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Daily sitting 33

Thursday, March 28, 2024

*1 o'clock p.m.*

Prayers.

Following Statements by Members, Mr. Speaker recognized Mr. Holder to make a farewell speech in the House.

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Following Oral Questions, Mr. Speaker requested that Ms. Holt withdraw the word “hypocrite”, which she did.

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Hon. Mr. Hogan, Member for Carleton, laid upon the table of the House a petition urging government to upgrade Howard Brook Road. (Petition 15)

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Mr. Wetmore, from the Standing Committee on Procedure, Privileges and Legislative Officers, presented the First Report of the Committee for the session which was read and is as follows:

March 28, 2024

To The Honourable  
The Legislative Assembly of  
The Province of New Brunswick

Mr. Speaker:

I have the pleasure to present herewith the First Report of the Standing Committee on Procedure, Privileges and Legislative Officers.

Your Committee’s Report contains recommendations for amendments to the Standing Rules governing the adoption of a legislative calendar.

And your Committee begs leave to make a further report.

Respectfully submitted,

(Sgd. :) Ross Wetmore, M.L.A.  
Chair

The full report of the Committee as presented follows:

Mr. Speaker:

Your Standing Committee on Procedure, Privileges and Legislative Officers begs leave to submit their First Report of the session.

Your Committee had previously been directed by the House to examine the options for a fixed legislative calendar. On May 12, 2023, the Committee presented recommendations for a legislative calendar to be implemented by Special Order. The House adopted the Special Order on June 16, 2023.

The Special Order allowed the House the flexibility to modify and improve the calendar mechanism, if needed, before deciding on its adoption into the Standing Rules. On this note, your Committee encourages future modifications and enhancements to the legislative calendar mechanism where necessary.

Following meetings on March 20 and 28, your Committee recommends the adoption of the Special Order into the Standing Rules.

#### AMENDMENTS TO THE STANDING RULES

Your Committee therefore recommends for adoption the following amendments to the Standing Rules:

The Standing Rules are amended by adding after Standing Rule 32 the following:

**32.1(1)** During each session, the House shall meet:

- (a) in the Fall period from no later than the third Tuesday in October to no later than the second Friday in December for a minimum of 24 sitting days, except when a provincial general election is held pursuant to subsection 3(4) of the *Legislative Assembly Act*; and
- (b) in the Spring period from no later than the third Tuesday in March to no later than the second Friday in June for a minimum of 24 sitting days.

**32.1(2)** The House and its Committees shall not meet:

- (a) the week of Remembrance Day or the week preceding if it falls on a Saturday or Sunday;
- (b) the first week of January;
- (c) the week of Spring vacation as established by the regulations under the *Education Act*;
- (d) the week following Spring vacation.

**32.1(3)** Before the House adjourns for the Summer recess, the Government House Leader shall move a sessional calendar motion, without notice, that indicates the days on which the House shall meet in the Fall period in accordance with subrules (1) and (2) and said motion shall be put forthwith and decided without amendment or debate.

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- 32.1(4)** Before the House adjourns for the Winter recess, the Government House Leader shall move a sessional calendar motion, without notice, that indicates the days on which the House shall meet in the Spring period in accordance with subrules (1) and (2) and said motion shall be put forthwith and decided without amendment or debate.
- 32.1(5)** The House shall meet and adjourn on the days so stated in the motions moved and decided pursuant to subrules (3) and (4) subject to any subsequent amendments adopted in accordance with subrule (6).
- 32.1(6)** Despite subrules (1) and (2), on motion of the Government House Leader, with notice, the House may amend a sessional calendar adopted pursuant to subrules (3) and (4), to meet on a day or days the House was not scheduled to meet, or to not meet on a day or days the House was scheduled to meet, and said motion shall be decided without amendment and any debate shall be limited to one hour in duration and no Member shall speak for longer than ten minutes.
- 32.1(7)** During any period of adjournment, including those weeks specified in subrule (2), if the Government advises the Speaker that the public interest requires the House to meet on an earlier day, and the Speaker is so satisfied, the Speaker may give notice that the House shall meet and in such notice shall state a day on which the House shall meet, and thereupon the House shall meet on the day so stated to transact its business as if it had been duly adjourned to that day.
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Ordered that the report be received, and leave granted.

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Hon. Ms. Bockus, from the Select Committee on Accessibility in New Brunswick, presented the Final Report of the Committee which was read and is as follows:

March 26, 2024

To The Honourable  
The Legislative Assembly of  
The Province of New Brunswick

Mr. Speaker:

I have the pleasure to present herewith the Final Report of the Select Committee on Accessibility in New Brunswick entitled “Nothing About Us, Without Us: Moving Together Towards an Accessible New Brunswick.” Your Committee was tasked with conducting consultations with community stakeholders as well as government departments involved with the disability community and reporting to the House with

recommendations in relation to a document tabled in the House on December 7, 2023, entitled *Achieving Greater Accessibility: New Brunswick's Framework for Accessibility Legislation*.

