

REPORT ON INTERVIEWS CONDUCTED FOR

THE ALLIANCE FOR AN INCLUSIVE AND ACCESSIBLE CANADA



RAPPORT DES ENTREVUES RÉALISÉES POUR

L'ALLIANCE POUR UN CANADA INCLUSIF ET ACCESSIBLE

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INTRODUCTION

The Alliance for an Inclusive and Accessible Canada (the Alliance) is made up of twelve member organizations and four partner organizations. Together, we have been consulting Canadians about the new federal accessibility law for the past eighteen months.

As part of that consultation, interviews were conducted via telephone and email with 60 experts and 56 people with lived experience in the disability movement. Our participants represent a wide range of experiences and knowledge. The table below lists the areas of expertise and lived experience to the extent that participants self-identified during the interview process.

The interview consisted of thirteen questions, and participants were not obliged to answer all of them. Each one is summarized, including relevant statistics. This project is funded by the Government of Canada's Social Development Partnerships Program - Disability Component.

Area of expertise	Lived experience
Aboriginal Rights litigation	First responder who has become disabled
Accessibility	Athlete
Accessibility for Manitobans Act	Blindness
Advocacy	Caregiver
AODA	Deaf community
Art culture performance	Deafblind
Blindness	Disability Identity
Bullying	Episodic/invisible disability
Children's rights including the rights of children with disabilities	Experience of disability by different ethno-cultural groups/newcomers
Community engagement and accessibility services	First Nation Maliseet
Constitutional law	Former government employee
Definitions	Francophone
Digital strategy	Francophone living outside of Quebec
Disability identity	Genders: male, female, Trans-gender
Disability issues	Indigenous communities
Disability rights	Intellectual disabilities
Education	Law professor
Employment	Law student
Employment policies	Lawyer
Entrepreneur	Lobbyist
Episodic/invisible disability	Mobility impairment
Equality legislation	OT MOT BSW PhD Candidate Rehabilitation Sciences

Equality rights	Parents with disabilities
Former government employee	Psychology
Governance and Funding	Trans woman of colour with expertise in working with people living with HIV
Housing	Women with disabilities
Equality rights	Writer
Human Rights	Youth
Immigration	
Inclusion	
Inclusive education	
Income security from the injured worker perspective	
Income Tax Act	
Independent Living	
Independent living skills	
Indigenous communities	
Injured workers	
Intellectual disabilities	
Interprovincial mobility/interprovincial transportation	
IT	
Jurisdiction	
Legal capacity	
Legislation	
Monitoring	
NS Accessibility Act	
Organized Labour	
Parent advocate	
Parents with Disabilities	
Past chair of MB Human Rights Commission	
Policy	
Policy development	
Poverty	
Psychiatric disabilities	
Public Policy	
Racialized communities	
Social assistance	
Social Policy	
Taxation	
Trans woman of colour with expertise in working with people living with HIV	
Transportation	
Violence against women	
Violence against women with disabilities	

Visible disabilities	
Women with disabilities	
Youth	

EXECUTIVE SUMMARY

Once all the public consultations, discussion groups and surveys were completed, it was determined that there were information gaps and groups of people who had not been adequately represented. Therefore, a small group of Alliance volunteers convened and created a list of questions for one-on-one interviews. All the member organizations were asked to suggest people who would be excellent interview candidates. We wanted a good mix of experts on disability issues and people with lived experience, and the resulting participants fulfilled all our hopes.

As the person who would conduct the interviews, I contacted everyone. If they had already agreed to a telephone interview, I worked with them to find appointment times that fit their schedules. If they had requested the documents be sent via email, I sent them the consent form and interview questions.

I conducted my first telephone interviews on December 15, 2017, and the last one on February 9, 2018. The people I spoke with were fascinating, intelligent, thoughtful and charming, and they responded with passion.

Once all the interviews were completed, I compiled my notes, question by question, and then set out to find the common themes and organize the responses. Wherever possible, actual quotes have been reproduced from the interviews. Some questions were easy to organize, whereas others were less obvious. However, I felt a great sense of accomplishment when all thirteen questions were finished. A summary of each question is presented below:

1. The first question asked participants to consider the type of legislation they wanted to see and then whether it actually existed in any form elsewhere. Almost 75 percent of the participants had an opinion, either specific legislation or simply a comment regarding what kind of legislation they were looking for. The Americans with Disabilities Act was the law cited most often, followed closely by the Accessibility for Ontarians with Disabilities Act, 2005.

Both laws have made strong impressions on Canadians of all walks of life. The other two existing Canadian provincial accessibility laws also were discussed, as well as a few other very interesting international pieces of legislation. It is evident that the AODA was cited as an example of how not to craft the new Act. Two-thirds of the comments received were negative.

