



Office of the  
Accessibility  
Commissioner

Bureau du  
commissaire  
à l'accessibilité

# An Accessible Canada in the Making

The Federal Accessibility Commissioner's 2023 Report  
to the Minister of Diversity, Inclusion and Persons with disabilities



**Canadian Human Rights Commission**

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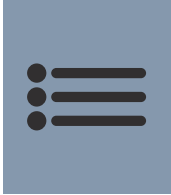
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# Commissioner's message

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After years of pushing for change, people with disabilities, their families, friends and allies shaped groundbreaking legislation into what is known today as the Accessible Canada Act.

My mandate and responsibilities flow directly from this Act. My office promotes compliance and enforces the regulations currently in place to ensure regulated entities are meeting their obligations. This work, along with the commitment of regulated entities, is of crucial importance if we are to achieve the barrier-free Canada that the Act envisions.

The Accessible Canada Act is about much more than “culture change.” Regulations in [the seven priority areas](#) are being developed, and will spur systemic change that will remove and prevent barriers for those of us with disabilities.

Many people with disabilities have told me they are feeling impatient and frustrated with the lack of progress and the amount of time it is taking for change to happen. I share those feelings.

Currently, the regulations specify that regulated entities must:

- produce Accessibility Plans, in consultation with people with disabilities, as per the principle of “Nothing Without Us”,
- produce Progress Reports, and
- create a Feedback Process through which people can provide feedback to a regulated entity on how it is implementing its Plan, or on barriers they have encountered.

This is an important first step.

Accessibility plans require every federally regulated entity to carefully consider and identify, remove, and prevent barriers. Federally regulated government organizations and businesses must consider accessibility in every aspect of their work, from hiring to office space, to policies, to everything in between.

I'm pleased to report that all government organizations have published Accessibility Plans. Although there is room for improvement within some of those plans, it is an encouraging start.

However, there is still much progress to be made. I'm dismayed that there is not the same level of compliance among large federally regulated entities with 100 or more employees. By the end of March 2024, less than 40% had published their Accessibility Plans and Feedback Processes.

While change takes time, more needs to be done. 2040 is coming fast, and there's no time to waste.

The Accessible Canada Act places the onus of making organizations and operations more accessible squarely on regulated entities — and they need to take these responsibilities seriously. In addition, more regulations need to be developed, and enacted under the Act. Particularly regulations which establish standards and ensure accessibility by default. Such regulations assist entities to design barrier-free policies, practices and spaces, and create a level playing field for businesses. They also ensure accountability and enable my office to enforce compliance.

Everyone in Canada has a responsibility to advance accessibility. For my part, my office and I will continue to work to make Canada accessible for all. We will continue to make regulated entities aware of their obligations and provide the tools they need to meet them. We will build up our compliance and complaint capacities to make sure people with disabilities have access to justice. And we will also continue inspections to ensure regulated entities are complying with the current regulations. In pursuit of equal access, there are many measures that I have and will take to ensure the Act is enforced.

The Accessible Canada Act sets out a vision to ensure a barrier-free Canada that supports equality for people with disabilities. There is a long road ahead, but if everyone works together, we can create a society where everyone can live the life of their choosing, free of barriers.