This final report represents the results of your Committee's consultation exercise on the legislative framework for accessibility legislation in New Brunswick and its recommendations.

On behalf of the Committee, I would like to express my sincere appreciation to the presenters who appeared before the Committee and those individuals and groups who submitted written briefs. Everyone gave generously of their time to ensure that accessibility legislation is inclusive and robust. In addition, I would like to express my gratitude to the members of the Committee for their valuable contribution in carrying out our mandate.

Respectfully submitted,

(Sgd. :) Hon. Kathy Bockus, M.L.A.  
Chair

The full report of the Committee as presented follows:

### **EXECUTIVE SUMMARY**

The Select Committee on Accessibility in New Brunswick (Committee) asked people involved with the disability community to respond to the Framework for Accessibility Legislation (the Framework) in 2024. The Framework outlines what accessibility legislation (law) will look like in New Brunswick with timelines.

The Committee heard that the Province should be praised for creating an accessibility law and for making sure that people with disabilities are consulted. The following feedback was shared with the Committee to guide the Government forward:

- The law must be bold.
- The law must focus on helping people with disabilities who currently face barriers.
- The law must apply to everyone.
- The law must be based on the social model of disability.
- The law must not use language that encourages ableism.
- The law must be easy to understand and breaking the law must have strict penalties.
- The law should be in full force earlier than 2040.
- The office that develops accessibility standards must operate independently.
- The office that develops accessibility standards must be led by persons with disabilities.
- The accessibility standards must be regulations that have penalties if they are not followed.

- The accessibility standards must be developed with help from other jurisdictions.
- The accessibility standards must apply to the private sector and the public sector at the same time.
- The complaints system must be user-friendly for everyone.
- The Government must collect more information about disabilities so it knows what the needs are.
- The Government must set realistic budgets to carry out the law.
- The Government must address healthcare barriers and other systemic barriers.
- The Government must do an intersectional analysis in relation to the law.
- The Government must make sure that accessibility standards and plans are culturally relevant.
- The Government must give educational, training, and support tools about the law to the public and private sector.

The Committee wishes to extend its deep gratitude to everyone who took time to share feedback on the Framework to ensure that accessibility legislation is inclusive and comprehensive.

## **SECTION I: Introduction and Legislative Consultation Process**

### **Introduction**

In its interim report *Nothing About Us, Without Us: Moving Together Towards an Accessible New Brunswick*, presented to the Legislative Assembly on December 16, 2022, the Select Committee on Accessibility in New Brunswick outlined the main issues that were brought forward during consultations with persons with disabilities, advocacy organizations, government and research agencies, commissions, and councils. During the discussions that informed the report, the topic of human rights was a central theme. The Committee agreed that all individuals, regardless of ability, deserve equal opportunities to participate fully in society and access essential services without discrimination. Creating accessibility legislation is the first of many steps needed to address the long-standing barriers to full participation, inclusion, and citizenship for individuals with disabilities in the province.

Following the presentation of the Committee's interim report, the Department of Post-Secondary Education, Training and Labour (PETL) was given responsibility for the implementation of accessibility legislation and governance of the resulting plans and programs.

On December 7, 2023, the Minister of PETL tabled in the House *Achieving Greater Accessibility: New Brunswick's Framework for Accessibility Legislation* (the Framework) in response to the Committee's interim report. The Framework was based on the seven key principles outlined in the Committee's interim report and best practices in other jurisdictions. The Framework is intended to serve as a guideline for accessibility legislation.

On the same day, the House carried Motion 39, which referred the Framework to the Committee (Appendix A). The Committee agreed to hold consultations on the Framework to ensure that people with disabilities are directly involved in identifying gaps within the Framework before accessibility legislation is presented to the Legislative Assembly.

This, the Select Committee on Accessibility in New Brunswick's final report, discusses the feedback the Committee received on the Framework and lists the Committee's recommendations for moving forward with accessibility legislation and making New Brunswick accessible for all citizens.

### **Legislative Consultation Process**

The Select Committee on Accessibility in New Brunswick invited the individuals and entities who participated in 2021 and 2022 (Appendix B of the *Interim Report of the Select Committee on Accessibility in New Brunswick*) to respond to the Framework from their areas of expertise in the form of written brief by January 31, 2024. This was followed by consultation with invited witnesses before the Committee on February 7, 2024. In total, the Committee received 10 written submissions in the form of email or email attachments and received five presentations. PETL was first to appear before the Committee to present the Framework and answer questions. A full list of participants who responded to the Framework can be found in Appendix B.

