



June 16, 2023

Sarah Lugtig  
Independent Reviewer of the  
*Accessibility for Manitobans Act*  
Manitoba Accessibility Office  
630 - 240 Graham Avenue  
Winnipeg, MB R3C 0J7

**BY EMAIL**

Dear Sarah Lugtig,

**RE: Written Submission to the Independent Reviewer Appointed to Conduct the  
2023 *Accessibility for Manitobans Act* Legislative Review**

---

The Manitoba Human Rights Commission (“the Commission”) is providing this submission as part of the 2023 legislative review of the *Accessibility for Manitobans Act* (“AMA”), pursuant to the requirement under subsection 39(1) of the *AMA*.

The Commission is an independent agency of the Government of Manitoba, responsible for carrying out the objectives of *The Human Rights Code* (“*The Code*”). The Commission administers Manitoba’s human rights complaints process and is also responsible for promoting and protecting human rights principles in the public’s interest through education, research, and advocacy. *The Code* was enacted to safeguard human rights and to protect against discrimination, in recognition of the equal worth and dignity of every individual. The human rights compliance system under *The Code* was created with the understanding that discrimination is often rooted in ignorance and consequently, education is essential to its eradication.

The Commission is uniquely positioned to provide feedback on the efficacy and operation of the *AMA*, as the body responsible for the enforcement of Manitoba’s human rights legislation. We regularly interact with persons disabled by barriers as well as with the organizations that serve, employ, and house this diverse group of Manitobans. Through both our complaints process and our public engagement, education, and advocacy work, we gain insight into the types of barriers Manitobans are encountering and where they most often occur. Our work also allows us to identify potential areas for improvement in assisting employers, service-providers, and other duty-bearers under *The Code* to understand and meet their obligations under human rights law.

We understand that the legislative review is focused on the following areas:

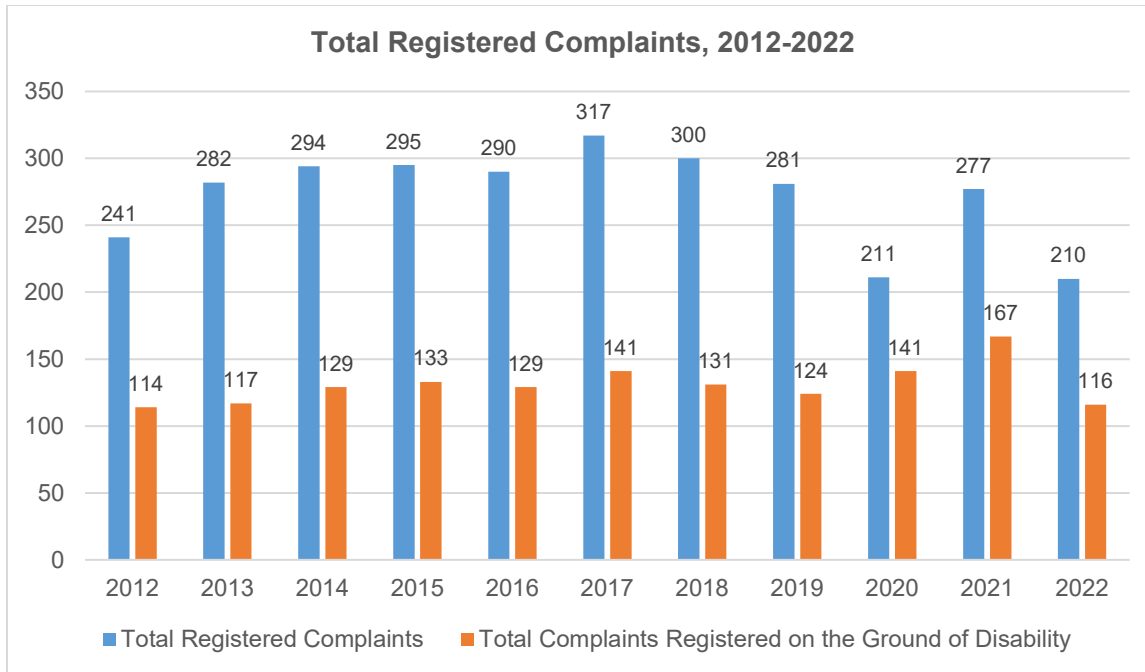
- The standard/Regulation development process;
- Accessibility plans by public sector organizations;
- Implementation of the regulated standards;
- Accountability and Compliance; and,
- The Manitoba Accessibility Office (“MAO”) and the Accessibility Compliance Secretariat (“ACS”).

