prevention and removal of barriers; and
- (h) inquiries conducted under subsection 48(1.1) of that Act.

Observations and prescribed information

(4) The report must include

- (a) observations about whether the information referred to in subsections (2) and (3) discloses any systemic or emerging issues related to the identification and removal of barriers, and the prevention of new barriers; and
- (b) any information respecting the identification, prevention and removal of barriers that is prescribed by regulations made under subsection (5).

Regulations

(5) The Governor in Council may make regulations for the purposes of paragraph (4)(b).

Definition of barrier

(6) In this section, barrier has the same meaning as in section 2 of the Accessible Canada Act.

Canadian Human Rights Act (R.S., c. H-6)

148 Subsections 26(1) and (2) of the Canadian Human Rights Act are replaced by the following:

Commission established

26 (1) A commission is established to be known as the Canadian Human Rights Commission, in this Act referred to as the “Commission”, consisting of a Chief Commissioner, a Deputy Chief Commissioner, a member referred to as the “Accessibility Commissioner” and not less than three or more than six other members, to be appointed by the Governor in Council.

Members

(2) The Chief Commissioner, the Deputy Chief Commissioner and the Accessibility Commissioner are full-time members of the Commission and the other members may be appointed as full-time or part-time members of the Commission.

149 The Act is amended by adding the following after section 28:

Convention on the Rights of Persons with Disabilities

28.1 The Commission is, for the purposes of paragraph 2 of article 33 of the Convention on the Rights of Persons with Disabilities, adopted by the General Assembly of the United Nations on December 13, 2006, designated as a body responsible for monitoring the Government of Canada’s implementation of that Convention.

150 Subsection 31(3) of the Act is replaced by the following:

Absence or incapacity of Chief and Deputy Chief

(3) In the event of the absence or incapacity of the Chief Commissioner and the Deputy Chief Commissioner, or if those offices are vacant, the full-time member, other than the Accessibility Commissioner, with the most seniority has all the powers and may perform all the duties and functions of the Chief Commissioner.

151 The Act is amended by adding the following after section 32:

Accessibility unit

32.1 The officers and employees of the Commission that support the Accessibility Commissioner in the exercise of his or her powers and the performance of his or her duties and functions under the Accessible Canada Act may be referred to as the “Accessibility Unit”.

152 The Act is amended by adding the following after section 38:

Accessibility Commissioner

Powers, duties and functions

38.1 In addition to being a member of the Commission, the Accessibility Commissioner has the powers, duties and functions assigned to him or her by the Accessible Canada Act.

Absence or incapacity of Accessibility Commissioner

38.2 In the event of the absence or incapacity of the Accessibility Commissioner, or if the office of Accessibility Commissioner is vacant, the Chief Commissioner may authorize any member of the Commission, other than himself or herself, to exercise the powers and perform the duties and functions of the Accessibility Commissioner, but no member may be so authorized for a term of more than 90 days without the Governor in Council’s approval.

153 The Act is amended by adding the following after section 40:

Disclosure of personal information

40.01 For the purpose of the administration of the Accessible Canada Act, an officer or employee of the Commission may disclose to the Accessibility Commissioner any personal information that is contained in a complaint filed with the Commission.

Parliamentary Employment and Staff Relations Act (R.S., c. 33 (2nd Supp.))

154 The Parliamentary Employment and Staff Relations Act is amended by adding the following after section 2:

Accessible Canada Act

2.1 For greater certainty, a person who is referred to in section 2 and who is not entitled to present a grievance under section 62 may file a complaint under subsection 94(1) of the Accessible Canada Act with respect to a contravention of an applicable provision of regulations made under subsection 117(1) of that Act if the person has suffered physical or psychological harm, property damage or economic loss as a result of — or has otherwise been adversely affected by — that contravention.

155 Subsection 63(1) of the Act is amended by striking out “or” at the end of paragraph (e), by adding “or” at the end of paragraph (f) and by adding the following after paragraph (f):

- (g) the contravention by the employer of any applicable provision of regulations made under subsection 117(1) of the Accessible Canada Act, if the employee has suffered physical or psychological harm, property damage or economic loss as a result of — or has otherwise been adversely affected by — the contravention,

156 The Act is amended by adding the following after section 63:

Notice to Accessibility Commissioner

63.1 (1) When a grievance has been referred to adjudication and a party to the grievance raises an issue involving the contravention of any provision of regulations made under subsection 117(1) of the Accessible Canada Act, that party must, in accordance with the regulations, give notice of the issue to the Accessibility Commissioner, as defined in section 2 of that Act.

Submissions of Accessibility Commissioner

(2) If the Accessibility Commissioner is notified of an issue under subsection (1), he or she may make submissions during the adjudication with respect to that issue.

157 Section 66 of the Act is amended by adding the following after subsection (4):

Adjudication by members

(5) Despite section 65 and subsections (1) and (2), only members of the Board may adjudicate grievances respecting a matter referred to in paragraph 63(1)(g).