**Michael Gottheil**

Accessibility Commissioner



# An accessible Canada in the making

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- The purpose of the [Accessible Canada Act](#) (ACA) is to create a barrier-free Canada on, or before, 2040. The Office of the Accessibility Commissioner keeps this goal top of mind, focusing on real, tangible and measurable steps towards accessibility. We challenge ourselves, and the organizations we regulate, to assess every action, decision, policy, and practice through the lens of how it is improving the lives of people with disabilities.
- Having a current and relevant accessibility plan is a crucial way that organizations contribute to the goal of an accessible and barrier-free Canada. Accessibility plans list barriers identified through consultations with people with disabilities and explain how organizations will remove these barriers and prevent new barriers from occurring. The information that organizations gather through feedback processes helps them to further improve their accessibility plans, and to find solutions to address barriers. These ongoing efforts by organizations to ensure that their environments, operations, programs, and services are accessible will continue to benefit all people, especially people with disabilities.
- Organizations are required to publish progress reports, explaining how they are addressing the accessibility barriers identified in their accessibility plans. This cycle of creating accessibility plans and reporting on progress supports positive change and demonstrates a commitment to accessibility. Publishing these documents ensures accountability both internally to employees, and externally to clients, people with disabilities, and anyone else who deals with or receives services from these organizations. The cycle of creating accessibility plans and reporting on progress — all in consultation with people with disabilities — also helps to ensure organizations continually improve their knowledge and understanding of accessibility, thereby creating a deeper, more widespread awareness of accessibility in everything they do.
- Creating a barrier-free Canada by 2040 can only be achieved by everyone doing their part. We will continue to work with regulated organizations as they strive to meet their legal obligations. We will keep inspecting, and if they are not meeting their obligations, we will take appropriate actions. We will encourage people with disabilities to participate in consultations and use feedback processes to inform organizations of the identification, removal and prevention of any accessibility barriers they may encounter. We will engage with people with disabilities on an ongoing basis, and listen carefully to what they have to say so that we are aware of the challenges they face. We will bear these experiences and challenges in mind as we do our work.



# Monitoring compliance: Carrying out inspections

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## Deadlines for planning and reporting documents

The [Accessible Canada Regulations](#) (ACR) set different deadlines for organizations to publish their accessibility plans, feedback process descriptions and progress reports. These deadlines vary depending on the type of organization and the number of employees.

Efforts to achieve accessibility must be continuous. This is why the Act prescribes a cycle of publication; organizations must update and publish their accessibility plans every three years. They must publish progress reports each year in-between publishing their accessibility plans.

The federally regulated organizations listed below were subject to the following deadlines relevant to this year's annual report. The reporting period of this annual report began on **April 1, 2023**, and ended on **March 31, 2024**.

- Government organizations:
  - December 31, 2022 – Accessibility plans and feedback process descriptions
  - December 31, 2023 – Progress reports
- Large private organizations (100 or more employees):
  - June 1, 2023 – Accessibility plans and feedback process descriptions

Organizations are required to post links to these documents on their main website.

## Our Inspection Strategy

- Our inspection strategy is multi-faceted. Informed by environmental scanning, we conduct inspections where the outcomes and follow-up actions will be most impactful for people with disabilities.
- In concrete terms, this means prioritizing organizations whose services are frequently used by people with disabilities and are considered essential to daily living. Our strategy also prioritizes the inspection of sectors that employ large numbers of people. As approximately 27% of Canadians report having a disability,<sup>1</sup> it is likely that more people with disabilities are employed by larger organizations. Additionally, these organizations should have accessibility policies and practices that facilitate the employment of people with disabilities.
- Although our strategy focuses on planned inspections, it is also flexible and responsive. We may inspect an organization or sector where we have received accessibility complaints, or in areas where there is a concern about the health or safety of people with disabilities because an organization did not meet their compliance obligations under the ACA or the ACR.
- In addition to conducting detailed inspections, we keep track of the notifications that organizations must provide to the Accessibility Commissioner when they publish their accessibility plans, feedback process descriptions and progress reports.

## Inspecting government organizations

- Throughout 2023, we continued to implement the inspection plan for government organizations we launched in early 2023, following this group's initial compliance deadline of December 31, 2022.

### Highlights: Government organizations

- 100% of government organizations were inspected for key compliance requirements.
- We observed a very high compliance rate for requirements associated with notification, publication, and web content accessibility.

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<sup>1</sup> Canadian Survey on Disability, 2017 to 2022 – Statistics Canada – Released: 2023-12-01:  
<https://www150.statcan.gc.ca/n1/daily-quotidien/231201/dq231201b-eng.htm>



## Inspecting private sector organizations

- A new focus this past year was to develop and implement an inspection strategy for federally regulated private sector organizations. A targeted strategy was needed, given the large number of these organizations.