The Commission strongly supports the requirement under subsection 39(3) of the *AMA* and the 2023 *AMA* legislative review Terms of Reference to consult with persons disabled by barriers and representatives from organizations of persons disabled by barriers in particular. It is important that the input gathered through the review and the resulting recommendations adequately reflect the lived experiences of persons with disabilities. We look forward to learning from these important perspectives in your report to further inform the Commission’s work on accessibility and accommodation, and to help us serve Manitobans in the most inclusive and empowering way.

In addition, we note that the Terms of Reference do not explicitly require the reviewer to consult with the Manitoba Human Rights Commission. We strongly recommend that, going forward, the Commission be routinely consulted (and for this to be set out in the Terms of Reference) as part of the periodic *AMA* review and as part of the development of future Regulations that prescribe accessibility standards under the *AMA*, given the interrelationship between *The Code* and the *AMA*.

## **1. General Trends in Human Rights and Complaints of Discrimination Since the Last *AMA* Review**

Differential treatment, a lack of reasonable accommodation, and other forms of discrimination against persons with disabilities, comprise a significant amount of our work at the Commission. Since *The Code* was enacted in 1987, disability continues to be the most common protected characteristic that complaints are filed under in our system.



Generally, the majority of these complaints relate to physical disabilities; however, there has recently been an increase in complaints filed on the basis of mental health conditions, cognitive, and intellectual disabilities. In 2020, there were as many complaints filed on the basis of a mental disability as there were on the basis of a physical disability (71 respectively).

The complaints we receive span a wide range of issues, types and areas of discrimination, and protected characteristics. Since the last *AMA* review, we have seen a number of disability-related complaints emerge out of the following areas in particular:

- Public administration;
- Retail Trade and Food Services;
- Healthcare and Social assistance;
- Housing; and,
- Education (all levels).

<b>Registered Complaints Alleging Discrimination on the basis of Disability, by Sector, 2020-2022</b>	
Public Administration	82
Retail Trade	62
Health Care and Social Assistance	53
Real Estate, Rental and Leasing	42
Educational Services	22
Finance and Insurance	20
Accommodation and Food Services	20

Transportation and Warehousing	12
Manufacturing	12
Arts, Entertainment and Recreation	12
Other Services	11
Professional, Technical, Scientific Services	10
Administrative and Support, Waste Management and Remediation Services	10
Information and Cultural Industries	8
Construction	6
Wholesale Trade	5
Agriculture, Forestry, Fishing and Hunting	2

This kind of disaggregated data is helpful in monitoring the efficacy and impact of regulation at an industry level. It is also critical for the development of sector-specific education and compliance initiatives. There is significant potential for greater *Code* and *AMA* compliance through purposeful engagement with these industries and the identification of specific challenges and violations encountered within them. It is important that the MAO and ACS draw on these kinds of insights to develop and disseminate targeted education and compliance efforts in these particular sectors.

**2. The AMA and its Regulations**

The Commission’s regular and frequent interactions with service users and service providers as well as employees and employers since the last *AMA* review indicate that there is still significant work to be done in ensuring that duty-bearers under *The Code* and/or those bound by the *AMA* understand their obligations to people with disabilities and how to proactively and effectively fulfill those obligations. This is supported by the findings of the 2023 Manitoba Business Leaders Index, commissioned by Manitoba Possible and Barrier-Free Manitoba, wherein only 17% of surveyed businesses reported an “excellent understanding” of the *AMA* and 45% reported having a “partial understanding.”<sup>1</sup> We understand from the respondents in this research that the businesses less likely to have a fulsome understanding of their obligations under the *AMA* are small businesses – 48% of these being businesses with one to nine employees.<sup>2</sup> Our experience further reinforces these findings, although we contend that there is further public education work to be done on the *AMA* across the spectrum of all duty-bearers under *The Code*.