(2013, c. 40, s. 433; 2017, c. 9, subpar. 56(1)(a)(iii)) 158 Section 66.1 of the Act is replaced by the following:

Powers of adjudicator

66.1 An adjudicator has, for the purposes of the adjudication of a grievance respecting a matter referred to in any of paragraphs 63(1)(a) to (c) and (g) that is referred to adjudication, the powers that the Board has under paragraph 15(d) of this Act and paragraphs 20(a) and (d) to (f) of the Federal Public Sector Labour Relations and Employment Board Act, in relation to the hearing or determination of a proceeding before it.

159 The Act is amended by adding the following after section 67:

Accessible Canada Act

67.1 An adjudicator may, in relation to the adjudication of a grievance respecting a matter referred to in paragraph 63(1)(g),

- (a) interpret and apply the Accessible Canada Act; and
- (b) give relief in accordance with section 102 of that Act.

160 Subsection 71(3) of the Act is amended by adding the following after paragraph (a):

- (a.1) the manner of giving notice of an issue to the Accessibility Commissioner under section 63.1;

Broadcasting Act (1991, c. 11)

161 (1) Subsection 12(1) of the Broadcasting Act is amended by striking out “or” at the end of paragraph (a.1) and by adding the following after that paragraph:

- (a.2) any person has failed to do any act or thing that the person is required to do under sections 42 to 44 of the Accessible Canada Act or has done or is doing any act or thing in contravention of any of those sections, or

(2014, c. 39, s. 191) (2) Subsection 12(2) of the Act is replaced by the following:

Mandatory orders

(2) The Commission may, by order, require any person to do, without delay or within or at any time and in any manner specified by the Commission, any act or thing that the person is or may be required to do under this Part, under any regulation, licence, decision or order made or issued by the Commission under this Part or under any of sections 42 to 44 of the Accessible Canada Act and may, by order, forbid

the doing or continuing of any act or thing that is contrary to this Part, to any such regulation, licence, decision or order, to section 34.1 or to any of sections 42 to 44 of the Accessible Canada Act.

Telecommunications Act (1993, c. 38)

162 Section 48 of the Telecommunications Act is amended by adding the following after subsection (1):

Accessibility inquiries

(1.1) The Commission may, on application by any interested person or on its own motion, inquire into and make a determination in respect of anything prohibited, required or permitted to be done under sections 51 to 53 of the Accessible Canada Act.

163 Section 51 of the Act is replaced by the following:

Mandatory and restraining orders

51 The Commission may order a person, at or within any time and subject to any conditions that it determines, to do anything the person is required to do under this Act, under sections 51 to 53 of the Accessible Canada Act or under any special Act, and may forbid a person to do anything that the person is prohibited from doing under this Act, under those sections of the Accessible Canada Act or under any special Act.

(2014, c. 39, s. 209(2)) 164 (1) Subsection 71(1) of the Act is replaced by the following:

Designation of inspectors

71 (1) The Commission may designate any qualified person as an inspector for the purpose of verifying compliance or preventing non-compliance with the provisions of this Act or any special Act for which the Commission is responsible, with the provisions of Division 1.1 of Part 16.1 of the Canada Elections Act, with sections 51 to 53 of the Accessible Canada Act and with the decisions of the Commission under this Act.

(2014, c. 39, s. 209(3)) (2) Paragraph 71(4)(a) of the Act is replaced by the following:

- (a) enter, at any reasonable time, any place in which they believe on reasonable grounds there is any document, information or thing relevant to the purpose of verifying compliance or preventing non-compliance with this Act, any special Act, Division 1.1 of Part 16.1 of the Canada

Elections Act or sections 51 to 53 of the Accessible Canada Act, and examine the document, information or thing or remove it for examination or reproduction;

(2014, c. 12, s. 137(5)) (3) Subsection 71(9) of the Act is replaced by the following:

Information requirement

(9) An inspector who believes that a person is in possession of information that the inspector considers necessary for the purpose of verifying compliance or preventing non-compliance with this Act, any special Act, Division 1.1 of Part 16.1 of the Canada Elections Act or sections 51 to 53 of the Accessible Canada Act may, by notice, require that person to submit the information to the inspector in the form and manner and within the reasonable time that is stipulated in the notice.

(2014, c. 39, s. 201) 165 The portion of section 72.001 of the Act before paragraph (a) is replaced by the following:

Commission of violation

72.001 Every contravention of a provision of this Act, other than section 17 or 69.2, every contravention of a regulation or decision made by the Commission under this Act, other than a prohibition or a requirement of the Commission made under section 41, and every contravention of any of subsections 51(1) to (4) and (7), 52(1) to (3) and 53(1) to (3) and (6) of the Accessible Canada Act constitutes a violation and the person who commits the violation is liable

Canada Transportation Act (1996, c. 10)

(2007, c. 19, s. 2) 166 Paragraph 5(d) of the Canada Transportation Act is replaced by the following:

- (d) the transportation system is accessible without undue obstacle to the mobility of all persons;
- (d.1) the transportation system is accessible without barriers to persons with disabilities; and

167 Subsection 42(2) of the Act is replaced by the following:

Additional content

(2) The Agency shall include in every report referred to in subsection (1)

