

# Compliance Framework under the Accessibility Act



This compliance framework applies to all organizations in Nova Scotia that are subject to the Accessibility Act and its regulations. For the purposes of this document, the term organizations includes:

- Government of Nova Scotia
- public sector bodies prescribed under the Accessibility Act
- other organizations (as defined in the Accessibility Act)

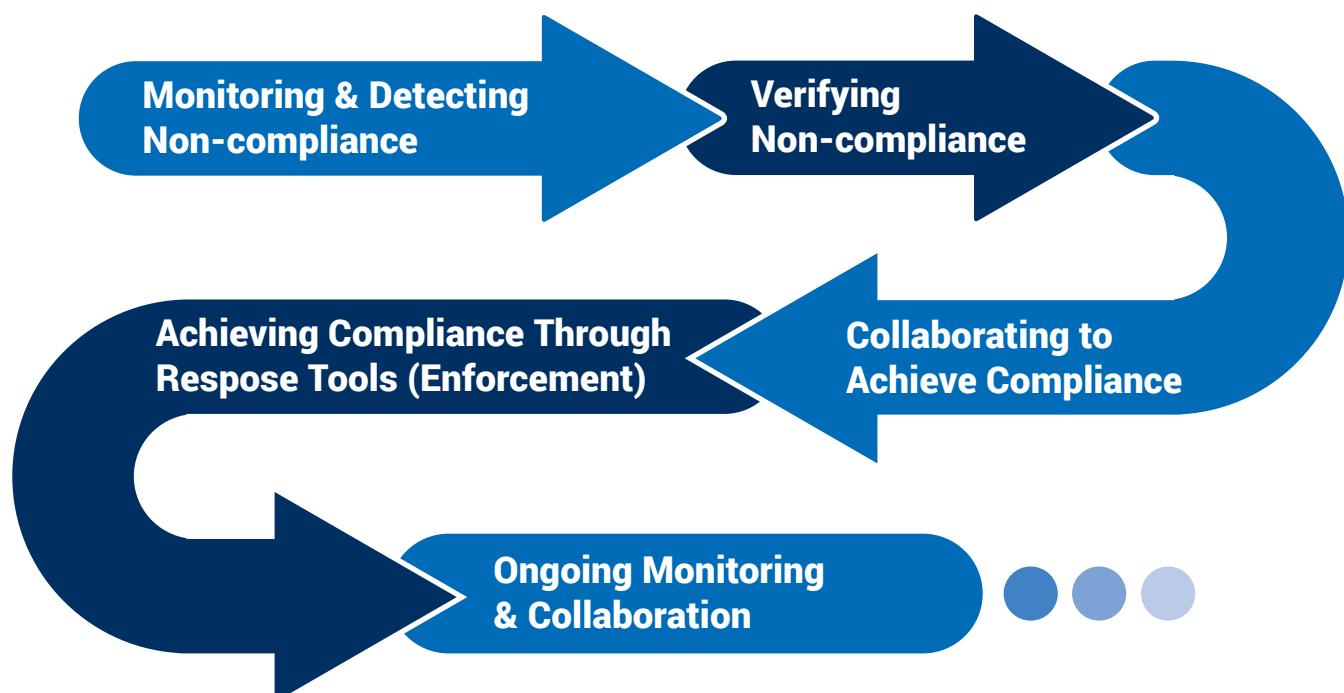
Some organizations may be exempt from complying with certain accessibility standards.

## Stages of Support

### Education and Awareness

Organizations required to comply with the Accessibility Act will be supported and encouraged to comply with the act, standards, and deadlines. This support includes targeted outreach, raising awareness about requirements and deadlines, and developing resources and training. This support will allow time for organizations to learn about requirements and make changes needed to comply.

Education and awareness efforts will continue to happen throughout the stages of the compliance framework.



Once organizations understand their requirements under the act and regulations, compliance measures will include the following steps.

### **Step 1: Monitoring and detecting non-compliance**

Organizations required to comply with the Accessibility Act and regulations will need to meet certain deadlines. The Government of Nova Scotia will monitor for compliance using various methods including inspections and complaints/feedback from the public.

Organizations may also ask for a proactive inspection that will give them advice on how to comply with requirements.

All information received by public complaints/feedback or inspections will be documented to help inform further investigations or education requirements.

### **Step 2: Verifying non-compliance**

In this step, government staff will follow up to determine if the information received regarding non-compliance by an organization is true and gather additional details. This may include a follow up visit or phone call to an organization or a formal investigation.

Part of this step includes determining if the issue falls under the Accessibility Act and regulations or another provincial act or regulations. Government staff will also check whether the issue is related to an individual person or the public more broadly. The framework allows for quick resolutions to issues that create immediate barriers to accessibility.

### **Step 3: Collaborating to achieve compliance**

In this step, government staff and organizations will work together to address the areas where the organization is non-compliant. For example, organizations may receive extra tools and resources, such as education, training, and guidance, to help achieve compliance.

### **Step 4: Enforcing compliance**

If the actions in step 3 are unsuccessful and an organization remains non-compliant, government may use more punitive enforcement measures. These could include the following:

- **Orders** – Issuing an order that outlines the areas of non-compliance, steps to remedy, and a deadline.
- **Administrative Penalties** – Penalties may be given if an order is not complied with. Penalties will be defined in regulation.

- **Summary Conviction** – Fining an organization up to \$250,000 for remaining non-compliant. This is a last resort that will be used only if all other efforts do not work.

## **Step 5: Ongoing monitoring and collaboration**

If an organization is found to be non-compliant, staff will continue to check in and work with the organization to ensure the issue remains resolved. This may include follow up interviews or sending inspectors to do onsite visits.

## **Informing the public**

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Public reports are another way to encourage organizations to follow the Accessibility Act and regulations.

If an organization is not following requirements of the act or regulations and either an administrative penalty or summary conviction is issued, the Minister of Justice may share those details in a public report.

Organizations that go above and beyond to be compliant may also be celebrated in a public report. These stories will be used to provide further education about accessibility in Nova Scotia.

Government's approach to helping organizations follow the Accessibility Act is guided by these principles:

### **First Voice-centred**

We recognize that persons with disabilities are experts on the topic of accessibility and listen to their experience and perspectives.

### **Restorative**

We listen to the groups and organizations when they tell us how following the act is affecting them. Our goal is to build strong relationships with them so they will understand how the act allows people with disabilities to fully participate in society.

### **Responsive**

When we learn that an organization is not following the act, we respond in a timely fashion and in a collaborative manner. We understand there may be reasons for non-compliance and work to help the organization develop a plan so they can change. Penalties are a last resort.

## **Versatile**

We have many ways of encouraging organizations to follow the act including the following: We raise awareness, provide education, collaborate, monitor and detect non-compliance, get feedback from the public, and more.

## **Proportionate**

The measures we take to encourage or enforce compliance match the size of the problem they need to address.

## **Comprehensive**

We have multiple ways to respond to complaints related to other government accessibility-related legislation and regulations.

## **Transparent**

We will follow up on complaints and report back to persons who made the complaints. Information on areas of non-compliance may be included in public reports.

## **Want more information on the Accessibility Act?**

Email: [accessibility@novascotia.ca](mailto:accessibility@novascotia.ca)

Phone: 902-424-8280

Toll free within NS: 1-800-565-8280

TTY: 902-424-2667

Toll free within NS: 1-877-996-9954

The Accessibility Act, enacted in 2017, recognizes that accessibility is a human right and sets a goal of an accessible Nova Scotia by 2030.

<https://nslegislature.ca/sites/default/files/legc/statutes/accessibility.pdf>