---

<sup>1</sup> Manitoba Possible, “2023 Manitoba Business Leaders Index,” March 2023 at 31, online: <https://www.barrierfreemb.com/files/2023%20MBLI%20BFM%20Report.pdf>.

<sup>2</sup> *Ibid.*

## Regulations under the AMA

As a general comment, it can be confusing to refer to the Regulations enacted under the *AMA* as both “Standards” and “Regulations” as these terms can have different legal meanings. We understand that the Regulations enacted under the *AMA* establish accessibility standards within them; however, the widespread use of the word “Standard” for the Regulations enacted under the *AMA* may give the impression that they carry less weight or are not enforceable by law.

### *i. Customer Service*

In 2022, the Commission registered 58 complaints that alleged discrimination on the basis of disability in the area of publicly available services. This includes individuals attempting to access government services, healthcare and social supports, retail trade, food, and transportation services.

We have noticed a number of trends within these service-related complaints, including a significant number of complaints and inquiries that deal with the use and accommodation of service animals for individuals with physical disabilities, mental health conditions, as well as cognitive and intellectual disabilities. The *AMA* does not provide its own definition of “service animals,” but rather refers to the definition in *The Code*. The Customer Service Regulation provides under section 8 that:

An organization's policies under section 4 must recognize that a person who is disabled by a barrier may be accompanied by a service animal when he or she seeks to obtain, use or benefit from the organization's good or service.<sup>3</sup>

The Customer Service Regulation also requires under subsection 13(2) that training for staff on accessible customer service includes “how to interact with persons disabled by barriers who use an assistive device or require the assistance of a support person or service animal.”<sup>4</sup>

We have seen many examples wherein those providing customer service to individuals using a service animal have a partial understanding of their obligations under *The Code* and the *AMA* or demonstrate a misunderstanding of their obligations. We have also seen many examples wherein an organization has a policy regarding service animals that may comply with their obligations under *The Code* or the *AMA*, but it is not being applied correctly or consistently. This suggests that the requirements under section 8 and subsection 13(2) of the *AMA* are not permeating far enough to ensure a consistent and reliable experience for people with disabilities attempting to access a publicly available service.

---

<sup>3</sup> Customer Service Standard Regulation, Man Reg 171/2015 at s 8 [“Customer Service Regulation”].

<sup>4</sup> Customer Service Regulation, *supra* note 3 at ss 13(2).

We note that the Commission was consulted on a question received from a municipality during the 2018 AMA legislative review about what constitutes reasonable accommodation with respect to service animals. The specific inquiry was whether denying a request to allow a service dog in a public pool would violate *The Code* and consequently the AMA. The Commission provided the following response:

*Service Animals and Pools*

*A facility would need to think about whether or not the person is able to substantiate the need to have the animal with them in the pool. It may be that the animal is not trained to provide assistance in the pool. A person using a guide dog, for example, may be able to swim or take lessons with other assistance in place other than the animal and this is what commonly occurs. It is also important that organizations think about the hardship that might be created by having an animal in the pool, which includes looking at health and safety issues. It would be unlikely that a person could establish that having a dog with them in a public pool is a disability-related need. In some cases, a person with a disability may need to have their animal tethered to the pool deck because it is assisting with a disability-related need (i.e. detecting a seizure) but is not required to be in the pool. The Manitoba Human Rights Commission has developed useful guidelines on discrimination against persons with disabilities who use service animals.*

