



**Government of the Northwest Territories Response to Committee Report 4-19(2):
Report on the Review of the 2018-2019 Northwest Territories Human Rights Commission
Annual Report**

Background

The Standing Committee on Government Operations (the “Standing Committee”) conducted a review of the Human Rights Commission 2018-2019 annual report. The report summarizing their review was tabled in the Legislative Assembly on October 27, 2020. It included two recommendations.

The following is the Government of the Northwest Territories (GNWT) response to the recommendations contained in *Committee Report 4-19(2), “Report on the Review of the 2018-2019 Northwest Territories Human Rights Commission Annual Report”*.

Recommendation 1

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories investigate and take the necessary steps to solve the issues and remove the barriers that prevent the alignment between building codes and standards and the *Human Rights Act*.

GNWT Response

The GNWT is committed to developing public infrastructure that is safe and provides inclusive access to spaces and services designed for dignity and equitable use among people with diverse abilities. Through research and innovation at the national and territorial level, the GNWT has been able to continuously improve accessible design best practices in GNWT-owned and leased buildings.

The Canadian National Codes are published by the National Research Council of Canada and are developed in participation with various stakeholders, including provinces and territories. The GNWT actively participates in various committees and provides input on changes to the codes or identifies new changes for consideration. The National Building Code (NBC) serves as the minimum acceptable standard, whereas, the Canadian Safety Association (CSA) standards set independent requirements that may offer additional detail or may indicate areas where the code could be exceeded. We understand that substantial changes associated with accessible design are currently being considered at the national committee level, for incorporation into the next iteration of the NBC.



Through contractual obligations, the GNWT Department of Infrastructure (INF) requires that contractors designing, building, or renovating public infrastructure must adhere to the Canadian National Codes and referenced standards, including but not limited to:

- *National Building Code of Canada (NBC);*
- *National Plumbing Code of Canada;*
- *National Electrical Code of Canada;*
- *National Energy Code for Buildings; and*
- *National Fire Code of Canada (NFC)*

In addition, there may be supplementary standards that relate to specific facility types (like health care facilities or airports) that also require strict adherence and compliance.

INF develops and publishes the “Good Building Practice for Northern Facilities” manual, which all new and renovated vertical infrastructure delivered through INF is also required to follow. The primary objective of this manual is to provide a technical reference and resource to help building developers design facilities specifically for northern climates. The Third Edition of the manual was published in 2011 and INF plans to release a Fourth Edition in early 2021. The Fourth Edition will include a new section dedicated to accessible design. The manual is publicly available for private developers, municipalities, and other non-GNWT bodies to use.

The NBC is a minimum standard only and it is understood that this does not necessarily mean that facilities will be considered accessible by the broad concepts of the *Human Rights Act*. In recognizing this, INF requires adherence to the CSA standard B651 “Accessible Design for the Built Environment” for new GNWT infrastructure, through contract obligations. The process for determining accessibility targets for renovations of existing infrastructure will be outlined in the Fourth Edition of the “Good Building Practice for Northern Facilities” manual.

Through the GNWT Disability Action Plan 2018/19 – 2021/22, INF is leading action to increase knowledge and understanding of implementing and adopting accessible design standards, with the objective of encouraging inclusive design. INF developed an accessibility toolkit for general purpose office space design for GNWT buildings and will include a session on inclusive design at future Project Management Conferences.

Building codes and standards that prescribe the minimum requirements for the built environment and accessible design are complex issues that have taken various forms across Canadian jurisdictions. In many Canadian jurisdictions, codes and standards are “adopted” under legislation, or individual standards are developed specific to a jurisdiction. These approaches require a fulsome inspection strategy and regulatory framework to be implemented. The creation of building standards legislation for the NWT would require a full analysis of liabilities, as well as funding and staffing for review, inspection and enforcement



functions territory-wide. An important consideration would be the ability of the territory and communities to appropriately resource the functions of adopted standards.

The NBC is adopted by legislation in the Northwest Territories (NWT) through the *Fire Prevention Act*, for areas pertaining to fire and the spread of fire. The Department of Municipal and Community Affairs is advancing its review of the *Fire Prevention Act* and Regulations which will include a discussion on which code compliance measures are most appropriate to protect residents. A broad discussion of this nature will inform options around building standards and may provide the basis for a mandate to investigate and implement building standards into legislation. It is accepted that a shift of this nature could have broad legislative and financial implications for not only the GNWT infrastructure departments, but also stakeholders in the building industry as well as community governments.

Within the current legislative environment, the GNWT is not mandated or resourced to provide incentives to developers to incorporate accessible designs. Should the discussion about the *Fire Prevention Act* shift towards broader building standards legislation, it is reasonable to offer that discussions regarding accessibility and other human rights considerations in the context of the NBC would be included.

There is no simple or quick solution to this issue, and it is a challenge faced by all Canadian jurisdictions. Implementation of accessible design in our current environment includes many stakeholders and decision makers and will require a cultural shift in the way our society approaches design and responsibilities for inclusive facilities. The GNWT aims to show leadership on this topic through the planning, design, and construction of GNWT-owned infrastructure, but does not currently have a mandated role to play in the accessibility standards for private and municipal infrastructure.

The GNWT recognizes the work being done by the Human Rights Commission to campaign on the relationship between building code requirements and human rights, and the role that NWT businesses and service providers play. This is important work that will contribute to the overall progress towards achieving an inclusive built environment.

Recommendation 2

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories enhance digital access and inclusion for people living with disabilities in the NWT, by reviewing current practices in serving the public, and identifying measures to improve the existing situation with the goal to reduce the number of complaints to the Human Rights Commission on the grounds of disabilities.



GNWT Response

As the GNWT expands its footprint into the digital world, more program information and e-services will be available online. This makes it easier for people to access the information and services they need when they need it. All GNWT websites built by ISSS Web Services, are designed to meet Web Content Accessibility Guidelines (WCAG) 2.0. The use of these guidelines makes GNWT designed and built website content accessible to people with disabilities, including blindness and low vision, deafness and hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity and or combinations of these (all built into the UX design).

For instance, GNWT websites are designed to support and never interfere with the operations of assistive devices, such as keyboards, touchscreens, and screen readers.

The GNWT posts additional information in the footer of its websites (<https://www.gov.nt.ca/en/accessibility>).