The Committee received positive and negative comments about the consultation process. Numerous individuals expressed gratitude to the Committee for making accessibility legislation a priority and for being invited to provide feedback on the progress towards this goal. One commenter said that the engagement process has empowered individuals and advocacy groups to make valuable contributions, and with their continued input, New Brunswick's accessibility legislation will successfully serve its intended purpose. Other positive comments included praise for the comprehensive nature of the Committee's interim report.

While feedback suggested that individuals were pleased to be consulted on the Framework, several said that the consultation process itself was not as accessible as it could have been. One written submission argued that the timing for written feedback was problematic because comments were requested over the holiday season with a deadline set for January 31, 2024. The method was also questioned by commenters who said that only allowing written briefs to be sent by mail, fax, or email was unacceptable. They suggested that other options should have been offered, such as holding in-person or virtual events across the province, giving responders the option to send in a video response, or stating that the Committee would provide other options for response based on individual accessibility needs.

The Committee also received feedback about how the hearings were broadcast. While the presentations were shown live on the Legislative Assembly website and were available through video transcript with simultaneous French and English interpretation, they were not available with closed captioning or American Sign Language (ASL) or *Langue des signes québécoise* (LSQ) for people who are hard of hearing. Commenters went on to say that if legislators want authentic engagement about accessibility, they must offer channels to allow persons with disabilities to engage directly and without any barriers.

The Committee wishes to acknowledge and thank all participants who took their time to offer feedback about its engagement process.

## **SECTION II: Feedback on the Framework**

The Framework lists actions which will help identify, remove, and prevent barriers to the full and effective participation of all New Brunswickers in society, especially those with disabilities. The Framework includes the purpose and application of the proposed legislation, a timeline, governance structure, specific areas of focus, as well as education, evaluation, and compliance plans. The Framework concludes with a timeline of key milestones for New Brunswick to achieve as it moves towards achieving greater accessibility by 2040.

The Committee acknowledges that the creation of the accessibility legislation framework was a step forward in creating guidelines and standards that will lead to more inclusivity and equality in the province. Soliciting feedback throughout the development and implementation stages of such legislation is crucial, as it allows policymakers to gain insights from diverse perspectives, thereby ensuring that the final framework is comprehensive, effective, and reflective of the needs and experiences of a diverse array of persons with disabilities.

The Committee heard that the Province should be commended for taking on the challenge of creating accessibility legislation, given the scope of what will be required, and for ensuring that consultation is part of the undertaking. Some commenters expressed gratitude that some recommendations heard during the Committee's 2021 and 2022 consultations were included in the Framework. One individual praised the Framework's comprehensive approach, application to both public and private sectors, the inclusion of modern best practices, sequential application, and enforcement measures.

This section of the report provides a general overview of the recommendations and ideas discussed by participants during the consultation exercise. The Committee has reserved its recommendations for Section III, which concludes this report.

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**Vision, Purpose, and Application**

The Committee received a great deal of commentary about the vague and uninspiring nature of the Framework’s vision of “achieving greater accessibility by 2040.” While some said that 2040 is a long time away and that processes should be more streamlined, others said that 16 years is an appropriate timeframe to accomplish all the goals of this wide-reaching legislation. Most responders said that if the goals as outlined in the Framework are achieved on time through continuous consultation with persons with disabilities, the vision should refer to “An Accessible New Brunswick by 2040” instead of “Achieving Greater Accessibility.” This change will reassure individuals with disabilities that full accessibility is a priority for the Province and there is a set timeframe during which these positive changes will be accomplished.

For several commenters, the Framework’s purpose of creating legislation “to benefit all persons, especially persons with disabilities” caused concern. Commenters said that the purpose of accessibility legislation should be to improve the lives of persons with disabilities directly, prioritizing their specific needs and challenges. Not all New Brunswickers have equal access to important services like transportation, education, and healthcare. It is these individuals—persons with disabilities—who will benefit most from the legislation and because their needs have not been met, they need to know that they are prioritized. The Committee heard that while it will be important to communicate to the public that accessibility standards will benefit all New Brunswickers, the focus of the legislation itself should be on improving the lives of people who currently face accessibility barriers.

The Committee heard that taking a human rights-based perspective is crucial for ensuring that individuals with disabilities are the priority of the new legislation. While the Framework acknowledges the importance of adhering to the rights and freedoms of the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD), the *Canadian Charter of Rights and Freedoms*, and the *New Brunswick Human Rights Act*, as well as the importance of identifying, removing, and preventing barriers, it does not include messaging that obligates government to ensure the full participation of all citizens in society. Therefore, it was recommended that legislation clearly state the Province’s belief in equality and the importance of accessibility in ensuring the protection of fundamental rights and freedoms.