- (a) the Agency’s assessment of the operation of this Act and any difficulties observed in the administration of this Act;
- (b) in respect of the year to which the report relates, information about, including the number of, the following:
 - (i) inspections conducted under this Act for a purpose related to verifying compliance or preventing non-compliance with any provision of regulations made under subsection 170(1) or with any of sections 60 to 62 of the Accessible Canada Act,
 - (ii) orders made under section 181.2,
 - (iii) orders, in writing, made under section 26 that require any person to do or to refrain from doing any thing that they are or may be required to do or are prohibited from doing under any provision of regulations made under subsection 170(1) or any of sections 60 to 62 of the Accessible Canada Act,
 - (iv) notices of violation issued under section 180 that identify a violation referred to in subsection 177(3), and
 - (v) inquiries made under any of sections 172, 172.1 and 172.3;
- (c) the Agency’s observations about whether the information referred to in paragraph (b) discloses any systemic or emerging issues in respect of any matter or thing that concerns transportation to which the legislative authority of Parliament extends and that relates to the mobility of persons with disabilities; and
- (d) any other information prescribed by regulations made under subsection (2.01).

Regulations

(2.01) For the purpose of paragraph (2)(d), the Governor in Council may make regulations prescribing information about any matter or thing that concerns transportation to which the legislative authority of Parliament extends and that relates to the mobility of persons with disabilities.

168 The heading of Part V of the French version of the Act is replaced by the following:

Transport des personnes handicapées

169 The Act is amended by adding the following before section 170:

Definitions

169.5 The following definitions apply in paragraph 5(d.1) and this Part.

barrier means anything — including anything physical, architectural, technological or attitudinal, anything that is based on information or communications or anything that is the result of a policy or a practice — that hinders the full and equal participation in society of persons with an impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment or a functional limitation. (obstacle)

disability means any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person’s full and equal participation in society. (handicap)

170 (1) The portion of subsection 170(1) of the Act before paragraph (a) is replaced by the following:

Regulations

170 (1) The Agency may, after consulting with the Minister, make regulations for the purpose of identifying or removing barriers or preventing new barriers — particularly barriers in the built environment, information and communication technologies and the design and delivery of programs and services — in the transportation network under the legislative authority of Parliament to the mobility of persons with disabilities, including regulations respecting

(2) Paragraph 170(1)(c) of the French version of the Act is replaced by the following:

- c) toute mesure concernant les tarifs, taux, prix, frais et autres conditions de transport applicables au transport et aux services connexes offerts aux personnes handicapées;

(3) Section 170 of the Act is amended by adding the following after subsection (3):

Exemption

(4) On application and after consulting with the Minister, the Agency may, by order, on any terms that it considers necessary,

- (a) exempt a person from the application of regulations made under subsection (1) if the Agency is satisfied that the person has taken or will take measures — at least equivalent to those that must be taken under the provisions of the regulations for which an exemption is to be granted — to remove barriers or to prevent new barriers; or
- (b) exempt a class of persons from the application of regulations made under subsection (1) if the Agency is satisfied that all the members of the class have taken or will take measures — at least equivalent to those that must be taken under the provisions of the regulations for which an exemption is to be granted — to remove barriers or to prevent new barriers.

The order ceases to have effect on the earlier of the end of the period of three years that begins on the day on which the order is made and the end of any shorter period specified in the order.

171 Section 171 of the French version of the Act is replaced by the following:

Coordination

171 L'Office et la Commission canadienne des droits de la personne sont tenus de veiller à la coordination de leur action en matière de transport des personnes handicapées pour favoriser l'adoption de lignes de conduite complémentaires et éviter les conflits de compétence.

172 Section 172 of the Act is replaced by the following:

Inquiry — barriers to mobility

172 (1) The Agency may, on application, inquire into a matter in relation to which a regulation could be made under subsection 170(1), regardless of whether such a regulation has been made, in order to determine whether there is an undue barrier to the mobility of persons with disabilities.

Remedies

(2) On determining that there is an undue barrier to the mobility of persons with disabilities, the Agency may do one or more of the following:

- (a) require the taking of appropriate corrective measures;
- (b) direct that compensation be paid for any expense incurred by a person with a disability arising out of the barrier, including for any costs of obtaining alternative goods, services or accommodation;
- (c) direct that compensation be paid for any wages that a person with a disability was deprived of as a result of the barrier;
- (d) direct that compensation be paid up to a maximum amount of — subject to the annual adjustments made under section 172.2 — \$20,000, for any pain and suffering experienced by a person with a disability arising out of the barrier;
- (e) direct that compensation be paid up to a maximum amount of — subject to the annual adjustments made under section 172.2 — \$20,000, if the Agency determines that the barrier is the result of a wilful or reckless practice.

Compliance with regulations

(3) If the Agency is satisfied that regulations made under subsection 170(1) that are applicable in relation to a matter have been complied with or have not been contravened, the Agency may determine that there is an undue barrier in relation to that matter but if it does so, it may only require the taking of appropriate corrective measures.

Inquiry — subsection 170(1)

172.1 (1) The Agency may, on application, inquire into a matter concerning any regulations made under subsection 170(1) to determine if the applicant has suffered physical or psychological harm, property damage or economic loss arising out of — or has otherwise been adversely affected by — a contravention of any provision of those regulations.