Since the last AMA review, in November 2020, the Manitoba Human Rights Adjudication Panel rendered its decision in [Webb v. LHS Holdings Inc. o/a Manigaming Resort 2020 CanLII 96024 \(MB HRC\)](#) (“*Webb*”), in which the Complainant alleged discrimination in the provision of services on the basis of his disability and reliance on a service animal. In this case, Adjudicator Pelletier determined that the Respondents discriminated against the Complainant without *bona fide* and reasonable cause by placing unreasonable conditions on his access to the resort with his service animal, which would have unduly restricted him from fully enjoying the property in the same way as other resort guests.<sup>5</sup> Adjudicator Pelletier also found that the Respondents failed to undertake a balancing assessment to ascertain whether there were other accommodation options beyond what they offered, and that the Respondents did not take into account their obligation as service providers to ensure that their resort was accessible to the Complainant and his service animal.<sup>6</sup> Adjudicator Pelletier concluded that the Respondents did not attempt to accommodate the Complainant to the point of undue hardship; she awarded the Complainant \$6,000.00 in compensation for the denial of service that led to injury to his dignity, feelings, and self-respect resulting from the discrimination.

*Webb* remains the most significant guidance the Commission has received to date from the Manitoba Human Rights Adjudication Panel on the accommodation of service

---

<sup>5</sup> *Webb v LHS Holdings Inc*, 2020 CanLII 96024 (MB HRC) at para 74.

<sup>6</sup> *Ibid.*

animals in accessing services. This decision serves as an important reminder that accommodation is meant to be a dynamic and collaborative process between the parties. *Webb* also demonstrates the focus on impact rather than intention in human rights law, and the importance of ensuring that accommodation measures are both responsive to the needs of an individual and reflective of what is actually required to create an equal experience for both disabled and non-disabled service users.

## ii. *Employment*

Employment continues to be one of the most common areas from which alleged *Code* violations arise, spanning all types of employment and all aspects of the employment relationship. These complaints often involve an analysis of what constitutes reasonable accommodation and undue hardship which, as we noted in [our submission on the \*AMA's Accessible Employment Regulation\*](#) when it was first proposed, can be challenging for employers and employees to navigate, and requires a clear understanding by each party of their responsibilities and entitlements.

Since the last *AMA* review, the decision in *Northern Regional Health Authority v Horrocks*, 2021 SCC 42 (“*Horrocks*”) was released by the Supreme Court of Canada (“SCC”) in October 2021. In *Horrocks*, the SCC affirmed that “where labour legislation provides for the final settlement of disputes arising from a collective agreement, the jurisdiction of the arbitrator or other decision-maker empowered by this legislation is exclusive.”<sup>7</sup>

The impact of the *Horrocks* decision on human rights issues arising out of the unionized employment context continues to evolve, but ultimately, *Horrocks* places some of these issues outside of the Commission’s jurisdiction. As such, it should be expected that unions and associations will receive – and likely already have received – an influx of requests for human rights related grievances.

We are encouraged to see that the Minister’s 2023/24 and 2024/25 Annual Plan for the *AMA* includes creating partnerships with unions and associations. The Commission takes the position that unions and associations have always had an important role to play in advancing human rights. However, particularly in light of *Horrocks*, they must play a crucial part in ensuring compliance with the *AMA* and *The Code*, as well as in promoting and realizing human rights and accessibility more generally. It is more important than ever for unions to work with their members, the Commission, the MAO, the ACS, and each other to ensure that human rights issues are dealt with fairly and consistently across all bargaining units and industries in our Province.

---

<sup>7</sup> *Northern Regional Health Authority v Horrocks*, 2021 SCC 42 at para 15.

### *iii. Information and Communications*

Barriers to information and communication can exist and have a significant impact in any *Code*-protected area. The Commission recognizes that many organizations continue to engage in significant work to bring themselves into compliance with the Accessible Information and Communication Regulation following its registration in April 2022.

The Commission receives a significant number of complaints about a lack of accessible communication available in alternate formats, particularly for those with learning disabilities and persons with hearing impairments. This includes complaints about the lack of available ASL interpreters at public events and in post-secondary institutions, or a lack of clear process outlining what individuals ought to do if they require an interpreter.