The new Act needs to be enforceable; it must have timelines that are strictly followed; it must result in barrier removal; must involve people with lived experience; must specify that the accessibility standards will be rules specifying the actions organizations must take to actually remove barriers, and that the purpose of each standard is to achieve accessibility in the sector to which it is identified, by the Act's deadline; the standards development process needs to be

more streamlined and not in the hands of the government; it cannot be debilitated by the process of regulatory negotiation with industry which resulted in weak standards in the AODA because industry used its vast resources to minimize what it had to do.

2. The second question was designed to uncover personal concerns regarding the new Act. However, almost 50 percent of respondents named the need for strong enforcement of the Act as one of their concerns, proving the need for a change from the current state of affairs. They believed that the only way the lives of people with disabilities would be improved would be through tough legislation.

The need for inclusion, in every sense of the word, figured in 37.35 percent of responses. Again, the need for systemic change was clearly expressed. Financial and administrative policy concerns also figured in 37.35 percent of the responses. Respondents had very strong opinions about the content of the new Act. They also stressed that it must be financed properly, it must have the resources to be fully implemented. A group of respondents, 21.68 percent, created a laundry list of improvements they needed to see as a result of the new Act.

The Act itself had to have clear definitions, be results oriented, consumer-oriented and focused on measurable outcomes. Concerns with respect to human and other rights were expressed by 20.48 percent of respondents. Education and training issues concerned 19.27 percent of respondents. They all agreed that the Act has to have a high profile educational component-it's vital to its successful implementation. It is not surprising that 16.86 percent of respondents expressed concerns related to people with intellectual, episodic, psychiatric and mental health disabilities, since that group makes up approximately the same percentage of the whole participant group.

The issues expressed by 13.25 percent of respondents concerned the concepts of collaboration and harmonization. Employment issues were discussed by 12.04 percent of respondents. One of the most surprising results of this entire interview came from this question-over thirty percent of all participants self-identified as being legally blind, yet only 6 percent of the concerns expressed in this question are specifically related to people who are legally blind, and three people expressed the same concern, decreasing the sample size even farther. The final group of concerns, dealing with barriers to people with physical disabilities, also comes from 6 percent of respondents.

3. The third question dealt with definitions-of "disability" and "barrier", and any other definitions people felt would be important. Of the participants who weighed in, 80.49 percent agreed that the Act should definitely have some sort of definition of

“disability”, and 29.42 percent of this group believed that the description of persons with disabilities found in the Convention on the Rights of Persons with Disabilities should be used, either in whole or in part, as the basis for that definition. An overwhelming number, 85.71 percent, of those participants believed there should be a definition of “barrier” in the Act. They agreed that it was necessary to determine what classified as a barrier, but that is not an easy task. There were many suggestions for other words or concepts which belonged in the Act, often suggested by more than one respondent. The word “inclusion” was suggested by 19.05 percent of respondents, but the concept most often cited was “accessibility”, mentioned by 42.86 percent of respondents.

4. The fourth question sought opinions on the possible purpose of the Act. It received very thought-provoking responses. These fell into two categories: a discussion of what a “purpose” was exactly, and actual ideas about how it should be worded. Although the actual words may have been slightly different in the many responses, several words or concepts tended to repeat themselves. The concept of “inclusion” was expressed in 50 percent of responses; “rights” in 30.67 percent; the “Convention on the Rights of Persons with Disabilities (CRPD)” figured in 21.34 percent of them, and two people suggested its purpose be used; “barriers” were found in 17.34 percent of responses; and “accessibility” in 13.34 percent of them.
5. The fifth question asked for opinions on how the Act should be enforced. Everyone had great ideas. The first important aspect of enforcement, mentioned by 20 percent of respondents, was education. Over ten percent of the respondents tackled the issue of oversight of the Act and its enforcement. The Act must include all the details around strong and effective enforcement. In other words, the Act needs to contain all the specifics-how things will happen, who will make them happen, and when they have to happen.
6. The sixth question tried to discover the various types of information which would have to be collected in order to determine the level of success reached after the Act is implemented. It was made clear that two categories of data would need to be collected: quantitative data and qualitative data. Each category was well-defined.
7. The seventh question asked participants where they thought money would be needed to make the new Act work properly. The implementation of the accessibility and inclusion legislation and the federal government itself were cited by 65 percent of respondents as the major category in need of funding. It would seem respondents believed that funding would be required to support the federal government walking the talk. Next in line for funding, according to 58.75 percent of participants, was the whole gamut of accessibility improvements. Most of the respondents were of the opinion that funding should be available for a wide range of initiatives.

There are many other types of support which figured in 40.38 percent of responses, the most commonly mentioned, by 42.86 percent of respondents, being the need for the creation of a National Assistive Devices program. "I would like to see the funds going to organizations; at least they provide programs for people who have disabilities." This statement came from one of the 30 percent of respondents who want to see some funding earmarked for organizations of people with disabilities. Funding for research and data collection was suggested by 13.75 percent of respondents.