Remedies

(2) On determining that an applicant has suffered physical or psychological harm, property damage or economic loss arising out of — or has otherwise been adversely affected by — a contravention referred to in subsection (1), the Agency may do one or more of the following:

- (a) require the taking of appropriate corrective measures;
- (b) direct that compensation be paid to the applicant for any expense incurred by them arising out of the contravention, including for any costs of obtaining alternative goods, services or accommodation;
- (c) direct that compensation be paid to the applicant for any wages that they were deprived of as a result of the contravention;
- (d) direct that compensation be paid to the applicant up to a maximum amount of — subject to the annual adjustments made under section 172.2 — \$20,000, for any pain and suffering experienced by them arising out of the contravention;
- (e) direct that compensation be paid to the applicant up to a maximum amount of — subject to the annual adjustments made under section 172.2 — \$20,000, if the Agency determines that the contravention is the result of a wilful or reckless practice.

Annual adjustment

172.2 (1) For the purpose of paragraphs 172(2)(d) and (e) and 172.1(2)(d) and (e), the maximum amount shall be adjusted annually so that in any calendar year following the one during which this section comes into force it is equivalent to the product of

- (a) the amount that would have been the maximum amount for that following calendar year if no adjustment had been made under this section with respect to that year, and
- (b) the ratio that the Consumer Price Index for the preceding calendar year bears to the Consumer Price Index for the calendar year next before that preceding calendar year.

Consumer Price Index

(2) For the purpose of subsection (1), a reference to the Consumer Price Index for any 12-month period means the average of the Consumer Price Index for Canada, as published by Statistics Canada under the authority of the Statistics Act, for each month in that 12-month period.

Publication of adjusted amount

(3) When a maximum amount is adjusted in accordance with this section, the Agency shall publish the maximum amount as so adjusted as soon as it is determined.

Interest

(4) A direction to pay compensation under any of paragraphs 172(2)(b) and (c) and 172.1(2)(b) and (c) may include an award of interest at a rate and for a period that the Agency considers appropriate.

Inquiry — transportation of persons with disabilities

172.3 The Agency may on its own initiative, with the Minister's approval and on any terms that he or she considers appropriate, inquire into any matter or thing that concerns transportation to which the legislative authority of Parliament extends and that relates to the mobility of persons with disabilities.

Participant funding program

172.4 The Agency may establish a participant funding program to facilitate the participation of persons with disabilities in hearings that are held for the purposes of inquiries made under section 172, 172.1 or 172.3.

173 Section 177 of the Act is amended by adding the following after subsection (2.2):

Subsection 170(1) and Accessible Canada Act

(3) The contravention of any provision of any regulation made under subsection 170(1) — or the contravention of any of subsections 60(1) to (4) and (7), 61(1) to (3) and 62(1) to (3) and (6) of the Accessible Canada Act — may be proceeded with as a violation in accordance with sections 179 and 180. The maximum amount payable for each violation is \$250,000.

(2015, c. 31, s. 12) 174 (1) The portion of subsection 178(1) of the Act before paragraph (a) is replaced by the following:

Notices of violation

178 (1) The Agency, in respect of a violation referred to in subsection 177(1), (2.1) or (3), or the Minister, in respect of a violation referred to in subsection 177(2), (2.01) or (2.2), may

(2) Subsections 178(4) and (5) of the Act are replaced by the following:

Powers of designated persons

(4) For the purposes of determining whether a violation referred to in section 177 has been committed, a person designated as an enforcement officer under paragraph (1)(a) may require any person to produce for examination or reproduction all or part of any document or electronically stored data that the enforcement officer believes on reasonable grounds contain any information relevant to the enforcement of this Act or any of sections 60 to 62 of the Accessible Canada Act.

Assistance to enforcement officers

(5) Any person from whom documents or data are requested under subsection (4) shall provide all reasonable assistance in their power to enable the enforcement officer making the request to carry out the enforcement officer's duties and shall furnish any information that the enforcement officer reasonably requires for the purposes of this Act or any of sections 60 to 62 of the Accessible Canada Act.

175 The Act is amended by adding the following after section 178:

Other powers — subsection 170(1) and Accessible Canada Act

178.1 (1) An enforcement officer who enters a place for a purpose related to verifying compliance or preventing non-compliance with any provision of regulations made under subsection 170(1) or with any of sections 60 to 62 of the Accessible Canada Act may, for that purpose,

- (a) open and examine any receptacle or package found in the place;
- (b) examine anything found in the place;
- (c) examine any record, report, electronic data or other document that is found in the place and make copies of it or take extracts from it;
- (d) use or cause to be used any computer system at the place to examine any electronic data referred to in paragraph (c);
- (e) reproduce any document from any electronic data referred to in paragraph (c), or cause it to be reproduced, in the form of a printout or other output;
- (f) take the record, report or other document referred to in paragraph (c) or the printout or other output referred to in paragraph (e) for examination or copying;
- (g) use or cause to be used any copying equipment at the place to make copies of any document;
- (h) take photographs and make recordings and sketches;
- (i) order the owner or person having possession of any thing to which any provision of regulations made under subsection 170(1) or any of sections 60 to 62 of the Accessible Canada Act apply that is found in that place to move it or, for any time that may be necessary, not to move it or to restrict its movement;
- (j) order the owner or person having possession of any conveyance that is found in the place to stop the conveyance, to move it or, for any time that may be necessary, not to move it or to restrict its movement;
- (k) order any person in that place to establish their identity to the enforcement officer's satisfaction; and

- (l) order a person in that place to start any activity that is necessary for the purpose of the inspection or to stop any activity that impedes the inspection.