The importance of using plain and clear language as much as possible must also be emphasized, including in the *AMA*, its Regulations, and any related informational materials, to help promote better understanding and facilitate meaningful implementation.

In taking steps towards implementation, the Commission strongly encourages individuals, organizations, the MAO, and the ACS to identify and examine barriers to information and communication within their contextual background and with regard to the other *AMA* Regulations. For example, organizations are required to make their web content accessible; however, if a person with a disability relies on public libraries to access the internet and cannot get to the library because they have no reliable accessible transportation options, the information on that website – no matter how accessible it is – will never reach that individual. As with many other types of barriers, it is important to keep in mind that barriers to information and communication are highly nuanced and intersectional.

### *iv. Built environment/Design of Physical Space*

The Commission continues to receive many complaints and inquiries related to the inaccessibility of built environments and the design of physical spaces. In our experience, these kinds of barriers continue to be common in both indoor and outdoor spaces, despite the barrier free and accessibility provisions under the *Manitoba Building Code*. It is important for the *AMA*'s Built Environment/Design of Physical Space Regulation to cover both indoor and outdoor environments to provide consistency and to ensure that the requirements for built environments are implemented appropriately with the force of law (for example, the City of Winnipeg Accessibility Design Standards would not have the force of law unless they are regulated, and we are not aware of comparable monitoring, inspection, or enforcement mechanisms for the barrier free and accessibility provisions of the *Manitoba Building Code* to those under the *AMA*).



One example of barriers to indoor public spaces that we have heard from the community is that many healthcare services continue to operate out of buildings that are not accessible to all patients and do not have the appropriate equipment for all abilities. These kinds of barriers not only prevent people with disabilities from receiving adequate care and services, but they can also have long-term implications for their health and wellness (for example – if an individual does not have access to a scale that can be used while in a wheelchair, they may go for long periods of time without being weighed).

We also continue to see complaints concerning access to physical spaces wherein the accommodations offered, if any, do not respect the dignity of people with disabilities looking to access those built environments. For example, situations wherein a person with mobility limitations is only given the option of being carried inside in order to access a public building. Not only does this undermine the purposes of *The Code* and the *AMA*, but from the Commission’s perspective, getting someone “through the door” is only part of the issue. If the method by which someone is able to access a physical space compromises their dignity, their sense of belonging is also compromised once they are inside. While some may assume that these experiences are outliers – given the significant work that many organizations have done to advocate for improved accessibility – we continue to see many examples of barriers that exist in core, essential services, structures, aspects of employment, and housing.

With respect to outdoor spaces, there continue to be many structural barriers that have a significant impact on people with disabilities. For example, inadequate snow clearing on public sidewalks, roadways, and parking spots has been noted as a significant barrier for people with mobility challenges in Manitoba for many years. Not only does this barrier create safety risks for those with mobility impairments and who use remedial devices, but it also contributes to the isolation of disabled people in the winter months – both of which can have a detrimental effect on an individual’s overall life and well-being.

We have also observed a significant and troubling trend of complaints emanating from physical barriers to accessibility in justice, health care facilities, and educational institutions outside of Winnipeg. These include, but are not limited to: physical access in courthouses, including access to rural and northern court facilities; inaccessibility of washrooms; inadequate parking for specialized vehicles in healthcare facilities; an absence of universal design for learning in educational institutions; as well as a general lack of dedicated funding to ensure physical accessibility in these areas. While it is clear that there is still work to be done across Manitoba, it is deeply troubling to see the additional barriers faced by those living, working, and accessing services in communities outside of Winnipeg, and the gap between urban and rural accessibility that continues to widen.