8. The eighth question asked participants to consider existing legislation that might need to be modified along with the implementation of the new Act. The majority of respondents, 56.9 percent, called for the Act to require a complete legislative review-laws, statutes and programs-within a reasonable timeframe. There were many specific laws discussed, and the "top ten" has been presented, with the changes required.
9. The ninth question discussed intersectionality. Although it seemed to be the most perplexing, participants managed to express very strong opinions. They fit into six broad streams. Actual ideas for the language of the new Act were provided by 31.67 percent of respondents. Focusing on the individual and his/her needs formed 27.87 percent of responses. Intersectionality would come from involvement of people of all marginalized groups in all processes according to 16.67 percent of respondents. "They need to look at the impact to all groups and the implications of the impacts to all groups with every new policy/procedure/program developed," stated one of 15 percent of respondents. "Indigeneity has to be in this Act," affirmed one of 8.34 percent of respondents, who believed that intersectionality would follow if the Act truly respected the needs of indigenous people with disabilities.

There were some respondents, 8.2 percent, who did not agree that intersectionality belonged in the Act, and they made some compelling arguments for their point of view.

10. The tenth question asked for ways the federal Act could influence the provinces, territories and municipalities, and provided an example of placing strings-requiring accessibility as part of the outcome-for all federal funding. The given example was the most common discussion point, figuring in 84.81 percent of responses, but it certainly was not the only method of influence suggested. Procurement as a means of leverage and influence figured in 13.92 percent of responses. "The governments need to collaborate more because placing strings on federal transfer payments will likely strain relations with the provinces/territories," said one of 59.49 percent of respondents who made suggestions for other methods of influence.

11. The eleventh question sought opinions on the Convention on the Rights of Persons with Disabilities and how closely it should or should not relate to the new Act. The grand majority, 87.88 percent, of participants were in favour of a relationship between the new Act and the CRPD. As stated before, there were 12.12 percent of respondents who were not completely convinced that the CRPD should form a part of the new Act.
12. The twelfth question concerned the principle “No one left behind” and how the Act could help Canada achieve it. There were a few common themes, the first being the concept of inclusion, which figured in 41.89 percent of responses. Another 14.86 percent of respondents tackled the theme of the value of the individual and his/her needs. Most of the remaining responses concerned creation of and interaction with the Act itself. There were participants who did not buy into the principle, as always showing that there are two sides to every story.
13. The thirteenth, and final, question collected any other comments participants wanted to make—and they were many and varied. They showed the passion and the uncertainty that have been running wild through this process.

LESSON LEARNED

The question-- Is there existing legislation that the federal accessibility act should copy? What are the positive features of the law you mentioned? Are there aspects of existing law that should be avoided?--was a very good starting point for the interviews, as it encouraged participants to begin to consider the type of legislation they wanted to see and then whether it actually existed in any form elsewhere. Almost 75 percent of the participants had an opinion, either specific legislation or simply a comment regarding what kind of legislation they were looking for. The Americans with Disabilities Act was the law cited most often, followed closely by the Accessibility for Ontarians with Disabilities Act, 2005. Both laws have made strong impressions on Canadians of all walks of life. The other two existing Canadian provincial accessibility laws also were discussed, as well as a few other very interesting international pieces of legislation.

The table below shows the laws cited by the participants who answered the question and the popularity of each law. A summary of the comments concerning each law, both positive and negative, and the general comments received, follows. Where possible, internet resources have been listed for the specific laws.

LAW CITED	POPULARITY
Americans with Disabilities Act (ADA) United States	54.90 percent
Accessibility for Ontarians with Disabilities Act , 2005 (AODA) Ontario	43.14 percent
Accessibility for Manitobans Act Manitoba	17.65 percent
Disability Discrimination Act 1992 Australia	11.76 percent
Equality Act 2010 United Kingdom	11.76 percent
Nova Scotia Legislature Accessibility Act Nova Scotia	9.8 percent
Canadian Human Rights Act Canada	5.88 percent
Convention on the Rights of Persons with Disabilities United Nations	3.92 percent
Ley Nacional de Discapacidad (LND; National Disability Law [NDL]) Chile	3.92 percent
National Disability Authority Act Ireland	3.92 percent
Charter of Rights and Freedoms CONSTITUTION ACT, 1982(80) Canada	1.96 percent

Employment Equity Act Canada	1.96 percent
Fair Housing Act United States	1.96 percent
Guide Dog and Service Dog Act British Columbia	1.96 percent
Universal Declaration of Human Rights United Nations	1.96 percent

Americans with Disabilities Act

The ADA defines a strong role for independent living resource centres and community organizations. It promotes the equality and dignity of persons with disabilities in all aspects of life, and has succeeded in raising public awareness of their needs. The legislation included specific direction requiring accessibility in various sectors, and where specific details were not stated, it required such standards to be developed within a year. Many participants described the Act as being strong and enforceable, having had a major positive impact on people with disabilities over the years. Some of that enforcement has happened with the help of litigation. Penalties for noncompliance are set, but only as minimums, and individual states have the ability to impose harsher ones if deemed necessary. Another positive attribute lies in its requirements that existing barriers also be removed; simply preventing new ones is not enough.

