

ACCESSIBILITY ADVISORY BOARD

Terms of Reference

1. Purpose

The purpose of the *Accessibility Advisory Board* (“the Board”) is to advise and make recommendations about accessibility in Nova Scotia to the Minister of Justice (“the Minister”).

2. Legislative Framework

The Board is established under *An Act Respecting Accessibility in Nova Scotia*, which came into force on September 18, 2017.

3. Accountability

The Board reports and is accountable to the Minister. The Board is supported by the Accessibility Directorate.

4. Mandate and Responsibilities

As set out in the *Accessibility Act*, The Board shall advise and make recommendations to the Minister about accessibility and, in particular, shall:

- a. Suggest measures, policies, practices and requirements that may be implemented by the Government to achieve accessibility;
- b. Assess whether existing measures, policies, practices and requirements are consistent with the purpose of this Act;
- c. Set priorities for the establishment and content of accessibility standards and timelines for their implementation;
- d. Set long-term accessibility objectives for furthering the purpose of this Act; and
- e. Respond to requests for accessibility advice from the Minister.

5. Recommending Accessibility Standards

When preparing recommendations to the Minister on a proposed accessibility standard, the Board shall ensure that the following persons have been consulted:

- a. Persons with disabilities;
- b. Representatives from organizations representing persons with disabilities;
- c. Representatives of those engaged in the activity or undertaking, or the individuals or organizations, or representatives of the class that may be made subject to the proposed accessibility standard;
- d. Representatives of government entities that have responsibilities relating to the activity, undertaking or class that may be made subject to the proposed accessibility standard; and
- e. Other individuals or organizations that the Minister considers advisable.

When making a recommendation to the Minister on a proposed accessibility standard, the Board shall consider:

- a. The accessibility objectives for the activity or undertaking, the class, the aspect of the built environment or the individuals or organizations to which the standard relates; and
- b. The measures, policies, practices and other requirements that the Board believes should be implemented, including
 - i. how and by whom they should be implemented, and
 - ii. the period for implementing them.

When recommending time periods for implementing an accessibility standard, the Board shall consider:

- a. The nature of the barriers that the measures, policies, practices and other requirements are intended to identify, remove or prevent;
- b. Any technical and economic considerations that may be associated with implementing the standard; and
- c. Any other matter requested by the Minister.

The recommendations must be submitted to the Minister in the form and within the period specified by the Minister.

The Minister shall make the recommendations publicly available.

6. Board Membership

The Board consists of 12 members. A majority of members must be persons with disabilities.

Members are appointed by the Governor in Council on the recommendation of the Minister, taking into consideration:

- a. Representation by stakeholder groups that will be subject to the accessibility standards; and
- b. the skills and assets the Minister considers necessary to ensure an effective and optimally functioning Board.

The Governor in Council, on the recommendation of the Minister, may designate members as the Chair and the Vice-Chair of the Board.

A member appointed to the Board holds office for a term of three years. No person may be appointed to the Board for more than two consecutive terms.

7. Roles and Responsibilities

Chair

- Acts as leader and main spokesperson for the Board;
- Reports directly to the Minister;
- Sets agenda and presides at board meetings, facilitating open and challenging discussion on all matters before the Board;
- Manages board affairs, ensuring effective board performance, facilitating board evaluations, and managing conflicts of interest, should they arise;
- Works with Directorate management;
- Notifies the Minister of any Board member vacancies; and

- Ensures Board fulfills its mandate and commitments, and meets all requirements outlined in this Terms of Reference.

Vice-Chair

- Acts as designate for the Chair if he or she is absent or unable to act, or when authorized to act by the Chair.

All Board Members

- Contribute to the fulfillment of the Board's mandate and commitments, and all requirements outlined in this Terms of Reference;
- Complete board member orientation;
- Review materials and prepare for and actively participate in all meetings;
- Ask relevant and probing questions, and respect the views and experiences of fellow members;
- Present individual views, as well as the views and interests of the sector or region which they represent, if applicable;
- Make decisions based on the best evidence available;
- Carry out assignments within set timelines;
- Stay informed about the Directorate and the business it conducts;
- Participate in professional development opportunities and review of board processes and performance, as required; and
- Work collaboratively with other Board members, and with individuals and organizations outside the Board, as required.