#### *v. Transportation*

The Commission has received several complaints related to the accessibility of and accommodation in ride-shares and vehicles for hire. The Commission is also concerned

by the significant challenges that Manitobans with disabilities continue to report in accessing Transit Plus (formerly “Handi-Transit”) services. This is despite the fact that the Manitoba Ombudsman made 19 recommendations for its overhaul and improvement in January 2019,<sup>8</sup> only five of which were implemented within the first year.<sup>9</sup>

We believe that the *AMA*’s anticipated Transportation Regulation will play an important role in ensuring that people with disabilities are able to use public and private transportation freely, reliably, safely, without fear, and with dignity. Public transportation, including providers designed specifically for persons with disabilities, have been found to repeatedly fail to provide meaningful access to public transportation for Manitobans with disabilities. This is an important example demonstrating the need for strong, enforceable regulation in this area. Public transportation providers has been criticised for having many barriers to meaningful access, including but not limited to: unreasonably long wait times; unreliable or unsafe rides; cancelled or refused trip requests; limited eligibility criteria; unreasonable cancellation and “no-show” rules; a lack of ability to assess for and include persons with intermittent or episodic conditions; and a system that is generally unpredictable itself while simultaneously requiring its users to plan very far in advance and allowing them none of the flexibility that life often requires.

Similarly, private transportation companies are often falling short in meeting their obligations to provide accessible service and accommodation to Manitobans with disabilities. These companies continue to have inconsistently applied and under-inclusive policies and practices for people with disabilities. For example, we have observed a number of examples wherein individuals were refused transportation services because of their service animal, in direct violation of *The Code* and the *AMA*’s Customer Service Regulation.

These barriers all extend beyond the realm of transportation and into the core impetuses behind the *AMA*, as set out at the beginning of that legislation, including that “barriers create considerable costs to persons disabled by those barriers, their families and friends, and to communities and the economy”<sup>10</sup> and that “persons disabled by barriers face a wide range of obstacles that prevent them from achieving equal opportunities, independence and full economic and social integration.”<sup>11</sup>

---

<sup>8</sup> Manitoba Ombudsman, “Investigation Report on City of Winnipeg’s Handi-Transit Service” (January 2019), online: <https://www.ombudsman.mb.ca/uploads/document/files/case-2016-0057-en.pdf>.

<sup>9</sup> Sean Kavanagh, “Transit Plus needs more staff, nearly \$1M in new funding to meet recommendations: City of Winnipeg report” *CBC News* (2 January 2020), online: <https://www.cbc.ca/news/canada/manitoba/winnipeg-transit-plus-funding-ombudsman-report-1.5412945>.

<sup>10</sup> *The Accessibility for Manitobans Act*, CCSM c A1.7 at 1.

<sup>11</sup> *Ibid.*

## The Importance of Addressing Attitudinal Barriers and Intersectionality

We would be remiss in not emphasizing that the barriers the *AMA* and its Regulations seek to identify, address, and eliminate will never truly be resolved without a dedicated and consistent focus on addressing the attitudinal barriers that our province and its disabled members continue to reckon with in all of these areas. Attitudinal barriers consistently underpin discriminatory signs, statements, services, policies, workplaces, and actions. These are often based on assumptions, generalizations, stereotypes, and prejudices that inform and negatively impact interactions with disabled people. The Commission has, for example, heard concerns from persons with disabilities about infantilizing interactions with duty-bearers under *The Code* – including service providers speaking about them to individuals accompanying them, instead of speaking directly to them. We have also received complaints from persons with physical and/or mental disabilities, who are also socially disadvantaged, being denied access to services and treated more harshly, particularly those experiencing houselessness. While we may instinctively look to address tangible barriers to accessibility, it is important to remember that it is often the intangible barriers that contribute to all others. Steps must be taken to eradicate stigma and prevent ableism in all its forms in order to promote respect for, and the dignity and inclusion of, persons with disabilities (for example, through education). We believe strongly that a shift in attitude towards a universal recognition of the value, equal worth, and right to equal dignity of disabled people in our province is required – otherwise, other remedial or preventative interventions will continuously fall short.