In fact, federal funding has resulted in significant concrete change-businesses have received tax breaks and other incentives if they undertook significant renovations that enhanced accessibility. Businesses could also access federal funding for projects as long as the results included accessibility.

Therefore, as noted by the majority of participants, physical and environmental accessibility has greatly increased throughout the United States and, because of the influence of large American corporations, has had international implications, as these large companies also increased the physical accessibility of their holdings-restaurants, hotel chains, etc-in other parts of the world.

This increased physical accessibility has allowed for proper accommodations for people in wheelchairs, so they can access the same environment as their able bodied peers. Access to communications has also improved-availability of CART, ASL and other needed interpreting services has increased in public places. The ADA also guarantees the right for individuals with service animals to access all places their able-bodied counterparts can, with freedom and protection from discrimination. Unfortunately, as one of the participants pointed out, this type of legislation cannot work for our political system.

Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11

As noted by one of the participants, this act is not bad as a model and would put the country ahead of where it is today. Two participants noted that the requirement for developing accessibility plans, part of the original Ontarians with Disabilities Act 2001, forced organizations to consider accessibility, to think proactively and to have to establish accessibility committees. It specifies a timeline for achieving the requirements of the Act. One of the employment experts called it

“A decent piece of legislation that has transformed from its original rigid and perhaps naive form to today's more integrated act that is more easily followed by business, builders and society at large.”

Another participant praised the broad scope and priorities of the law:

- a) Engaging employers to understand the value of hiring people with disabilities,***
- b) Strengthening the foundation of accessibility in Ontario, by building on the province's accessibility laws and standards, and***
- c) Promoting Ontario's cultural shift to build awareness of accessibility in innovative ways, so that Ontarians of all abilities can reach their full potential.***

The law has cumulative penalties for noncompliance. It has pretty good customer service standards. However, 26 percent of the participants who cited this piece of legislation spoke of the lack of any true enforcement-there were no actual consequences for noncompliance.

The complaint-based enforcement mechanism was not working. Another participant pointed out that it was a framework legislation stating that something will be done but with no specifics on how it will be done. The government then allowed the standards to be set very low due to concessions to industry. Original timeframes were too generous in terms of specific requirements for compliance.

In fact, one participant noted:

“In Ontario the roll out dates kept changing leading society to view the Act as unimportant. Imagine if Ontario lowered the blood/alcohol level for DUI and then changed the roll out date five times. This simply wouldn't happen but the disability community is expendable.”

The Act is not taken seriously-existing barriers are still there yet in the preamble existing barriers were to be eliminated. No one spoke of any increase in physical accessibility. In other words, the regulations are weak. Another failure of the Act was the lack of significant participation of people with lived experience in the employee education piece.

One of the participants told of training materials that were demeaning in nature, made even worse if the employee being trained was a person with a disability. It is evident that the AODA was cited as an example of how not to craft the new Act. Two-thirds of the comments received were negative.

The new Act needs to be enforceable; it must have timelines that are strictly followed; it must result in barrier removal; must involve people with lived experience; must specify that the accessibility standards will be rules specifying the Actions organizations must take to actually remove barriers, and that the purpose of each standard is to achieve accessibility in the sector to which it is identified, by the Act's deadline; the standards development process needs to be more streamlined and not in the hands of the government; it cannot be debilitated by the process of regulatory negotiation with industry which resulted in weak standards in the AODA because industry used its vast resources to minimize what it had to do.

Accessibility for Manitobans Act

According to participants, this provincial law makes important strides toward ensuring accessibility is taken seriously. It focuses on all Manitobans and on the concept of accessibility as removing barriers that disable people-it is not the impairments which are the disabling factors. Its purpose references the Charter of Rights and Freedoms, the Canadian Human Rights Act and the Convention on the Rights of Persons with Disabilities, and includes "whereas" clauses setting out the context and future intent of the Act; it has a set of basic principles, and includes a predictable and methodical process for standards creation. It includes a schedule of fines for businesses who do not comply with the regulations. However, the purpose does not set out a specific timeline for the achievement of the goals of the Act. There are great clauses but nothing to ensure that sanctions will be meted out when the law isn't followed, so nothing will change. The Act doesn't cover education, either, so the new federal Act needs to ensure that it covers as much of the education landscape as is under federal jurisdiction.

Disability Discrimination Act 1992

It empowers people with disabilities. It also makes use of accessibility standards. Their parliamentary system is similar to ours. However, it does not include recognition of the very complex needs of LGBTQ people with disabilities, especially the needs of trans people with disabilities. The new Act needs to ensure everyone's needs are met.