Means of telecommunication

(2) For the purpose of the exercise, for the purpose referred to in subsection (1), of the power of entry conferred under subsection 178(2), an enforcement officer is considered to have entered a place when accessing it remotely by a means of telecommunication.

Limitation — place not accessible to the public

(3) An enforcement officer who, by a means of telecommunication, accesses remotely a place that is not accessible to the public must do so with the knowledge of the owner or person in charge of the place and must be remotely in the place for no longer than the period necessary for the purpose referred to in subsection (1).

Accompanying individual

(4) An enforcement officer may be accompanied by any other individual the officer believes is necessary to help them exercise their powers or perform their duties or functions under this section.

Entering private property

(5) An enforcement officer and any individual accompanying them may enter and pass through private property, other than a dwelling-house on that property, in order to gain entry to a place referred to in subsection (1). For greater certainty, they are not liable for doing so.

Assistance

(6) The owner or other person in charge of a place entered by an enforcement officer for the purpose referred to in subsection (1) and every individual found in the place must give the enforcement officer all reasonable assistance in the individual's power and provide the enforcement officer with any information that the enforcement officer may reasonably require.

(2007, c. 19, s. 51(F)) 176 Subsection 179(1) of the Act is replaced by the following:

Violations

179 (1) Every person who contravenes a provision, requirement or condition designated under section 177 commits a violation and is liable to a penalty fixed under that section or, in the case of a contravention referred to in subsection 177(3), either a penalty fixed under that subsection or a warning under subparagraph 180(b)(i).

(2007, c. 19, s. 52) 177 Sections 180 to 180.2 of the Act are replaced by the following:

Issuance of notice of violation

180 If a person designated as an enforcement officer under paragraph 178(1)(a) believes that a person has committed a violation, the enforcement officer may issue, and shall serve on the person, a notice of violation that names the person, identifies the violation and

- (a) in the case of a contravention other than one referred to in paragraph (b), sets out the penalty for the violation that the person is liable to pay;
- (b) in the case of a contravention of any provision of any regulation made under subsection 170(1) or a contravention of any of subsections 60(1) to (4) and (7), 61(1) to (3) and 62(1) to (3) and (6) of the Accessible Canada Act
 - (i) contains a warning, or
 - (ii) sets out the penalty for the violation that the person is liable to pay, and a lesser amount that may be paid in complete satisfaction of the amount of the penalty if paid within the time and in the manner set out in the notice; and
- (c) sets out the particulars concerning the time for paying and the manner of paying the penalty, if there is one.

Options

180.1 (1) Subject to subsections (2) and (3), a person who has been served with a notice of violation must either pay the amount of the penalty specified in the notice or file with the Tribunal a written request for a review of the facts of the alleged contravention or of the amount of the penalty.

Subsection 170(1) or Accessible Canada Act — warning

(2) A person who has been served with a notice of violation that contains a warning may file with the Agency a written request for a review of the facts of the alleged contravention.

Subsection 170(1) or Accessible Canada Act — penalty

(3) A person who has been served with a notice of violation that identifies a violation referred to in subsection 177(3) and that sets out a penalty for the violation must

- (a) pay the amount of the penalty — or the lesser amount — specified in the notice;
- (b) file with the Tribunal a written request for a review of the facts of the alleged contravention or of the amount of the penalty; or
- (c) request, within the time and in the manner set out in the notice, to enter into a compliance agreement with the Agency for the purpose of ensuring the person's compliance with the provision of the regulations or of the Accessible Canada Act to which the violation relates.

Payment of specified amount

180.2 If a person who is served with a notice of violation that sets out a penalty pays the amount of the penalty — or, in the case of a person to whom subsection 180.1(3) applies, the lesser amount — specified in the notice in accordance with the particulars set out in it, the Minister shall accept the amount in complete satisfaction of the amount of the penalty and no further proceedings under this Part shall be taken against the person in respect of the contravention.

(2007, c. 19, s. 52) 178 Subsection 180.3(1) of the Act is replaced by the following:

Request for review — penalty

180.3 (1) A person who is served with a notice of violation that sets out a penalty and who wishes to have the facts of the alleged contravention or the amount of the penalty reviewed shall, on or before the date specified in the notice or within any further time that the Tribunal on application may allow, file a written request for a review with the Tribunal at the address set out in the notice.

(2007, c. 19, s. 52) 179 Section 180.4 of the Act is repealed.

180 The Act is amended by adding the following after section 180.6:

Request for review — warning

180.61 (1) A person who is served with a notice of violation that contains a warning and who wishes to have the facts of the alleged contravention reviewed shall, on or before the date specified in the notice or within any further time that the Agency on application may allow, file a written request for a review with the Agency at the address set out in that notice.

Burden of proof

(2) The burden of establishing that a person has contravened the provision of the regulations or of the Accessible Canada Act to which a notice of violation relates is on an enforcement officer.

Determination by Agency

(3) At the conclusion of a review, the Agency shall without delay inform the person who is alleged to have contravened the provision and the enforcement officer of its determination. If the Agency determines that the person has not contravened the provision, no further proceedings under this Part shall be taken against the person in respect of the alleged contravention.