8. Committees

The Board shall, with the approval of the Minister, establish standard development committees to assist the Board with making recommendations to the Minister on the content and implementation of accessibility standards.

The Board shall prepare a terms of reference for each standard development committee that includes deadlines for each stage of the standard development process.

The Board may, with the approval of the Minister, establish a subcommittee of technical experts and other individuals familiar with issues specific to the standard being developed.

A person does not need to be a member of the Board to be a member of a committee or subcommittee. Each standard development committee must have:

- One half of its membership consist of persons with disabilities or representatives from organizations representing persons with disabilities;
- Representatives of organizations and classes of organizations likely to be affected by the standard being developed; and
- Representatives from departments of the Government that have responsibilities related to the standard being developed.

9. Meetings

The Board shall hold at least 4 regular meetings in each year, and meet with the Minister at least once every 12 months.

Board meetings will be held in person, when possible. When members are unable to attend in person, all efforts will be made to attend via teleconference or videoconference. All meetings and meeting materials will be accessible to members with disabilities.

The majority of members, constituting quorum, must be present for a vote to occur. Board members are expected to attend all board meetings. It is recognized that members may be unable to attend some meetings due to conflicts with other commitments or unforeseen circumstances.

It is the responsibility of the Chair to discuss meeting absences with board members and find solutions for ongoing absenteeism, when necessary.

10. Decision Making

Board decisions will be made based on consensus whenever possible. If consensus cannot be achieved, the Chair may choose to put matters to a majority vote.

As outlined in the Act, if a consensus is not achieved on the recommendation of a proposed accessibility standard, one or more members may submit an alternate recommendation.

11. Communications

Minutes will be recorded for each board and committee meeting, and shared among members for approval.

The Board will prepare a summary report after each regular meeting, provide a copy of the report to the Minister, and make the report publicly available.

The Board will annually prepare a report of its activities and operations during the preceding fiscal year, file it with the Minister and make the report publicly available.

12. Staff Resources

Staff of the Accessibility Directorate will provide appropriate and timely support with respect to all aspects of the Board's and committees' work, including:

- Ensuring the Board has all necessary information to make informed decisions on matters within its mandate;
- Supporting all Board and committee meetings and communications;
- Distributing Board and committee agendas, minutes, and other material for member review on a timely basis; and
- Acting as the repository and manager of all Board and committee records.

The Executive Director will attend all meetings. Additional staff may attend as necessary or appropriate.

13. Confidentiality

Board members shall not, either during or following the expiration of their appointments, disclose confidential information unless authorized to do so. Board members should never disclose or use confidential information gained by virtue of their association for personal gain or to benefit friends, relatives, or associates.

Confidential information includes proprietary, technical, business, financial, legal, or any other information that the Directorate or Board treats as confidential.

The Board is required to conduct itself in accordance with the *Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c. 5* regarding the collection, use and disclosure of information.

14. Conflict of Interest

Board members must avoid conflicts of interest and the perception of conflict of interest. Board members are required to conduct themselves in accordance with the *Conflict of Interest Act, S.N.S. 2010, c. 35*.

15. Conduct

Board members are required to exercise the care, diligence, and skill in carrying out their roles that a reasonably prudent person would exercise in comparable circumstances.

Discussion at board meetings should be well informed and challenging, with dissenting viewpoints respected.

Board members are required to comply with the Public Service Commission's Code of Conduct, *Values, Ethics & Conduct: A Code for Nova Scotia's Public Servants*.

Any breach of conduct must be reported to the Department's ABC Coordinator. A discussion between the Board Chair and the Minister may be recommended to determine whether the action warrants disciplinary action.

16. Remuneration and Expenses

The Board, committee and subcommittee members who are not employed in the public service of the Province shall be paid such remuneration as is determined by the Minister.

The Board, committee and subcommittee members shall be reimbursed for reasonable expenses incurred in the performance of their duties, including any costs related to accessibility supports, as approved by the Directorate.

17. Amendments

Any proposed amendments to the terms of reference must align with *An Act Respecting Accessibility in Nova Scotia* and other legislation referenced in the Terms of Reference.

Proposed amendments must be voted upon by the Board after a motion is formally presented in writing. If approved by the Board, all proposed amendments must then be brought forward for consideration and approval of the Minister.