Equality Act 2010

It tries to equalize access for people with disabilities and focuses on results. Two participants spoke of the employment section, how they and they have employment initiative-how they have a plan in place to deal with the chronic unemployment situation for people with disabilities. It provides resources to people with disabilities seeking employment, and removes barriers to employment in a practical way. One participant also noted that the National Building Code includes visitability requirements for new construction.

Nova Scotia Legislature Accessibility Act

This law makes important strides toward ensuring accessibility is taken seriously. It has a directorate and has a clear set of guidelines and reporting/planning timetables. It has an enforcement mechanism that is inspection-based. It also has a better framework for developing standards by allowing an advisory committee to develop the scope of the Standards Development Committees' work. However, as with the other laws cited so far, there are still lessons to learn. In the words of one of our experts,

“These statutes should have more clearly contemplated the social and economic marginalization affecting persons with disabilities, in particular those with psychosocial disabilities and intellectual disabilities – so factors including stigma, lack of accessible, affordable, supportive housing, and other limitations on the right to live in the community on equal terms.”

The Act is also seen as being too permissive-it may have standards, and it may advance equality, but it doesn't appear to provide for a complaints process. It has great clauses but nothing to ensure that sanctions are meted out when the law isn't followed, so nothing changes. Another disturbing comment concerned the lack of adequate consultations with people with disabilities by the government before the Act was drafted. The federal government needs to take these comments seriously.

Canadian Human Rights Act

It is a good model to start with, as it clearly concerns non-discrimination, definitions, and investigation. All these elements should be copied, but they should also be strengthened.

Convention on the Rights of Persons with Disabilities

The Convention has already been ratified. Canada already has obligations to monitor progress on its requirements. It covers a majority of the areas of concern, has great definitions, and is better than everything else.

Ley Nacional de Discapacidad (LND; National Disability Law [NDL])

They implemented a national law around accessibility and domestic implementation of the Convention the year after ratifying it. It is progressive and seems to have made a difference to the people with disabilities one of the participants met there.

National Disability Authority Act

It is an act of parliament. It ensures a capacity and responsibility of the federal government to have an ongoing commitment to pursuing universal design features, whether to do with the built environment or telecommunications or other facets of life. It resulted in the creation of a universal design centre which was tied to the Act. It creates disability authority within government and acts as a central national body and helps the minister coordinate and develop policy relating to people with disabilities.

They also undertake, commission and collaborate in research projects, advise the minister on standards and services for people with disabilities and act as an advisory body for the development of general and specific standards; they also monitor the implementation of codes and standards and report to the minister; they liaise with other organizations involved with providing services for people with disabilities; they give out awards and look for best practices.

Employment Equity Act

The Act does speak to inclusion and measurement. However, the measurement piece doesn't differentiate between disabilities, and this needs to happen to gain a true perspective of what is really happening.

Fair Housing Act

It protects persons with disabilities from being denied housing based on disability.

Guide Dog and Service Dog Act

One good provision of this Act is that it allows retired guide/service dogs to remain in no-pets buildings.

The Charter of Rights and Freedoms and the Universal Declaration of Human Rights were also mentioned, though no specific comments were made.

In addition to the specifics noted above, many participants made relevant comments with respect to the relationship between what exists and what is being considered. Here are some of the thoughts:

“While these provincial acts cover several important standards of accessibility, they really need the teeth of federal legislation to galvanize an effective implementation and compliance regime, and to support public education to ensure everyone understands the value and importance of creating and maintaining full accessibility and inclusion for persons with disabilities in all facets of society. A robust federal accessibility legislation which includes significant ongoing financial investment into education, implementation and compliance monitoring will support the creation of accessible and inclusive environments for all.”

“The Federal accessibility legislation provides an important opportunity for Canada to adopt provisions of the Convention on the Rights of Persons with Disabilities and a strong rights-based framework. In addition, Federal and provincial human rights statutes provide important parameters that must be considered. Provincial

experiences with accessibility legislation provide useful experiences and learnings.”

The last quote comes from a lawyer with expertise in disability issues, and one of the experts in the area of poverty and human rights takes it even further, stating that it is essential that the federal accessibility act incorporate Canada’s current legal obligations to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD – 1970); the International Covenant on Economic, Social and Cultural Rights (ICESCR - 1976); the Convention on all Forms of Discrimination Against Women (CEDAW – 1981); as well as the CRPD.

Another participant expressed concern at the poor implementation and reporting on the CRPD to date, commenting that we could learn from that experience, as well as from the existing provincial accessibility legislation. There are also some lessons to be learned from the US, UK and Australian legislation, but Canada is unique in its federation.