### Highlights: Large private organizations (100 or more employees)

- The compliance rate of large private sector organizations was disappointingly low following the June 1, 2023 deadline. Only 22% of large private sector organizations had notified the Accessibility Commissioner of the publication of their initial accessibility plan and feedback process description by the deadline.
- The reasons for this low rate of compliance remain unclear; however, it is possible that there remains a low level of awareness of obligations under the ACA.
- Additionally, there appears to be a misunderstanding by some organizations who are also required to comply with a second set of ACA regulations. These other regulations are enforced by either the Canadian Transportation Agency or the Canadian Radio-television and Telecommunications Commission. In these cases, many organizations failed to recognize that they must still notify the Accessibility Commissioner that they have published their accessibility plan and feedback process description.
- Another area of confusion that may help explain the low rate of compliance, is that some organizations believe they only need to comply with provincial accessibility requirements.
- To help address the low compliance rate of these organizations, cautionary letters were sent out to inform them of their obligations.

There has been a steady increase in the number of notifications from approximately 20% (as of June 1, 2023), to approximately 40% (as of March 31, 2024).

- An increase in notification numbers is anticipated, in response to the cautionary letters.
- We will continue to take steps to achieve a higher level of compliance. We will focus our efforts on making sure large private sector organizations are aware of, and understand, their obligations. We will also continue to provide information and tools that have been developed to support their compliance.

## **The banking sector – Setting the pace**

In keeping with our inspection strategy, and our focus on inspecting organizations that will have the biggest impact for people with disabilities, the initial inspection plan for the private sector is focused on banks. The banking sector was chosen because it provides an essential service to most people, including people with disabilities. Banks are also the largest employer among the federally regulated private sectors. Initial observations from these inspections have been positive. For instance, the rate of notification for the publication of accessibility plans and feedback process descriptions was almost double in the banking sector, when compared with the compliance rate of the other large private sector organizations.



# Promoting compliance: Creating awareness and supporting effective action

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- Compliance promotion is an essential element of any regulatory regime to help organizations understand and successfully meet their compliance obligations.
- Although it is ultimately up to organizations to know their legal obligations, and recognize the importance of accessibility, like all modern regulators, we recognize the benefit of providing information and tools to help organizations to build their capacity to meet regulatory obligations on an on-going basis. We have adopted the international best practice of making compliance promotion one of the pillars of our compliance and enforcement approach.
- We are aware of the challenges that many organizations face when trying to meet a myriad of regulatory obligations, often with limited resources. Still, inaccessible environments, including workplaces, and public and private services continue to cause real hardship and burdens for people with disabilities. It is essential that these barriers be identified, removed, and new barriers prevented from occurring.

## Reaping the benefits of compliance promotion: A case study

- We have seen the effectiveness of a concerted compliance promotion effort, reflected in the high compliance rates of government organizations.
- The Office of Public Service Accessibility (OPSA) was established in 2019 to prepare the federal public service to meet or exceed the requirements of the ACA.
- OPSA helped the federal public service to prepare for, and implement, systemic changes and to understand the importance of accessibility. This approach demonstrated how compliance promotion, including provision of extensive information, tools (such as templates) and customized support significantly improved compliance across a sector. It is our hope that other large sectors and industry associations will take up this model, or take inspiration from it, to support their members in achieving their accessibility obligations.
- OPSA's "[Update on Progress in Public Service Accessibility \(2023\)](#)" provides insights on the actions taken, and what remains to be done for a barrier-free Canada.

## Our compliance promotion efforts

- The Office of the Accessibility Commissioner supports government organizations and all federally regulated organizations by sending them reminders about compliance deadlines. We also publish guidance and practical tools, such as templates, to help them successfully meet their obligations under the ACA and ACR.
- Below are some compliance promotion tools that have been developed to date:
  - Guidance material
    - [ACA Notification requirements for organizations that are subject to two regulations](#)
    - [Simple, clear and concise language](#)
    - [Where to publish: accessibility plans, feedback process descriptions and progress reports](#)
    - [Instructions and template for accessibility plan](#)
    - [Instructions and template for feedback process description](#)
    - [Accessibility plans – Voluntary self-assessment tools](#)
    - [Feedback processes – Voluntary self-assessment tools](#)
    - [Guidance on shared planning and reporting documents](#)
    - [Guidance on Transportation Requirements under the Accessible Canada Regulations](#)
  - Video
    - [How to Prepare your accessibility plan and feedback process](#)