Deeming

(4) If a person does not file a request for a review under subsection (1), the person is deemed to have committed the contravention alleged in the notice of violation.

Entering into compliance agreements

180.62 (1) After considering a request made under paragraph 180.1(3)(c), the Agency may enter into a compliance agreement, as described in that paragraph, with the person making the request on any terms that the Agency considers appropriate. The terms may

- (a) include a provision for the deposit of reasonable security, in a form and amount satisfactory to the Agency, as a guarantee that the person will comply with the compliance agreement; and
- (b) provide for the reduction, in whole or in part, of the amount of the penalty.

Deeming

(2) A person who enters into a compliance agreement is, on doing so, deemed to have committed the contravention in respect of which the compliance agreement was entered into.

Notice of compliance

(3) If the Agency is satisfied that a person who has entered into a compliance agreement has complied with it, the Agency shall cause a notice of compliance to be provided to the person and, once it is provided,

- (a) no further proceedings under this Part shall be taken against the person in respect of the contravention; and
- (b) any security given under the compliance agreement shall be returned to them.

Notice of default

(4) If the Agency is of the opinion that a person who has entered into a compliance agreement has not complied with it, the Agency shall cause a notice of default to be served on the person informing them of one of the following:

- (a) that instead of being liable to pay the amount of the penalty specified in the notice of violation in respect of which the compliance agreement was entered into, they are liable to pay, within the time and in the manner set out in the notice of default and without taking account of the limit set out in subsection 177(3), an amount that is twice the amount of that penalty;
- (b) that the security, if any, given under the compliance agreement is forfeited to Her Majesty in right of Canada.

Effect of notice of default

(5) Once a person is served with a notice of default,

- (a) if the notice provides that the person is liable to pay the amount specified in the notice, the person may not deduct from that amount any amount they spent under the compliance agreement and they are liable to pay the amount specified in the notice within the time and in the manner set out in it; and
- (b) if the notice provides for the forfeiture of the security given under the compliance agreement, that security is forfeited to Her Majesty in right of Canada and no further proceedings under this Part shall be taken against the person in respect of the contravention.

Effect of payment

(6) If the person pays the amount specified in the notice of default within the time and in the manner set out in it, the Agency shall accept the amount in complete satisfaction of the amount owing in respect of the contravention and no further proceedings under this Part shall be taken against the person in respect of the contravention.

Delegation

(7) The Agency may delegate its powers under subsection (1) to any person, subject to any restrictions or limitations that it may specify.

Certificate of delegation

(8) Each person to whom powers are delegated under subsection (7) must be provided with a certificate of delegation in a form established by the Agency.

Refusal to enter compliance agreement

180.63 (1) If the Agency refuses to enter into a compliance agreement requested under paragraph 180.1(3)(c), the person who made the request is liable to pay, in the manner specified in the notice of violation and within the time specified in it or any longer period specified by the Agency, the amount of the penalty specified in the notice of violation.

Effect of payment

(2) If the person pays the amount specified in the notice of violation,

- (a) they are deemed to have committed the contravention in respect of which the amount is paid;
- (b) the Agency shall accept the amount in complete satisfaction of the amount of the penalty; and
- (c) no further proceedings under this Part shall be taken against the person in respect of the contravention.

Deeming

(3) If the person does not pay the amount specified in the notice of violation within the time and in the manner set out in subsection (1), they are deemed to have committed the contravention alleged in the notice of violation.

Certificate

180.64 (1) If a person to whom subsection 180.1(1) applies neither pays the amount of the penalty specified in the notice of violation in accordance with the particulars set out in the notice nor files a request for a review under subsection 180.3(1), the person is deemed to have committed the contravention alleged in the notice of violation and the Minister may obtain from the Tribunal a certificate in the form that may be established by the Governor in Council that indicates the amount of the penalty specified in that notice.

Subsection 170(1) or Accessible Canada Act

(2) If a person to whom subsection 180.1(3) applies does not pay the amount of the penalty — or the lesser amount — specified in the notice of violation in accordance with the particulars set out in it, file a request for a review under subsection 180.3(1) or make a request to enter into a compliance agreement under paragraph 180.1(3)(c), the person is deemed to have committed the contravention alleged in the notice of violation and the Agency may obtain from the Tribunal a certificate in the form that may be established by the Governor in Council that indicates the amount of the penalty specified in that notice.

Notice of default

(3) If a person who has been served with a notice of default under subsection 180.62(4) that specifies an amount does not pay the amount within the time and in the manner set out in the notice, the Agency may obtain from the Tribunal a certificate in the form that may be established by the Governor in Council that indicates the amount specified in that notice.

Refusal to enter into compliance agreement

(4) If the Agency refuses a person's request under paragraph 180.1(3)(c) to enter into a compliance agreement, and the person does not pay the amount of the penalty specified in the notice of violation within the time and in the manner required by subsection 180.63(1), the Agency may obtain from the Tribunal a certificate in the form that may be established by the Governor in Council that indicates the amount of the penalty specified in that notice.