Concerning the application of the legislation, the Committee heard that it will be important for leadership to recognize that ableism impacts the identification of barriers and the development of standards. Ableism is also present in the medical model of disability, which has the view that people are disabled by their impairments or differences. For this reason, commenters recommended that the legislation and accompanying disability plans follow a social model of disability, which acknowledges that disability is caused by the way society is organized. This perspective will help administrators identify some of the larger institutional structures that will need modification for true accessibility to be a reality in New Brunswick.



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**Definitions and Language**

The Committee heard that using clear definitions and accurate, accepted language is crucial when drafting any written documents about accessibility. This ensures clarity, consistency, and inclusivity. Correct language choice can also impact societal perceptions and attitudes towards disability, shaping inclusion efforts and promoting equality. In contrast, ambiguity and vagueness in language can lead to loopholes or inadequate provisions, potentially leaving people with certain disabilities without proper support or accommodations.

While it is important to use appropriate language, the Committee heard that the standardization of definitions, as outlined in the Framework, often oversimplifies the complexity of disabilities, leading to a one-size-fits-all approach that may not adequately address the diverse needs of individuals. Standardized definitions can also perpetuate stereotypes and misconceptions about disability, further marginalizing already vulnerable populations. Moreover, definitions created by able-bodied persons would likely be different than those created by persons with disabilities. For example, the Framework lists, “acceptable levels of barrier-free standards over time.” Presenters wondered who would define acceptable levels and who would define barrier. These words could mean very different things to an able-bodied person, to a person with a physical disability, and to a person with a sensory disability. For this reason, commenters urged the Committee to ensure that people with a wide variety of disabilities are involved when defining important concepts and priorities.

The Committee also received feedback about specific words and definitions that need to be considered in depth before they are used in legislation. For example, the use of person-first language (e.g., person who has a hearing impairment) and identity-first language (e.g., Deaf person) is often a political or personal choice and preference for one or the other may change over time or based on context. For this reason, legislative drafters should consult with stakeholders when considering the implications of using one over the other, or including both, when preparing legislation. Likewise, specific feedback was given about the Framework’s definition of disability. Commenters said that learning disabilities need to be explicitly referenced, as they are often mistakenly folded into intellectual or mental disability. To ensure that the right language and definitions are chosen for legislation, it was recommended that legislative drafters consult advocacy groups and persons with disabilities to expand the list of definitions and to ensure they are correct.

**Timelines**

The Committee heard that data by Statistics Canada shows that New Brunswick had the highest increase in disability rates in Canada between 2017 and 2022 (an increase of 8.6% to 35.3% overall). It was also noted that these numbers do not consider the percentage of children with disabilities, which is also very high, nor do they included seniors who

already have elevated likelihoods of having one or more disabilities. In addition, the rate of disability is even higher among Indigenous people in the province. This statistic is alarming and clearly shows that the need for accessibility legislation and accompanying standards is urgent and the process cannot be delayed unnecessarily.

The Framework lists 2040 as the date for New Brunswick to achieve “greater accessibility” because this is the year that national standards must be in place. PETL confirmed that although setting a shorter timeframe is possible, the longer timeframe was chosen to be realistic and to accommodate unexpected challenges. Feedback suggested that due to the urgency of the need, leadership must consult other jurisdictions to ask what they would have done differently to avoid unnecessary delays. Regardless of whether the Province chooses 2040 or an earlier date, the Committee heard that leadership needs to ensure that the right mechanisms are in place for actions to be executed correctly the first time, and that New Brunswick will be fully accessible within that designated timeframe.

Much of the discussion during the consultation exercise concerned the immediate steps that the government can take to enhance accessibility. Presenters emphasized that a significant number of people in the province currently encounter barriers to daily living, including the ability to cook a meal or use the washroom. This is unacceptable and needs to be corrected. One solution that was discussed at length was the need for all new public buildings and all new multi-unit housing facilities to follow the principles of Universal Design. Presenters expressed that retrofitting is not a good use of time or money and if there are steps that can be taken now to ensure that new buildings are accessible to all, they should be identified and pursued aggressively. Other shorter-term actions that were discussed include creating a Disability Advocate position; adding staff and advocate positions to the New Brunswick Human Rights Commission; signing a memorandum of understanding with Accessibility Standards Canada to ensure that federal standards on built environment and employment are followed; and ensuring that all government communications are accessible, including websites that follow Web Content Accessibility Guidelines (WCAG 2.0).

Feedback suggested that other milestones in the Framework may need to be done incrementally, but they could have shorter timelines than anticipated. Mandatory etiquette and accommodation training for all government workers, for example, already exist and may only need to be modified slightly for New Brunswick. However, the Committee heard that to speed up the process of adopting such changes, the government must ensure that it is a priority. Presenters urged that government departments create accessibility plans within shorter timeframes and emphasized that leadership is often wary of change but that with greater understanding and acceptance, accessibility and inclusion will become more familiar and meeting timelines and accomplishing goals should be easier in the future.