## Communicating with regulated organizations

- We are working to establish reliable connections with our regulated organizations. We have created the [My Accessibility Portal](#) to allow organizations to create a profile which enables us to communicate with them using up-to-date contact information.
- Organizations can use the Portal not only to fulfill their obligations to notify to Accessibility Commissioner, but also to receive a confirmation receipt whenever their notification for publishing an accessibility plan, feedback process description, or progress report has been received.



# Reporting activities and obligations

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The ACA requires the Accessibility Commissioner to report on numbers of the following activities:

- inspections carried out
- orders made (orders requiring a regulated entity to make any record available, and orders to terminate a contravention of the ACA)
- notices of violation issued
- complaints filed
- information prescribed in regulations
- observations about systemic or emerging accessibility issues

The following information is for the reporting period starting on **April 1, 2023**, and ending on **March 31, 2024**:

## Inspection activities

Inspection activities to verify compliance with requirements regarding:

- Notifications of Accessibility Plans = 84
- Notifications of Feedback Process Descriptions = 84
- Notifications of Progress Reports = 155
- Publications of Accessibility Plans = 84
- Publications of Feedback Process Descriptions = 84
- Publications of Progress Reports = 155
- Content inspections of Accessibility Plans = 51
- Content inspections of Feedback Process Descriptions = 51
- Content inspections of Progress Reports = 1

## Corrective action plans

This year, 59 corrective action plans were created.

Corrective action plans are formal commitments that create accountability. They set out actions and timelines for organizations to address non-compliance issues. Inspectors initiate corrective action plans with organizations, as applicable, following an inspection. This is a critical way in which we can monitor whether organizations are following up on their commitments to improve accessibility by meeting their compliance obligations.

Corrective action plans also allow for flexibility to address a particular situation, taking into consideration any relevant contextual information, and importantly, fosters constructive dialogue between the Office of the Accessibility Commissioner and the regulated organization. This approach typically results in a greater understanding of, and commitment to, meeting not only the requirements of the ACA and its regulations, but also the spirit of the law.

As a result of the corrective action plans noted above, organizations affected are aware of their non-compliance, and are working to resolve them to be compliant with their regulatory obligations.

## Orders and notices of violation

To date, our approach to bringing organizations into compliance has been to use education, corrective action plans and negotiated commitments. As such, we have not yet issued any orders or notices of violation. We will continue to educate and work with large private sector organizations to increase their compliance rate. This approach has almost doubled the rate of compliance among large private organizations. However, where there is not a willingness on the part of these organizations to move into compliance, we will begin using orders and notices.

## Systemic or emerging accessibility issues

In April 2023, the Office of the Accessibility Commissioner launched an in-depth assessment process, a type of environmental scanning activity that included questionnaires and interviews, to see how public sector organizations consulted people with disabilities, identified barriers and planned to remove them and prevent new ones from occurring, and dealt with feedback. Participation in this assessment was voluntary. Ten in-depth assessments of federal government departments and agencies have been completed to date.

The observations gleaned to date have been used to create a video on developing accessibility plans and another video on consulting people with disabilities is in progress. A third video is planned on establishing a feedback process. Results of the in-depth assessments will also be used to create or refine program guidance.

Some of our early findings, from both inspections and in-depth assessments, are:

- All regulated organizations reviewed have carried out some form of consultation with people with disabilities. Almost none, however, have been able to report the number of people with disabilities they consulted, nor the range of disabilities represented among those consulted.
- While some organizations recognize that intersectional factors are important considerations, almost none of them have used an intersectional lens in the identification of barriers and steps to remove those barriers.
- Many regulated organizations describe aspirational objectives in their accessibility plans but neglect to identify barriers. This approach is inconsistent with the regulatory obligations which require identification, removal and prevention of barriers. This needs to be monitored through the progress reports. Aspirational objectives are encouraged but they cannot replace the mandatory and measurable content.
- Many regulated organizations did not establish timelines for the removal of barriers, making it difficult to know if their plan is on track.
- Many regulated organizations failed to identify barriers in transportation because they incorrectly assumed this requirement was only for organizations involved in passenger transportation.
- Many regulated organizations failed to organize their accessibility plans in the manner prescribed by the ACA and ACR. In particular, inspections found:
  - Headings that were not compliant.
  - Identified barriers, and steps to remove or prevent barriers were located elsewhere in the accessibility plan, rather than under the relevant headings.