(2007, c. 19, s. 52) 181 Subsection 180.7(1) of the Act is replaced by the following:

Registration of certificate

180.7 (1) If the time limit for the payment of the amount of a penalty specified in a notice of violation has expired, the time limit for the payment of an amount specified in a notice of default has expired, the time limit specified for payment of an amount under subsection 180.63(1) has expired, the time limit for the request for a review has expired, the time limit for an appeal has expired, or an appeal has been disposed of, as the case may be, on production in any superior court, a certificate issued under paragraph 180.5(b), subsection 180.6(4) or section 180.64 shall be registered in the court. When it is registered, a certificate has the same force and effect, and proceedings may be taken in connection with it, as if it were a judgment in that court obtained by Her Majesty in right of Canada against the person named in the certificate for a debt of the amount set out in the certificate.

(2013, c. 31, s. 14) 182 Subsection 180.8(1) of the Act is replaced by the following:

References to “Minister”

180.8 (1) In the case of a violation referred to in subsection 177(1) or (3), every reference to the “Minister” in sections 180.3 to 180.7 shall be read as a reference to the Agency or to a person designated by the Agency.

183 The Act is amended by adding the following after section 181:

Publication

181.1 The Agency may publish information about any violation referred to in section 177, for the purpose of encouraging compliance with this Act and sections 60 to 62 of the Accessible Canada Act.

Production Order

Power to order production

181.2 (1) The Agency may, by order, for a purpose related to verifying compliance or preventing non-compliance with any provision of regulations made under subsection 170(1) or with any of sections 60 to 62 of the Accessible Canada Act, direct any person who is required to comply with any provision of those regulations to produce, within the time and in the manner specified by the Agency, for examination or copying, any record, report, electronic data or other document that the Agency has reasonable grounds to believe contains information that is relevant to that purpose.

Copies

(2) The Agency may

- (a) make copies or take extracts from any record, report, electronic data or other document produced under an order made under subsection (1); and

- (b) reproduce any document from electronic data referred to in paragraph (a), or cause it to be reproduced, in the form of a printout or other output.

Delegation

(3) The Agency may delegate its powers under subsections (1) and (2) to any person, subject to any restrictions or limitations that it may specify.

Certificate of delegation

(4) Each person to whom powers are delegated under subsection (3) must be provided with a certificate of delegation in a form established by the Agency.

Federal Public Sector Labour Relations Act (2003, c. 22, s. 2; 2017 c. 9, s. 2)

184 The Federal Public Sector Labour Relations Act is amended by adding the following after section 209:

Reference to adjudication

209.1 In addition to his or her rights under section 209, an employee, other than an employee who occupies a managerial or confidential position or who is not otherwise represented by a bargaining agent, may refer to adjudication an individual grievance that has been presented up to and including the final level in the grievance process and that has not been dealt with to the employee's satisfaction if the employee has suffered physical or psychological harm, property damage or economic loss as the result of — or has otherwise been adversely affected by — the contravention of a provision of regulations made under subsection 117(1) of the Accessible Canada Act, and the grievance is related to that contravention.

185 The Act is amended by adding the following before section 211:

Notice to Accessibility Commissioner

210.1 (1) When an individual grievance has been referred to adjudication and a party to the grievance raises an issue involving the contravention of a provision of regulations made under subsection 117(1) of the Accessible Canada Act, that party must, in accordance with the regulations, give notice of the issue to the Accessibility Commissioner, as defined in section 2 of that Act.

Standing of Accessibility Commissioner

(2) The Accessibility Commissioner has standing in adjudication proceedings for the purpose of making submissions regarding an issue referred to in subsection (1).

186 The portion of section 211 of the Act before paragraph (a) is replaced by the following:

Exception

211 Nothing in section 209 or 209.1 is to be construed or applied as permitting the referral to adjudication of an individual grievance with respect to

(2017, c. 9, s. 31) 187 Section 214 of the Act is replaced by the following:

Decision final and binding

214 If an individual grievance has been presented up to and including the final level in the grievance process and it is not one that under section 209, 209.1 or 238.25 may be referred to adjudication, the decision on the grievance taken at the final level in the grievance process is final and binding for all purposes of this Act and no further action under this Act may be taken on it.

188 The Act is amended by adding the following before section 218:

Notice to Accessibility Commissioner

217.1 (1) When a group grievance has been referred to adjudication and a party to the grievance raises an issue involving the contravention of a provision of regulations made under subsection 117(1) of the Accessible Canada Act, that party must, in accordance with the regulations, give notice of the issue to the Accessibility Commissioner, as defined in section 2 of that Act.

Standing of Accessibility Commissioner

(2) The Accessibility Commissioner has standing in adjudication proceedings for the purpose of making submissions regarding an issue referred to in subsection (1).

189 The Act is amended by adding the following before section 223:

Notice to Accessibility Commissioner

222.1 (1) When a policy grievance has been referred to adjudication and a party to the grievance raises an issue involving the contravention of a provision of regulations made under subsection 117(1) of

the Accessible Canada Act, that party must, in accordance with the regulations, give notice of the issue to the Accessibility Commissioner, as defined in section 2 of that Act.

Standing of Accessibility Commissioner

(2) The Accessibility Commissioner has standing in adjudication proceedings for the purpose of making submissions regarding an issue referred to in subsection (1).

