

Accessible Canada Act (ACA)

This new government act will require employers to remove barriers for all persons in society, inclusive to persons with disabilities. It incorporates workplace culture, infrastructure, transportation and the delivery of programs, services, processes and communication.

ACA came into effect July 11, 2019. This regulatory regime sets the accessibility standards and enforcement for all federally regulated employers.

What is accessibility?

Accessibility is the workplace culture, design of products, devices, services, or environments for people with disabilities. It is about making workplaces accessible for all people – with or without a disability. This also means including more accessible recruiting and hiring practices that are ultimately a win-win for employers and potential employees.

The range of disabilities to consider goes beyond the obvious and stereotypical physical barriers. Most persons with disabilities have “invisible” disabilities related to hearing, vision, mobility, learning, cognition and mental health.

Enforcement of the Act begins summer 2021 and full compliance will be mandated a year thereafter, meaning federally regulated carriers should start familiarizing themselves with the Act now.

What is the purpose of ACA?

While society has advanced in its awareness and acceptance with respect to persons with disabilities, there are mountains that remain to be moved. Employers need to work together to reduce stigma and raise awareness and acceptance, while also learning to understand that disabilities do not define or limit a person’s abilities. In fact, it is the employers’ potential that becomes limited when choosing to confine skillsets and talent. People-focused organizations will always shine and find incredible talent with an inclusive and open environment.

There are several extraordinary fleets and organizations that excel in accessibility and inclusion, while others still need to play catch up. The purpose of the ACA is to eliminate barriers to accessibility and inclusion experienced by persons with disabilities. The federal government is empowered to enact regulations that establish accessibility



standards and set out how federally regulated organizations must prevent, identify and remove barriers to inclusion in the areas of:

- Information and communication technology or methods of communication. For example: Instead of only using email as a way of communication, incorporating screen reader software, video chat, large font, etc.
- Work environment (door accessibility, modified work schedules or times, awareness campaigns, sensitivity orientation to all staff, etc.)
- Employment (adjusting or amending job duties, for example a 10-pound weight lifting restriction)
- Recruitment and job advertisement (marketing to include people with disabilities, etc.)
- Design and delivery of programs and services
- Transportation
- Other areas designated by regulation

The ACA will also have a government agency, the *Canadian Accessibility Standards Development Organization*. This organization will be responsible for developing and fostering federal accessibility standards. By 2040, the goal is to eliminate all accessibility barriers.

What are employer duties

Federally regulated fleets have three important duties:

1. **Accessibility Plans:** Create, publish and continually update the employer Accessibility Plan, in consultation with persons with barriers. Includes recruitment efforts.
2. **Feedback Processes:** Establish a process to welcome and address feedback from employees and other persons regarding:
 - The organizations implementation of its Accessibility Plan, and
 - Any barriers to accessibility encountered by its employees and other persons
3. **Progress Reports:** Create and distribute progress reports, in consultation with persons with disabilities, regarding the implementation of the employer's Accessibility Plan.



The Canadian Transportation Agency has registered the *Accessible Transportation for Persons with Disabilities Regulation* and will take effect June 2020. The Transportation Regulation has extensive technical requirements with respect to how certain organizations including air carriers, rail carriers, marine carriers, bus carriers, and terminal operators must comply with the regulation.

Complaints and enforcement

The ACA has a complaint process and enforcement body for violations of the ACA. It is the Accessibility Commissioner that has the authority to:

- Conduct investigations, including the power to enter onto private property and order production of documents
- Issue compliance orders and
- Impose monetary penalties of up to \$250,000 for contraventions of the ACA

Individuals who have suffered physical or psychological harm, property damage or economic loss as a result of a contravention of the ACA or its regulations may also be able to claim compensation.

Get started now

The best time to engage with the ACA is now. Federally regulated carriers and employers should familiarize themselves with their duties under the ACA and commit to being informed about new accessibility standards that are issued.

Need help? There is an accessible solution for you

If you have positions to fill, the Alberta Motor Transport Association (AMTA) and WCB Alberta can help you find talented individuals through a wage-subsidy program (Training on the Job Program). **Risk and cost free?**

The AMTA is leading the way, in partnership with WCB, to successfully place persons with disabilities (injured by workplace accidents) in new, personalized roles, while fulfilling employer's workplace needs and reducing employer WCB premiums.

A workplace injury can be devastating—a permanent injury even more so.

Workers who are left with a permanent disability after a workplace injury are often not able to return to work at the same level of pay as they earned prior to their injury. In those situations, WCB will compensate the workers for earnings loss. This is called an Economic Loss Payment (ELP). The human and financial impact is significant. In many cases, workers receiving an ELP are not able to find employment and their income is significantly impacted.

Provincially, ELPs account for one-third of your claim costs

WCB benefits to permanently restricted clients have increased dramatically over the past five years and now account for nearly one-third of all claim costs. There is massive opportunity for Alberta's employers to correct this growing trend by providing long term job options for permanently injured workers. The impact of providing jobs to these skilled workers is immeasurable for the worker who secures a job and could have a significant impact on reversing the growth trend impacting claim costs. WCB Alberta is able to help and can provide incentives and supports to create a successful solution to this growing concern.

Taking action

Industry has the ability to solve this problem by employers taking action to identify job options for permanently disabled workers who are fit for suitable employment. It's important to remember this is not just a return to a job for an injured worker. For many, it's also a return to life.

This is where you come in. The WCB Training-on-the-Job (TOJ) program helps you hire capable workers who haven't returned to work yet. It is [one of the many tools](#) that can help permanently disabled workers return to work.

As part of the TOJ program you:

- Have access to a skilled employment pool.
- Save time with the pre-screening and recruitment process.
- Save money on training costs/wages during the training period.
- Have protection from the costs of any injury or re-injury that might occur during the TOJ program.



Both employers and workers benefit from the TOJ program:

- The TOJ program helps workers return to work after a workplace injury. The goal is to have the new worker learn about your company and develop the skills to perform their new job.
- Employers receive financial assistance during the employee training period, WCB will reimburse a percentage of the salary the employer pays their new employee while they learn the new job.
- Employers will also receive support from WCB, including help with developing a training plan, outside training and job coaching. Support can also include changing the work environment through adaptive equipment, ergonomics and vehicle modifications.

Ready to get involved?

Getting involved with the TOJ program is easy. All you have to do is keep WCB in mind when you have a job posting. In addition to your standard posting process, you can also send the job posting to us at https://www.wcb.ab.ca/forms/toj_form.asp From there you can expect to hear from a WCB representative as they look to identify a suitable candidate. We're here to answer your questions and support you through the process.

If you have any questions about the TOJ program, or have TOJ opportunities you'd like to discuss, please let me know.

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