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**Governance Model**

Having the right governance structure will be crucial in advancing inclusivity in the province. The Committee heard that advisory bodies and senior leadership roles should be filled by individuals who represent the full spectrum of lived experience of disability. This diversity will ensure that a wide range of perspectives and needs are considered when decisions are made. In addition, leadership should have sufficient resources and support to accomplish goals, including funding, staff support, and access to expertise and resources on accessibility best practices.

The governance model outlined in the Framework caused major concerns for stakeholders. A key criticism was that too much authority was given to the Accessibility Secretariat, which would be composed of PETL employees, and not enough authority would be given to the advisory body composed of individuals with lived experience of disability. Stakeholders said that this model gives the ministerial purview too much power, which causes several concerns outlined below. They said that if the Province truly wishes to follow the principle of “nothing about us, without us” outlined in the Committee’s interim report, the governance structure needs to give central roles to persons with lived experience of disability.

Stakeholders said that one of the main problems with the PETL governance structure is that decision-making bodies should not have any ties to government or third-party service organizations that receive funds from the Province. They argued that it is impossible to be both an advocate and a service provider without having major conflicts of interest. In addition, they said that the Framework contains two other clear oversights. First, the Framework does not explicitly state that the PETL employees who compose the Secretariat must be persons with disabilities. Second, the Secretariat falls under a large department with many different priorities. Stakeholders argued that under this structure, the accessibility file would be constrained, limited, and ineffective.

Some participants offered the Committee an alternate governance structure based on jurisdictional learnings. This alternate framework outlines how an independent entity (commission or directorate) would better enable the transparent and inclusive development of accessibility standards and their compliance and enforcement measures. They argued that an independent entity ensures impartiality, prioritizes diverse stakeholder input, and fosters trust.

**Standards Development and Accessibility Plans**

Accessibility standards and the plans that will be used to implement them are necessary in both the public and private sectors. Overall, the goal of these standards and plans is to ensure that as individuals travel throughout the province, they can be assured that they will have the same level of accommodation when acquiring goods, accessing services, and meeting their basic needs.

Feedback indicated that more clarity is needed regarding the process of identifying barriers, developing standards, and implementing accessibility plans for public and private entities in the province. Stakeholders said that standards development will need to move through a regulation process like the one that was used for the *Accessible Canada Act*. At present, this process is not clearly outlined in the Framework, and that with the current wording, standards appear optional. They suggested that it is best to discuss standards from the perspective of them being regulations, as this change of wording would imply penalties for non-compliance.

Also, like other aspects of the Framework, stakeholders said that timelines for the development of accessibility standards and plans require clarification. Stakeholders said that a significant amount of work has already been completed in other jurisdictions, and because of this, they suggested that standards could be developed and come into force more quickly than what has been proposed. The Framework indicates that accessibility standards will be implemented by public-sector entities beginning in 2029; however, if the Province were to sign memoranda of understanding with Accessibility Standards Canada and other relevant entities now, the process could begin sooner. The Committee also heard that the timeline for the development of accessibility plans for government departments should be more concise. Rather than have the timeline linked to the enactment of legislation, it was recommended that specific dates be stated.

The Committee also heard that the timelines proposed in the Framework were not clear for when accessibility plans would be developed for the private sector or for other public-sector entities like municipalities. The Framework states that the legislation will first apply to government departments, followed by public sector bodies then “individuals and organizations.” By not providing clear parameters for whom exactly the legislation will impact and when, the government increases the chances for neglect and unaccountability. It was suggested that more precise language is needed to ensure that standards can be developed and followed by the correct entities during a specific timeframe. Furthermore, stakeholders recommended that the legislation apply to the private sector at the same time as the public sector, emphasizing that a holistic response is best when striving for inclusion.

### **Compliance and Enforcement**

Compliance mechanisms are necessary for ensuring that accessibility standards are upheld and translate into tangible improvements for individuals with disabilities. By implementing vigorous compliance and enforcement measures, such as audits, inspections (planned and spontaneous), and penalties (such as fines) for non-compliance, regulatory bodies can deter violations and promote a culture of inclusion. Moreover, compliance mechanisms provide recourse for individuals facing accessibility barriers, empowering them to seek remedies when their rights are infringed upon. Effective enforcement not only safeguards the rights of people with disabilities but also fosters a more inclusive society, where accessibility is a fundamental aspect of everyday life.

In terms of leadership, some stakeholders recommended the creation of a Director of Compliance and Enforcement position. This role should be clearly defined and should be supplemented with appropriate resources and staff to administer regulations. Others suggested that the role of compliance and enforcement could fall under an existing authority, like the Department of Public Safety. Regardless of who oversees compliance, it was clear in the public presentations and written submissions that stakeholders want a well-defined mechanism of enforcement and clearly outlined consequences for violations of standards. There cannot simply be an expectation that people will do the right thing without enforcement measures.