- The use of proper headings and the organization of plans in accordance with the regulations can facilitate research and data collection. This may also help individuals who may be neuro-diverse, by providing consistency in reading materials.

The Office of the Accessibility Commissioner will continue to analyze these results and develop resources to address knowledge gaps, with the goal of improving compliance rates.

## Complaints

As of March 31, 2024, one complaint has been filed with the Accessibility Commissioner. It was a complaint alleging discrimination in the course of employment on the grounds of disability. It did not allege a contravention of the ACA or Regulations. As a result, the complaint was forwarded to the Human Rights Complaints Services Branch of the Canadian Human Rights Commission.

The Office of the Accessibility Commissioner has been responsible for receiving and handling complaints about violations of the ACR since January 2023. We have established a means for analyzing complaints, as well as tools to support the ACA complaints process. This includes forms which the parties to a complaint will use to file or respond to a complaint, and Rules of Practice which describe what parties can expect from the Accessibility Commissioner, and from each other, during the process.

We continue to strengthen our collaboration with the Canadian Transportation Agency, the Canadian Radio-television and Telecommunications Commission, the Human Rights Complaints Services Branch of the Canadian Human Rights Commission, and the Federal Public Sector Labour Relations and Employment Board. These collaborations ensure a quick and efficient referral of accessibility-related complaints amongst our respective offices. This referral process reduces delays caused by complaints that are sent to the wrong office, and helps ensure that complaints are addressed promptly by the authority best equipped to take action.





# Getting to compliance

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The Office of the Accessibility Commissioner is committed to doing everything we can to ensure full compliance and improve accessibility in Canada, but everyone must play their part:

- **Regulated organizations have a role.**  
They must meet their legal accessibility obligations.
- **People with disabilities have a role.**  
Every organization has a requirement to consult with people with disabilities and to have a feedback process. As part of our outreach, we engage with people with disabilities, share information, and check to make sure that they are not facing obstacles in making their voices heard or in participating in consultations, where they wish to do so. This includes using feedback processes to share observations on the implementation of accessibility plans, and on barriers that they may have encountered in dealing with organizations.
- **The Office of the Accessibility Commissioner has a role.**  
We will continue to inspect and monitor if organizations are meeting their obligations, and if not, we have enforcement tools that we are prepared to use.
- **Other agencies have a role.**  
We are committed to continuing to work with, and to challenge, our various partners in pursuit of an accessible Canada by 2040 by sharing our insights on the implementation of the ACA and by setting aspirational goals.

For a more comprehensive update on the progress made in 2023, in respect of the ACA and the goal of creating a barrier-free Canada, we encourage you to read the 2023 annual reports of the Chief Accessibility Officer and Accessibility Standards Canada:

- [Everyone's business: Accessibility in Canada - Report from the Chief Accessibility Officer, 2023](#)
- [2022 to 2023 Annual Report - From Words to Action: Moving Together Toward a Barrier-Free Canada](#)

The Office of the Accessibility Commissioner will continue to be strategic and targeted in how and when inspections are conducted. We will use a combination of compliance promotion and inspection to achieve a higher overall level of compliance. And, we will take enforcement action as required.

Our focus is on ensuring organizations are not only preparing, but also implementing, effective and meaningful accessibility plans. We need plans that will focus organizations' attention on their obligations to remove barriers, as well as ones that will move accessibility forward. These plans are fundamental in ensuring organizations are adequately prepared to respond to, and comply with, future accessibility regulations.

We look forward to everyone carrying out their role, so that together we can move closer and closer to our mutual goal of an accessible Canada on or before 2040.