

## **Position Statement on**

# **Mandating Accessibility as a Requirement of Information Communication and Technology Procurement within the Federal Government and Regulated Organisations**

August 26, 2015

## **Issue**

One of the fundamental barriers facing those who are blind, deafblind, or partially sighted is the ability to access information. Advances in information communications and technology (ICT) have created the possibility of a world where there is equal access to information among people with low vision and the sighted population. However, if the information formats and channels, communications methods and such technology are not accessible, people who are blind, deafblind, or partially sighted will be more cut off from necessary information than ever before. Across Canada, federal, provincial and municipal governments along with other public sector corporations have a great deal of purchasing power and can influence the accessibility of ICT by making accessibility a part of the procurement process. This position statement offers recommendations on ways that the Government of Canada and federally regulated sectors receiving public funds can promote accessibility in their procurement processes to achieve the goal of mainstream integration for people with vision loss.

## Background

The Canadian government has recognized in legislation the right of Canadians with sensory disabilities to be provided with alternative formats. Section 12 (3) of the Access to Information Act<sup>1</sup> and Section 17 (3) of the Privacy Act<sup>2</sup> both require that information provided under this legislation be made accessible to individuals with sensory disabilities. Moreover, the Communications Policy of the Government of Canada states, in part:

“Government information must be broadly accessible throughout society. The needs of all Canadians, whose perceptual or physical abilities and language skills are diverse, must be recognized and accommodated. Information must be accessible so citizens, as responsible members of a democratic community, may be aware of, understand, respond to and influence the development and implementation of policies, programs, services and initiatives. Information must be available in multiple formats to ensure equal access. All means of communication – from traditional methods to new technologies – must be used to reach and communicate with Canadians wherever they may reside.”<sup>3</sup> Similar accessibility requirements with regards to access to information can be found in public policy throughout Canada’s provincial and territorial governments and many municipalities.

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<sup>1</sup> See the Access to Information Act. Available at <http://laws-lois.justice.gc.ca/eng/acts/A-1/FullText.html>

<sup>2</sup> See the Privacy Act. Available at <http://laws-lois.justice.gc.ca/eng/acts/P-21/FullText.html>

<sup>3</sup> See Section 4 of the policy statement of the Communications Policy of the Government of Canada. Available at <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12316&section=text>

Additionally, in the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which the Canadian Government (with the support of all provinces and territories) ratified in March 2010, Article 9 states, in part, that “States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.”<sup>4</sup>

Despite these national and international legal protections, Canadians who are blind, deafblind, or partially sighted continue to experience barriers when it comes to accessing information. Not even information provided by the federal government is always accessible; the Government of Canada was successfully sued over failing to ensure that Canadians using screen reading software could access the information provided on its websites.<sup>5</sup> Lastly, Canadians with vision loss routinely encounter products and services – such as e-readers, tablets, online collaboration tools, and operating systems – that are not accessible.

One important way for a government to demonstrate leadership and commitment to accessibility and to remove barriers related to accessing information is to make accessibility a part of the procurement process. The most well-known example of a government incorporating accessibility into its procurement process is that of Section 508 of the Rehabilitation Act in the

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<sup>4</sup> See the United Nations Convention on the Rights of Persons with Disabilities. Available at <http://www.un.org/disabilities/convention/conventionfull.shtml>

<sup>5</sup> See *Jodhan v. Attorney General of Canada*. Available at <http://www.canlii.org/en/ca/fct/doc/2010/2010fc1197/2010fc1197.html?searchUrlHash=AAAAAQAGSm9kaGFuAAAAAAE>

United States. Section 508 requires federal agencies that develop, procure, maintain, or use electronic and information technology to make such technology accessible to persons with disabilities to the extent that it does not impose an undue burden. This law ensures that when the US government, for example, funds the development of a website, purchases software from a vendor, or publishes a report, the website, software, or report will be accessible to persons with disabilities.

The Government of Canada spends approximately \$16.5 billion per year on the procurement of goods and services for federal departments and agencies.<sup>6</sup> However, because there is no law, regulation, or policy that is similar to Section 508 in the US, there is no guarantee that the goods and services procured will be accessible to Canadians with disabilities.

The Government of Canada along with their provincial counterparts does recognize the value of pursuing social and economic objectives through procurement. One of the socioeconomic objectives pursued through procurement is employment equity. The Federal Contractors Program (FCP) for Employment Equity requires certain potential suppliers to adhere to a number of employment equity obligations aimed at ensuring designated groups – including persons with disabilities – are not underrepresented in the workforce.<sup>7</sup>

The FCP is a laudable program that illustrates the way in which a government can use its purchasing power to promote social and

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<sup>6</sup> See “The Procurement Process” on the Public Works and Government Services Canada website. Available at <https://buyandsell.gc.ca/for-businesses/selling-to-the-government-of-canada/the-procurement-process>

<sup>7</sup> See Appendix D of the Treasury Board Secretariat’s “Contracting Policy”. Available at <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=14494&section=text>

economic objectives. In addition, Section 508 of the US Rehabilitation Act offers an example of how the procurement process can prevent and eliminate barriers related to electronic and information technology.

The undersigned organizations are in support of the following recommendations concerning how to improve access to information and communication technology through the procurement process in Canada.

### **Recommendations**

Building and improving on the groundwork laid out in Section 508 of the Rehabilitation Act of the United States, governments across Canada, including federal, provincial and municipal, must adopt, as part of their procurement processes, measures similar to those spelled out in this legislation.

As blind, deaf-blind and partially-sighted organisations, we recommend that the Government of Canada mandate that accessibility become an essential aspect of ICT procurement to ensure that all Canadians have access to the same information in accessible formats and digital channels used to inform Canadians in making decisions.

We further recommend that accessibility be included in Canada's Digital Strategy to ensure that blind, deaf-blind and partially sighted people are able to fully participate and contribute in the digital mainstream about issues that affect all of us.

Conclusion

we have the opportunity and obligation to level the playing field to ensure that blind, deaf-blind and partially sighted people are able to participate fully and equally in Canadian society And ensure that our businesses are aware of and able to respond to the opportunities for accessibility requirements in developed economies. Without such legislation, in our modern digital economy, Canadians with disabilities run a significant risk of continued marginalization as ICT continues to progress exponentially.

## **Supporting Organizations**

[Alliance for Equality of Blind Canadians](#)

[Alberta Society for the Visually Impaired](#)

[Canadian Council of the Blind](#)

[Canadian National Society of the Deaf-Blind](#)

[Guide Dog Users of Canada](#)

[Vision Impaired Resource Network](#)

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