Three people commented that there was really no need to create a brand new law. They all suggested that the government look at the existing legislation-transportation, CRTC, CHRA, etc. and get that working better. They could amend the Canadian Human Rights Act, modernize it and properly resource it to be more proactive. Adding a new legislative layer on top of what isn't working isn't the best way to go.

Perhaps a multi-pronged approach should be preferred rather than just a federal act. A full 20 percent of those who commented stated that there was no existing legislation that provided what they wanted in the new Act, with one participant going so far as to state that there is no known existing legislation that meets the needs of the intellectually disabled population. Another participant commented:

“There is no law in Canada I can point to and the one in Ontario has not been as promising as hoped because there is a lack of real enforcement. I haven’t looked into other jurisdictions for a while but I don’t see any as more effective than the other. Seems like they all have a good piece but unless you also provide the resources necessary to implement legislation, it will fall short.”

When asked whether there were any existing laws worth copying, yet another participant said:

“I don’t think there is-there are components of legislation out there in the provinces and in other countries but they aren’t comprehensive enough, they don’t get at the more systemic pieces.” And what should those systemic pieces look not equal?

“If the focus is on the system rather than on the person it ain’t going to work. The system has to be responsive to individuals and their needs.”

The author of these last words also pointed out that broadcasting is far more accessible in Australia, Britain and the United States due to consumer-driven processes along with the traditional ones. The focus on people makes the difference. Another opinion was offered:

“I think it’s less about copying. What we need is harmonization on all levels in Canada.”

Everyone seems to be saying the same thing-there are important elements that must be present in the new federal Act-it needs teeth, not just guidelines; it needs to have built-in accountability and adequate resources. Here are a few final issues to consider: Avoid putting the onus on the individual to have to complain to a human rights commission in order to seek redress for discrimination. Avoid

“any law that has soft language that doesn’t make a real firm commitment, any language in any legislation that’s kind of fuzzy wuzzy, that doesn’t really have obvious enforcement mechanisms but also public reporting and accountability.”

Avoid the overall concept that legislation is a panacea-just because legislation is in place doesn't necessarily mean it's going to be enforced, and doesn't necessarily mean it will cover the vital aspects of social inclusion for persons with disabilities in Canada. And finally: avoid generalized platitudes in lieu of measurable results – either a sign is tactile or it is not!

IDENTIFIED PRIORITIES

As expected, this question-- **What does the Act need to do to address your concerns?**--had a high rate of response: 97.65 percent of participants expressed their concerns with the new Act. The responses have been divided into eleven categories and are summarized below, including the percentage of participants who contributed to each one.

The fact that 49.4 percent of respondents saw the need for enforcement as one of their own concerns only serves to underline the need for real change. They believed that the only way the lives of people with disabilities would be improved would be through tough legislation. Many participants spoke of the new Act as needing to have teeth--simply having guidelines was no longer adequate. The teeth had to be well funded as well--the enforcement mechanisms, whatever they were going to be, had to have adequate financial and human resources. The need for a robust monitoring mechanism was also stressed. And, of course, there had to be serious consequences for failure to comply with the Act. Finally, the new Act had to include a review and revision mechanism, so that it could evolve and improve through knowledge gained over time. Here are the thoughtful opinions expressed on these themes.

The federal government must truly take the Act seriously. It must ensure that standards, regulations and policies established under the Act are clearly understood, measurable and enforceable. The Act must force federally-regulated employers and entities to do the right thing, even though it will probably result in temporary discomfort--helmets and seatbelts are now worn without comment, but it took a strongly enforced law to initiate the habit. This new Act, too, has to go to places that are uncomfortable.

The time has passed for voluntary guidelines. As one participant pointed out,

“Transportation codes of practice have still not resulted in service animals having enough room on airplanes, and wheelchairs are still being damaged during transport”.

The regulations must include realistic timelines--enough time for entities to comply with the accessibility and inclusion improvements, but not too much time that procrastination could be allowed to set in; a 5-7 year plan is better than a 20-year plan. There must be serious implications for failure to comply, but the compliance guidelines must be clear and concise, with training provided to assist where necessary. Tax incentives could also be offered to reward businesses for compliance. Monitoring of the Act must involve people with disabilities.

There were two ideas: either form a committee including equal numbers of experts in particular fields and persons with lived experience, or reinstate the National Council of Welfare, or another similar entity, to ensure proper monitoring and reporting for people with disabilities. Either way, it was agreed that the law needed to dictate the consequences for noncompliance, including the timelines and any possible sanctions-it had to hold people and organizations accountable for their actions. Perhaps there could also be an independent reporting process of some type regarding compliance. It was suggested that, rather than the usual complaint-based system, there should be a more proactive approach taken towards accessibility and inclusion-resolving individual complaints should not have to be the sole means of achieving compliance. In fact, one participant hoped that the new Act would

“Ensure a method of enforcement that doesn't put an additional burden on people with disabilities”.