The Committee also heard that a user-friendly complaints system must be created for individuals to use when they encounter accessibility barriers or when they experience other forms of legislation violation. It was recommended that the complaints system employ specialized staff and advocates and be independent from government to eliminate conflicts of interest. It was further suggested that outcomes be made public to hold government, organizations, and employers accountable for situations when standards are not followed. Feedback suggested that the ultimate goal of the complaint process should be to create progressive and systemic changes in the province.

### **Data Collection and Evaluation**

Data collection is essential for identifying barriers, assessing the effectiveness of accessibility plans, and recognizing areas for improvement. As accessibility plans and policies evolve, related actions and expenditures need to be evaluated, with government departments held accountable. Overall, by determining what data needs to be collected, how it will be analyzed and evaluated, and what modifications need to be made, the Province will have a greater chance of meeting accessibility targets and making appropriate changes within the designated timeframe.

A major concern discussed by stakeholders is the current lack of information about disability in New Brunswick—data is simply not collected. And while the Framework states that legislation will outline data collection requirements, no details about which type of data or the collection process itself, are given. Stakeholders emphasized that detailed information is required to ensure that the specific needs of individuals with disabilities in the province are met. It is not enough for the government to know how many people with disabilities are living in poverty, for example. Specifics are needed: How many people with a particular disability are living in poverty? Who is employed? Who is without housing? What type of equipment are people using and is it what they really require? Without gathering such data, the Committee heard that it will be impossible to address the real needs of persons with disabilities in the province. Therefore, it was recommended that the government create a Director of Monitoring and Measurement position that would be responsible for collecting and evaluating specific data, setting goals based on this data, and tracking progress made towards these goals.

In terms of evaluation, PETL representatives informed the Committee that government departments will be accountable for their accessibility budgets through the Standing Committee on Estimates and Fiscal Policy. However, stakeholders drew attention to the fact that a costing exercise was not present in the Framework. They said that realistic investment will be a key to the success of departmental accessibility plans and that other provinces have reported that they have not invested enough. It was recommended that New Brunswick talk to representatives in other jurisdictions to see what they would have done differently and to come up with a realistic figure for yearly budgets. It was also recommended that each department have a budget for both accessibility education and compliance, as these are large portfolios that are integral to the enactment of the legislation and need to be included from the outset.

Accountability drives transparency, and during the public consultation, PETL representatives stated that each department will be held accountable for the actions made towards accessibility plans through the Standing Committee on Public Accounts. However, stakeholders said that in addition to this, departments must also be subject to internal reviews to ensure that progress is made and best practices are followed. They said that when subject to their own internal reviews, departments will be more compelled to allocate resources efficiently, address shortcomings promptly, and engage stakeholders. It was recommended that the first review be conducted within the first three years after the legislation goes into effect and every four years thereafter.

### **Broader Considerations**

Persons with disabilities face countless barriers, and while some of these barriers pose unique challenges for specific individuals or groups, others are deeply ingrained within societal structures and affect everyone. While the Framework addresses the need for larger policy changes, feedback suggested that more attention should be given to the broader social changes needed for accessibility legislation to have a true and lasting impact. For example, knowing that individuals with disabilities have a greater incidence of chronic health problems, increased mental health needs, and financial barriers for obtaining necessary health support services, what will be done to ensure inclusive improvements to the healthcare system? The Committee heard that addressing healthcare barriers and other systemic barriers should be a priority for the Province. It was therefore suggested that the government create a separate action plan to identify all the systemic barriers persons with disabilities encounter in their day-to-day lives and make recommendations for public policy changes.

Persons with disabilities not only face a wide variety of systemic barriers, but are also subject to compounded forms of discrimination. Stakeholders said that a clear oversight in the Framework was the lack of intersectional analysis. By including this type of study in its plans to make New Brunswick accessible, the government will be better able to implement mechanisms to address the intersecting factors of race, gender,

socio-economic status, sexuality, and disability to better understand the diverse needs and experiences of marginalized communities. Understanding the ways in which people's social identities intersect and contribute to compounding barriers is critical to ensure that accessibility legislation does not enable further discrimination.

Culture is also an important part of identity and stakeholders said that actions must be taken to ensure that accessibility plans and programs are culturally appropriate. For example, the Committee heard that it is crucial for Indigenous people to administer their own programs for persons with disabilities both within and outside their First Nations communities. This ensures that Indigenous values are woven into plans and services, leading to more empowerment and self-determination. The Committee heard that First Nations communities and organizations have already been actively involved in determining health, housing, and other economic and social barriers that impact them and are developing culturally relevant solutions in partnership with other organizations. To this end, participants noted that the Province should consider the principles in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) in the development of accessibility legislation.

