



Standing Committee on Finance
Pre-Budget Consultations: 2018 Federal Budget
Harnessing the Potential of Procurement Policy to
Advance Accessibility
for Canadians with Disabilities

Chair: Hon. Wayne Easter, PC, MP
Clerk: Suzie Cadieux

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Theme of Recommendations

The two primary themes of our recommendations address the Pre-budgetary priorities of a) Productivity and b) Jobs.

Overview

As the federal government considers the development of national accessibility legislation, public procurement has a powerful role to play in making equipment and services widely available for people with disabilities. Measures related to public procurement, in fact, need not wait for the introduction of new accessibility legislation.

If governments were to ensure that the information and communications technology (ICT) systems and services purchased were accessible, this measure would make both a meaningful and productive difference in the lives of Canadians with disabilities.

Furthermore, accessible ICT can be used by all employees, not just those with a disability.

The purchasing power of the Government of Canada can also make a huge difference in the wider market. By stimulating demand, a commitment to purchasing accessible ICTs can make these products more affordable and available to Canadians with disabilities. It also opens up workplaces to employees with disabilities by making such systems part of the norm of every government workplace.

A new regulation is in force in the European Union that requires the compulsory government purchase of goods and services that are pre-defined as accessible. Much of this is developed from the experiences of procurement regulations in the US. Section 508 of the Americans with Disabilities Act drove the momentum to develop accessible purchasing standards. In other words, Canada's major trading partners already have accessible procurement policies, and both are seeing achievements in accessibility as a result.

It is interesting to note that when those standards were first being developed in the US in 2000, there was relatively little knowledge and expertise among digital or I.T. experts in accessibility. Today, such expertise is commonplace.

As one report points out, "One of the most brilliant aspects of the federal implementation of the Section 508 regulation for accessible electronic information technology was that procurement was tied into the process. From the very beginning, federal agencies were required to procure, use, and maintain accessible goods and services. When faced with a purchasing decision where no product was wholly accessible, the 508 regulation dictated that an agency buy the 'most' accessible product so they could continue business with the US

federal government, and maybe take business away from less accessible competitors...In large measure, it is the accessible procurement policies of the federal government that have created the gains made in product accessibility in a relatively short period of time.” (“The Importance of Procurement in Accessibility Policy”. National Centre of Disability and Access to Education, 2015).

Moreover, if you want to sell to the US government today, you must ensure accessibility.

There is an added benefit to the government’s mandatory regulation of accessibility: it sets in motion a secondary drive that produces accessibility above and beyond what is required in the codes or regulations. Alex Li, senior executive from Microsoft, pointed out at a United Nations-sponsored conference in June 2015 (Eighth Conference of States Parties to the Convention on the Rights of Persons with Disabilities, that “the more standards that exist, the greater the incentive for competition, which leads to greater accessibility: suppliers see a very lucrative market and want those very lucrative contracts, thereby competing with each other and producing even greater accessibility in their products.”

Background

It should be noted that Industry Canada has used Section 508 of the US Rehabilitation Act 1973 and Section 255 of the US Telecommunications Act in their work to develop a web portal called the Accessible Procurement Toolkit to guide purchasing decisions about ICTs.

In contrast to the United States, however, our federal government has not made these provisions compulsory in their ICT procurement processes.

Despite the availability of the federal government’s procurement tool, federal legislation does not require national government bodies to procure accessible ICTs.

It must be acknowledged that companies developing or procuring websites for the Government of Canada must meet the requirements of the Common Look and Feel (CLF) standards. The CLF standards are administered by the Treasury Board of Canada and, as such, are separate to mainstream public procurement processes for computing and telecommunications hardware and software. CLF standards have existed in Canada since 2000.

It should also be acknowledged that stronger incentives have been instituted to encourage compliance with the web accessibility requirements. For example, an online Web Experience Toolkit is available for government departments to refer to and use when developing their websites to the new standards. Compliance checking of government websites is carried out annually where each department

is required to indicate to the Treasury Board Secretariat their compliance using an online reporting mechanism called the Web Inventory Tool.

Yet, only a limited set of accessibility criteria have legal force within Canada's federal agencies.

Recommendations and Rationale

The mainstreaming of ICT accessibility criteria through mandatory application is potentially transformative.

Once accessibility criteria are signalled by government as part of their purchasing strategy, greater certainty for manufacturers is created.

Companies that already have accessibility features in their products are more competitive when government considers tenders. This in turn encourages competitors to innovate for improved accessibility, as noted by the Microsoft executive in the Overview of this Submission. With additional demand, costs for components fall, making accessible products more affordable, not only to government but to the private sector and the community in general. Indeed, the private sector has an important role to play in adopting a policy to procure accessible products.

Applying mandatory accessibility criteria in ICT purchasing signals an employer's commitment to improving the Government of Canada's equality for people with disabilities.

Many of the hurdles that currently exist in making one-off adjustments become less important as the technology and techniques that enable greater accessibility become mainstream. This enables employers to recruit from a wider pool of potential employees and better recognises the skills and knowledge individuals bring to the workplace.

Mandatory accessibility criteria also signals to the general public the Government's commitment to equality for people with disabilities.

Furthermore, as the provincial governments continue to develop accessibility laws within their jurisdictions (eg. Accessibility for Ontarians with Disabilities Act, Accessibility for Manitobans Act, and the Accessibility Act of Nova Scotia), the role of the federal government comes into question. That role can serve to harmonize provincial accessibility laws, and can develop standards and measures of accessibility throughout the federal sphere of influence. As seen in the US and in the European Union, the role of public procurement in advancing overall accessibility and inclusion is considerable. Mandatory accessibility standards written into procurement policy throughout the federal sphere and the

purchasing power of the federal government speaks volumes to the positive impacts on productivity, innovation and job creation.

Specific Action in the 2018 Federal Budget

Direct the necessary financial resources to support the creation and announcement of a national roundtable/advisory body of key stakeholders from government, industry and the disability sector to discuss the issue of mandatory ICT accessibility criteria for public procurement in Canada. Accessible procurement policy should be a reality in Canada within a year of striking a working group.

March of Dimes Canada is available to participate in and offer expertise toward such an initiative.

March of Dimes Canada

March of Dimes Canada was established in 1951 and is one of Canada's largest service providers and advocates for people with disabilities. Last year, we delivered more than 2.25 million hours of service to over 60,000 Canadians with disabilities.

With a wide range of programs and services offered, many of our consumers utilize more than one of our services to help them gain greater independence. Solutions for independence include employment services, attendant services, CanVet Vocations Services, financial support for assistive devices, home and vehicle modification funding, and peer support for stroke and post-polio survivors.

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