There would still have to be a complaints process, but it must be fully accessible with multiple forms of feedback accepted, to ensure that it included people with all disabilities throughout the country.

“It needs to be a simple grievance system-a tribunal with monetary and legal support for the complainant.”

These complaints and the proactive discoveries of noncompliance must result in appropriate penalties. They should be progressive, and there should be public notification, full transparency. The Act needs to

“Really change the lives of people with disabilities and not just do a nod to it”.

There also has to be a mandatory legislative review conducted by a standing advisory committee every two years or so, collecting feedback from disability communities, and having a mechanism to make changes to the Act when necessary to fix what isn't working. The timeline for the review could be every five years, but no longer.

The need for inclusion, in every sense of the word, figured in 37.35 percent of responses. Again, the need for systemic change was clearly expressed.

“Creating an inclusive Canada, a place where everyone can participate, contribute and succeed, requires leadership from government, the broader public sector, business and not-for-profit organizations.”

“It has to provide for the proactive and systemic removal of all barriers in all direct and indirect areas of federal jurisdiction.”

“It needs to be concise and provide people quality of life, a fair playing field, inclusion, the ability to enjoy themselves on a personal and professional level, and on an educational level; disability should not impact participation in all these things.”

It is really important for the new act to provide a framework for accessibility across the country and take it from the perspective of inclusion wherever possible with a maximum amount of choice and control for persons living with disabilities.

“It needs to tackle the issue of indigenous people with disabilities. They cannot be an afterthought; many of their barriers are social constructs created by historic government policies of colonialism and current government policies.”

“The Act needs to result in people with disabilities no longer being treated as anomalies, everyone needs to be respected.”

“It has to achieve 100% accessibility-all or nothing-example a subway station where the elevator doesn't reach the street level-the last level has to be reached by stairs, so no point putting in elevators that last mile home is still inaccessible.”

“The Act needs to deal with poverty, the biggest barrier, and could only do this if it sees accessibility very broadly, including employment, proper food, and a decent standard of living.”

“The Act must clearly define disability to ensure it includes all individuals that face barriers in our society and communities including people with physical disabilities, intellectual disabilities, mental health related disabilities, learning disabilities, and medical related disabilities.”

“It should reflect diversity of people with disabilities who have very distinct needs and also share commonalities; it needs to be very sensitive to multiple identities and marginalization, and must have a

gender lens; there is an understanding that women and men experience disability in this society in different ways.”

“The Act needs to set standards for businesses and organizations to be accessible for all individuals.”

“It should go well beyond physical disabilities. Working with children, access to services is a big issue in terms of discrimination. One of the biggest issues is children’s placement in education and support services in education, so having strong legal grounding for those elements would be really important.”

The Act needs to address more than just the physical barriers-it must address the attitudinal barriers as well. There should be more consultation with the community to discuss what their identities and disability access look like before the Act is implemented. Consultation with Trans people with disabilities was lacking, possibly with LGBTQ people as a whole.

The Act needs to demonstrate that ***“disability-related supports”*** must be seen as whatever the individual requires, and everyone’s needs should be met.

“The federal legislation needs to become ‘model legislation’ that might be replicated at the provincial level. Federal accessibility legislation should be the leader in removing barriers and creating more inclusive and accessible communities. Federal legislation must not become simply the lowest common denominator.”

“The Act has to result in both accessibility and inclusion-they are not the same and we need both; programs must become more inclusive-education, employment, etc. Move from segregation to integration.”

There needs to be a broad understanding of accessibility, not just for people with disabilities but for everyone.

Financial and administrative policy concerns also figured in 37.35 percent of the responses. Respondents had very strong opinions about the content of the new Act. They also stressed that it must be financed properly, it must have the resources to be fully implemented.

“The Act needs to not only have clear laws/standards around accessibility and inclusion for all Canadians with disabilities, but there needs to be a large investment of government resources to help organizations comply with the laws/standards. There also needs to be an ongoing commitment to fund disability support agencies as they interact with many sectors while assisting individuals living with disabilities to navigate the barriers faced in those sectors.”

“The new Act should require all federal purchases of goods and services to be fully usable by persons with disabilities as a contractual condition of signing every contract from drone pilot to computer help desk staff contracts. This requirement has been in place for a decade and as a matter of routine reduced from a mandatory requirement to a nice to have option, for administrative convenience of Public Works Canada.”

“It should address the financial impact of disability; improve the current unacceptable standard of living of people with disabilities through more flexible tax measures.”

“It should include a program of guaranteed basic income for persons with disabilities. I believe that the federal government could either create a national assistive devices program or could work with the provinces to create more equity in terms of covering part if not all of the cost of technical aid that people require either for home, for school or for employment.”