Educating the public, employers, and school administrators about disabilities and the regulations accompanying accessibility legislation is a crucial step towards creating an inclusive society. Awareness fosters empathy and understanding and combats stigma and discrimination. For employers, understanding accessibility means creating workplaces that accommodate diverse needs, tapping into a wider talent pool, and fostering innovation through diverse perspectives. Feedback suggested that creating a Director of Education and Awareness position would help ensure the provision of awareness, training, and support tools for each department and for the private sector. Some said this position would be critical to decrease the future demands for compliance. Ultimately, by prioritizing education and awareness, the Province will help ensure that everyone understands the importance of inclusivity, which will in turn encourage individuals and organizations to take proactive steps to create environments that accommodate diverse needs.

### **SECTION III: Conclusion and Recommendations**

#### **Conclusion**

By motion of the Legislative Assembly, the Select Committee on Accessibility in New Brunswick agreed to hold consultations on the government's accessibility legislation framework to ensure people with disabilities are directly involved in identifying areas of improvement before accessibility legislation is presented to the Legislative Assembly.

It was made clear to the Committee that persons with disabilities have been marginalized for far too long and that accessibility legislation is the first step in rectifying their exclusion. People with disabilities deserve to recognize themselves in the legislation that will govern their ability to be employed, live in safe housing, access the equipment and technology that assures their livelihoods, live healthy fulfilling lives, and be self-reliant and respected. To ensure that accessibility legislation is reflective of the needs of people with disabilities, this report offers their feedback on the legislative framework that will be used to build a strong accessibility act.

The Committee wishes to extend their gratitude to all who participated in the consultation process. The insights and contributions shared with the Committee will be instrumental in the creation of robust accessibility legislation that will serve to build an inclusive New Brunswick.

### Recommendations

The Select Committee on Accessibility in New Brunswick strongly supports the creation of accessibility legislation that is reflective of the needs of people with disabilities, as expressed by people with disabilities. The Committee therefore wishes to offer the contents of this report to the Department of Post-Secondary Education, Training and Labour in hopes that it will strengthen future accessibility legislation.

Accordingly, the Committee makes the following recommendations:

1. THAT an accessibility act include a newly created accessibility commission that works across government lines with enough independence, capacity to direct, and resources to successfully implement and administer an accessibility act and that corresponding regulations be created under the auspices of the department responsible.
2. THAT the mandate of the accessibility commission be to support the development of accessibility plans and standards, deliver public education and awareness programs, report annually to the Legislative Assembly on the effectiveness of the accessibility act and its regulated standards, oversee their enforcement, and ensure that people with lived experience of disabilities are represented on the commission's staff.
3. THAT the implementation date of accessibility legislation be moved up from 2040 to 2033.
4. THAT the *Framework for Accessibility Legislation* include Accessibility Standards Canada as a partner and that the Government of New Brunswick sign a memorandum of understanding with Accessibility Standards Canada that would inform and guide the implementation of a New Brunswick accessibility act.

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Ordered that the report be received.

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Ms. Mitton requested leave of the House to move the following resolution, seconded by Mr. Coon: (Motion 58)

WHEREAS the federal government announced a cap on the number of international students who can study in Canada;

WHEREAS these changes have the potential to hurt New Brunswick by wiping out recent enrollment growth at colleges and universities, shrinking the labour market, and reducing the number of provincial immigration nominations;

WHEREAS post-secondary institutions have said that the decision to cap study permits represents a real risk for the financial health of our post-secondary institutions in New Brunswick, particularly for Francophone institutions which possess the lowest conversion rates;

WHEREAS international students are critical to growing New Brunswick's population and economy and increasing enrollment at New Brunswick's post-secondary institutions;

WHEREAS New Brunswick MLAs are opposed to the cap on international students as it unfairly targets all provincial jurisdictions, despite not all of them experiencing the same problems;

WHEREAS the provincial government, through the Department of Post-Secondary Education, Training, and Labour, has already asked for an exemption from the federal government's international student cap;

BE IT THEREFORE RESOLVED that the Legislative Assembly of New Brunswick urge the federal government to provide to New Brunswick an exemption from the federal government's proposed cap on international students.

Leave to dispense with notice of Motion 58 was denied. Accordingly, notice was given for Thursday, April 4, 2024.

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Pursuant to Notice of Motion 7, Mr. Gauvin moved, seconded by Ms. Holt:

WHEREAS seniors prefer to stay in the familiar surroundings of their homes for as long as possible;

WHEREAS caregivers play an important role in supporting seniors to stay in their homes, which may delay or even avoid the need for more costly forms of long-term care services and may also lead to better overall health and quality of life for seniors;

WHEREAS caregiving comes at considerable personal and professional sacrifice with significant financial cost for the caregiver, who is expected to cover fuel when transporting seniors to medical appointments or other household spending such as snow removal or lawn care;

WHEREAS the gendered nature of caregiving imposes undue burdens on women for family care work, which the University of Alberta's Research on Aging Policies and Practice Centre estimates to be worth an economic value of \$2.4 billion in New Brunswick;

WHEREAS legislative regimes in other jurisdictions maintain programs that support caregivers through direct compensation, which produce positive benefits for both the caregiver and the cared;

WHEREAS the support of caregivers and their role in providing essential aid is of significant importance to New Brunswick;

BE IT RESOLVED that the Legislative Assembly urge the government to establish a direct compensation benefit to caregivers in the 2024-2025 budget.