The implementation of the *AMA* and its Regulations must also include an emphasis on intersectionality. Discrimination and barriers to access never exist in a vacuum, and no person is one-dimensional. An intersectional approach would take into account the multiple and overlapping forms of discrimination and barriers that exist, and how persons with disabilities experience discrimination and barriers differently depending on their intersecting identities (e.g. race, gender, social disadvantage, etc.). Moreover, research has shown that persons with disabilities are more likely to experience poverty, unemployment, and financial insecurity, as compared to persons without disabilities.<sup>12</sup> The Commission places significant emphasis on intersectionality in its compliance, public education, and advocacy work, and we believe that the *AMA*'s implementation requires the same approach. Disabled people represent one of the most diverse groups – as such, implementing and promoting compliance with the *AMA* and its Regulations must be done in a way that reflects this diversity, the complexity of each individual's intersecting identities, and how this impacts the way they move through the world.

---

<sup>12</sup> Statistics Canada, *Table 11-10-0090-01: Poverty and Low-Income Statistics by Disability Status* (Ottawa: Statistics Canada, 2023), online: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1110009001>. See also: Canada, Employment and Social Development Canada, *Canada's Disability Inclusion Action Plan* (Ottawa: Employment and Social Development Canada, 2022).

### **3. The Experience of COVID-19 for People with Disabilities**

The Commission received a substantial increase in inquiries during the COVID-19 pandemic, many of which related to the experiences of people living with disabilities. In the course of our public engagement work, we also received many inquiries from organizations representing people disabled by barriers looking for guidance, public education, and advocacy support on the varied issues impacting people with disabilities during the pandemic. Alongside the incredible hardships COVID-19 brought to all Manitobans, it also illuminated the disproportionate impact of emergencies on disabled people and the under-inclusivity of both pandemic-preparedness and reopening measures.

The COVID-19 pandemic brought to light, and compounded, the existing inequalities faced by disabled people; Manitoba's emergency response, enforcement, and reopening measures often failed to fully consider disabled people or the fact that this group was already experiencing significant barriers prior to the start of the pandemic. The COVID-19 pandemic also had a particularly significant impact on several groups to which many disabled people belong (for example – people in long-term care homes, residential, or healthcare facilities; houseless or precariously housed individuals; incarcerated people; those living in poverty and/or without financial security; and unemployed, underemployed, or precariously employed individuals).

The Commission published "[A human rights based approach to the COVID-19 pandemic: Principles and Actions](#)" in April 2020 and an updated version in [December 2020](#), urging that a human rights centered approach be taken in all aspects of Manitoba's pandemic response. The Commission also released a [public letter](#) to the Minister of Health and Seniors Care in December 2021 highlighting the potential for triage protocols to further harm historically disadvantaged groups, including persons with disabilities, older people, and Black, Indigenous and people of colour. Many other pandemic policies and practices left disabled people behind including, but not limited to: denial of access to healthcare facilities with caregivers and support persons; failure to adequately consider the needs of persons with disabilities in the initial vaccine roll-out; the delay in establishing medical exemptions for face mask and vaccination mandates; and the implementation of measures that did not adequately account for students of all abilities in online and remote learning. The *AMA* and its Regulations must take into consideration the lessons learned from the COVID-19 pandemic. In order to avoid another catastrophe for people with disabilities navigating future crises, we recommend the development of clear standards to be incorporated into the *AMA's* Regulations that outline the requirements for inclusive, accessible emergency and pandemic planning and responses.

### **4. The Accessibility for Manitobans Act and The Human Rights Code**

While *The Code* and the *AMA* are distinct pieces of legislation, we believe that there is significant potential for collaboration between the Commission, the MAO, and the ACS

to increase the public's knowledge on their human rights and responsibilities, and to ensure that the disseminated information is consistent. Establishing greater consistency in information to organizations and the public between the Commission and the Disability Issues Office (as it was then called) was identified as an issue in the Final Report of the 2018 *AMA* legislative review. We believe that the Commission can provide further guidance to the public and the ACS on both *The Code* (training on *The Code* is required for many individuals and organizations pursuant to several provisions of the *AMA*'s Regulations) and the concepts of "reasonable accommodation" and "undue hardship" (the *AMA* defers to *The Code* and case law for guidance on these concepts).