190 (1) Subsection 226(2) of the Act is amended by adding the following after paragraph (a):

- (a.1) interpret and apply the Accessible Canada Act;

(2) Subsection 226(2) of the Act is amended by striking out “and” at the end of paragraph (b) and by adding the following after that paragraph:

- (b.1) give relief in accordance with section 102 of the Accessible Canada Act; and

191 Subsection 237(1) of the Act is amended by adding the following after paragraph (f):

- (f.1) the manner of giving notice of an issue to the Accessibility Commissioner under this Part;

(2017, c. 9, s. 33) 192 Subsection 238.02(2) of the Act is replaced by the following:

Inconsistency — clarification

(2) Without limiting the generality of subsection (1), section 58, subsections 208(1) and 209(1) and (2) and section 209.1 are inconsistent with this Part.

193 Section 238.25 of the Act is amended by adding the following after subsection (2):

Grievance related to accessibility

(3) If a grievance referred to in subsection (1) is related to the contravention of a provision of regulations made under subsection 117(1) of the Accessible Canada Act, an employee who is an RCMP member may refer the grievance to adjudication only if the employee has suffered physical or

psychological harm, property damage or economic loss as a result of — or has otherwise been adversely affected by — the contravention.

Public Service Employment Act (2003, c. 22, ss. 12 and 13)

194 Section 65 of the Public Service Employment Act is amended by adding the following after subsection (8):

Notice to Accessibility Commissioner

(9) If a complaint raises an issue involving the contravention of a provision of regulations made under subsection 117(1) of the Accessible Canada Act, the complainant shall, in accordance with the regulations of the Board, notify the Accessibility Commissioner, as defined in section 2 of that Act.

Accessibility Commissioner

(10) If the Accessibility Commissioner is notified of an issue under subsection (9), he or she may make submissions to the Board with respect to that issue.

Application of Accessible Canada Act

(11) In considering whether a complaint is substantiated, the Board may interpret and apply the Accessible Canada Act.

Relief

(12) Corrective action may include an order for relief in accordance with section 102 of the Accessible Canada Act.

195 The Act is amended by adding the following after section 78:

Notice to Accessibility Commissioner

78.1 If a complaint raises an issue involving the contravention of a provision of regulations made under subsection 117(1) of the Accessible Canada Act, the complainant shall, in accordance with the regulations of the Board, notify the Accessibility Commissioner, as defined in section 2 of that Act.

196 Section 79 of the Act is amended by adding the following after subsection (2):

Accessibility Commissioner

(3) If the Accessibility Commissioner is notified of an issue under section 78.1, he or she may make submissions to the Board with respect to that issue.

197 The Act is amended by adding the following after section 80:

Application of Accessible Canada Act

80.1 In considering whether a complaint under section 77 is substantiated, the Board may interpret and apply the Accessible Canada Act.

198 Section 81 of the Act is amended by adding the following after subsection (2):

Relief

(3) Corrective action taken under subsection (1) may include an order for relief in accordance with section 102 of the Accessible Canada Act.

199 Section 109 of the Act is amended by striking out “and” at the end of paragraph (d) and by adding the following after that paragraph:

- (d.1) the manner of giving notice of an issue to the Accessibility Commissioner under subsection 65(9) or section 78.1; and

Part 11 - Consequential and Coordinating Amendments

Consequential Amendments

Access to Information Act (R.S., c. A-1)

200 Schedule I to the Access to Information Act is amended by adding the following in alphabetical order under the heading “Other Government Institutions”:

- Canadian Accessibility Standards Development Organization
- Organisation canadienne d’élaboration de normes d’accessibilité

Financial Administration Act (R.S., c. F-11)

201 Schedule II to the Financial Administration Act is amended by adding the following in alphabetical order:

- Canadian Accessibility Standards Development Organization
- Organisation canadienne d'élaboration de normes d'accessibilité

202 Schedule IV to the Act is amended by adding the following in alphabetical order:

- Canadian Accessibility Standards Development Organization
- Organisation canadienne d'élaboration de normes d'accessibilité

203 Part II of Schedule VI to the Act is amended by adding, in alphabetical order, in column I, a reference to

- Canadian Accessibility Standards Development Organization
- Organisation canadienne d'élaboration de normes d'accessibilité
- and a corresponding reference in column II to "Chief Executive Officer".

Privacy Act (R.S., c. P-21)

204 The schedule to the Privacy Act is amended by adding the following in alphabetical order under the heading "Other Government Institutions":

- Canadian Accessibility Standards Development Organization
- Organisation canadienne d'élaboration de normes d'accessibilité

Coordinating Amendments

(2014, c. 20) 205 (1) In this section, other Act means the Economic Action Plan 2014 Act, No. 1.

(2) If section 366 of the other Act comes into force before this Act receives royal assent, paragraphs 19(c) and (d) of the English version of this Act are replaced by the following:

- (c) establish and register its own marks under the Trademarks Act and authorize and regulate their use subject to that Act;

- (d) license, sell or otherwise make available any patent, copyright, industrial design, trademark or other similar property right that it holds, controls or administers;

(3) If section 366 of the other Act comes into force on the day on which this Act receives royal assent, then this Act is deemed to have received royal assent before that section 366 comes into force.

Part 12 - Coming into Force

Order in council

206 The provisions of this Act, other than section 205, come into force on a day to be fixed by order of the Governor in Council.

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