And the question being put, a debate ensued.

And after some time, Ms. Conroy, the Deputy Speaker, took the chair as Acting Speaker.

And after some further time, Hon. Ms. Bockus, seconded by Hon. Mr. G. Savoie, moved in amendment:

#### AMENDMENT

That Motion 7 be amended by deleting the resolution clause and substituting the following:

“BE IT RESOLVED that the Legislative Assembly of New Brunswick urge the Department of Social Development to review existing policies to increase opportunities to compensate family caregivers for the direct care they provide to seniors eligible under the Long-Term Care Program.”

Madam Deputy Speaker put the question on the proposed amendment and a debate ensued.

And after some time, Mr. LePage, seconded by Mr. Arseneault, moved a sub-amendment:

#### SUB-AMENDMENT

That the amendment to Motion 7 be amended as follows:

By striking out “increase opportunities to compensate family” and substituting “implement a provincial plan for the compensation of family and designated”;

By striking out “seniors eligible under the Long-Term Care Program” and substituting “eligible individuals by May 31, 2024”.

Madam Deputy Speaker put the question on the proposed sub-amendment and a debate ensued.

At 4.06 p.m. the House recessed. At 4.20 p.m. the House resumed.

And after some time, Mr. Speaker resumed the chair.

And the debate being ended, and the question being put, the sub-amendment was defeated on the following recorded division:

#### YEAS - 14

Mr. Arseneault	Mr. Coon	Mr. Mallet
Ms. Holt	Mr. J. LeBlanc	Mr. Losier
Mr. McKee	Mr. K. Chiasson	Mr. M. LeBlanc
Mr. Gauvin	Mr. LePage	Ms. Landry
Mr. C. Chiasson	Mr. Bourque	

#### NAYS - 23

Hon. Mr. Hogan	Hon. Mr. Austin	Mr. Allain
Hon. Mr. G. Savoie	Hon. Ms. Johnson	Mr. Holder
Hon. Mr. Steeves	Hon. Mr. Crossman	Mr. Wetmore
Hon. Mr. Flemming	Hon. Ms. S. Wilson	Ms. Shephard
Hon. Mr. Fitch	Hon. Mr. Ames	Mr. Dawson
Hon. Mr. Holland	Hon. Mr. Turner	Ms. Conroy
Hon. Mr. R. Savoie	Hon. Ms. Bockus	Mr. Carr
Hon. Ms. Scott-Wallace	Mr. Cullins	

Mr. Speaker put the question on the amendment and it was adopted.

Mr. Speaker put the question on Motion 7 as amended as follows:

WHEREAS seniors prefer to stay in the familiar surroundings of their homes for as long as possible;

WHEREAS caregivers play an important role in supporting seniors to stay in their homes, which may delay or even avoid the need for more costly forms of long-term care services and may also lead to better overall health and quality of life for seniors;

WHEREAS caregiving comes at considerable personal and professional sacrifice with significant financial cost for the caregiver, who is expected to cover fuel when transporting seniors to medical appointments or other household spending such as snow removal or lawn care;

WHEREAS the gendered nature of caregiving imposes undue burdens on women for family care work, which the University of Alberta's Research on Aging Policies and Practice Centre estimates to be worth an economic value of \$2.4 billion in New Brunswick;

WHEREAS legislative regimes in other jurisdictions maintain programs that support caregivers through direct compensation, which produce positive benefits for both the caregiver and the cared;

WHEREAS the support of caregivers and their role in providing essential aid is of significant importance to New Brunswick;

BE IT RESOLVED that the Legislative Assembly of New Brunswick urge the Department of Social Development to review existing policies to increase opportunities to compensate family caregivers for the direct care they provide to seniors eligible under the Long-Term Care Program.

And the question being put, Motion 7 as amended was resolved in the affirmative.

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Debate resumed on Motion 5, moved by Mr. McKee, seconded by Mr. Losier, on Thursday, October 26, 2023.

And after some time, Mr. Arseneault moved the adjournment of the House.

And the question being put, it was resolved in the affirmative.

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And then, 5.58 p.m., the House adjourned.

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The following document, having been deposited with the Clerk of the House, was deemed laid upon the table of the House pursuant to Standing Rule 39:

Business Plan 2024-2025, Office of the  
Auditor General

March 27, 2024