The Commission is actively engaged in discussions with the ACS to work together on increasing compliance with both the *AMA* and *The Code*. However, we recognize that ensuring compliance with the *AMA* and educating organizations and the public on their rights and obligations is a substantial undertaking. We are encouraged that the Minister's 2023/24 and 2024/25 Annual Plan for the *AMA* identifies that it will advance the recommendation to address "financial resources to ensure Manitoba's commitment to accessibility is adequately administered."<sup>13</sup> We understand that over 41,000 organizations in Manitoba are required to comply with the *AMA* and its Regulations.<sup>14</sup> It is critically important that the MAO and the ACS have adequate resources in order to conduct the necessary public education and compliance-related work for this significant group of affected organizations.

The *AMA* and *The Code* are commonly rooted in several principles, including: the fundamental importance of human rights; the recognition of the systemic nature of discrimination; promoting the empowerment and independence of disabled people; the universal impact of disability; and the significant benefit of accessibility for all. Given the interrelation between the *AMA* and *The Code*, it is critical that the Commission, the MAO, and the ACS practice a consistent approach in our respective legislative compliance work and that this unified approach be entrenched in human rights principles. The consequences of failing to do so are significant and risk undermining the purpose and efficacy of human rights law in Manitoba.

## Recommendations

In accordance with the submissions set out above, the Commission respectfully provides the following recommendations to the Independent Reviewer Appointed to Conduct the 2023 *AMA* Legislative Review:

1. We recommend that the Government of Manitoba ensure that there is adequate funding and support for the implementation of the *AMA*, in particular, for the MAO and ACS's ability to engage in public education and compliance work related to the *AMA* and its Regulations;

---

<sup>13</sup> Minister's Annual Plan 2023/24 & 2024/25 for the *Accessibility for Manitobans Act* at 12, online: [https://accessibilitymb.ca/pdf/annual\\_plan\\_23\\_24.pdf](https://accessibilitymb.ca/pdf/annual_plan_23_24.pdf) ["Minister's Annual Plan"].

<sup>14</sup> Minister's Annual Plan, *supra* note 13 at 6.

2. We recommend that implementation efforts for the *AMA* and its Regulations are pursued with a prominent focus on the attitudinal barriers that underpin and create many other barriers, as well as the intersectional identities of disabled people;
3. We recommend that the *AMA*'s Built Environment/Design of Physical Space Regulation include both indoor and outdoor spaces and focus on ongoing barriers in rural and remote areas of Manitoba in critical public infrastructure, such as health care, justice, and educational facilities;
4. We recommend that standards for inclusive, accessible emergency and pandemic planning and responses be incorporated into the *AMA*'s Regulations; and,
5. In recognition of the ongoing relationship between the *AMA* and *The Code*, the Commission recommends there be a clear relationship and consistency between our compliance systems, supported in part by sharing of anonymized complaint-based data, consistent messaging to the public, and coordinated public education efforts.

## Conclusion

As with any law, the *AMA*'s continued implementation must look beyond its written text and into the lived realities of disabled Manitobans. The *AMA* and its Regulations build on important obligations under *The Code* for ensuring that every person can live, work, and access services on an equal basis. However, achieving a truly accessible society requires a considerable collective effort towards eliminating the stigmas, bias, impressionistic assumptions, and prejudice that have supported the structural, systemic oppression of disabled people for decades. The Commission strongly believes that accessibility and equality are in everyone's best interest, and that true access and accessibility can only be achieved through a genuine recognition of the equal worth and dignity of all people with disabilities.

In keeping with the Commission's commitment to public accountability and its duties in serving the people of Manitoba, this submission will be made publicly available on our website.

Sincerely,



Karen Sharma  
Executive Director  
Manitoba Human Rights Commission