Another participant suggested there should also be funding for essential medical equipment, and yet another commented that there needs to be funding for service supports for deafblind people-non-profit organizations should not be responsible for covering this cost. In fact,

“disability supports should be part of the Act, let the provinces deal with regular income support, and people with disabilities should be in charge of their supports-determining what they need and hiring the people to provide that support; eligibility should be clearly defined so that people are not at the mercy of the medical system or the

bureaucrats. The Act needs to ensure that people with disabilities are treated with respect.”

The Act should create linkages between public and private income sources so that people who cannot work can benefit from both without having to suffer claw-backs.

“In order for people with disabilities to participate fully in Canadian democracy, the state must ensure that their basic needs are met. Accordingly, CRPD Article 28 should be foundational to the development of new federal accessibility legislation: ‘States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.’ Develop, in collaboration with subnational governments, an adequate cost-sharing agreement that ensures sufficient revenue to fulfill CRPD Article 28.”

“I have very low expectations because federal jurisdiction doesn't touch much in daily life. The new Act should revise the disability tax credit to make it refundable; procurement must require accessibility.”

“Accessibility must be a requirement for projects seeking grants and contributions.”

“The Act should ensure a fully accessible Federal Government, accessibility of all courts within federal authority, and federal elections that are fully accessible to voters and candidates with disabilities. The Act should require interim measures to promote accessibility pending development of accessibility standards.”

“The new Act should require that all programs targeted towards persons with disabilities be required to have at least 33% of their staff dealing with the general public be persons with disabilities. This is nothing new, as many other programs like Aboriginal Affairs, Women’s Bureau, etc. have had to walk the talk.”

Three participants expressed the need for

“An independent Advisory Council comprised of Canadians with disabilities, government, unions, employers and other relevant stakeholders.”

Another participant suggested, instead, a panel of commissioners, one from each of the five regions, to handle complaints.

“There should be a commissioner of disability, access and inclusion, similar to the Auditor General, an officer of parliament, appointed by parliament, independent of the government, so isn’t hired or fired by the government, but is hired by parliamentarians and reports annually to parliament and to the public .”

Another participant echoed this sentiment, suggesting this Commissioner could determine what standards need to be created and lead the process.

Another participant suggested:

“The Treasury Board of Canada should create a Chief Accessibility Officer position to ensure all government departments comply with the Act.”

Yet another participant explained:

“There needs to be an office/unit that works interdepartmentally with senior leadership at the ADM or DM level to support the implementation of cross-departmental processes to drive down the standards in all obligated sectors and services, there needs to be accountability for implementation interdepartmentally.”

“In the aboriginal field real progress has been obtained by the duty to consult. So when initiatives are taken, whatever they are, if there’s a potential impact on an aboriginal right or a treaty right, the government owes a duty to consult and if necessary accommodates the interests of indigenous peoples. I can see no barrier to creating a similar structure where consultation is required with representatives of disability groups or coalitions of disability groups, to ensure that in

the general policy-making process the special needs of Canadians with disabilities are expressly considered and accommodated. This should be spelled out in the preamble or purpose.”

A few participants believed that the new Act should supersede all other laws, whereas others believed the Canadian Human Rights Act should retain primacy. One of our experts cautioned that the government, in crafting the new Act, should avoid wherever possible duplicating existing legislation. It should support and enhance but not duplicate. Another commented:

“It has to be smart legislation-sometimes you need a parallel service and sometimes an upgrade to the existing service.”

“It must give federal officers of parliament a specific mandate to weigh in and review issues of accessibility.”

“The federal government needs to take a leadership role in establishing policy-making processes that address barriers in policy overall, it needs to incorporate a disability lens.”

“Disability must become a routine aspect of legislative development.”

“It has to give real meaning to the requirement for equality for persons with disabilities by mandating the creation of progressive accessibility standards in the various sectors regulated by the federal government.”

These standards, according to another participant, should be based on equal access, equal benefit and individual usability. We need to do it well or not at all.

A group of respondents, 21.68 percent, created a laundry list of improvements they needed to see as a result of the new Act. The Act itself had to have clear definitions, be results oriented, consumer-oriented and focused on measurable outcomes.

“Its scope must cover Barrier prevention/removal, disability supports-cost and availability-homecare, personal care, other needed supports, and income-accessible airports don’t make a difference if a person can’t afford to travel.”

It must lead to structural and attitudinal change, improve access to financial services, to justice, to transportation; provide access to information, universal design, computer access, and include access to human resources to enable access to certain services.

“It must be comprehensive, coherent and effective by including both prescriptive and outcome-based measures; It should focus on employment, employment-related supports, training, social protections including banking, federal investments in affordable housing, accessible postal offices, tax fairness, accessible cross border passenger transportation (air, rail, marine, interprovincial bus), federal programs for women, Aboriginal people and immigrants with disabilities, accessible voting in federal elections and accessible health care and prescription drugs for all Canadians with disabilities.”

“Complementary social policy at all levels of our Canadian society must be in place to ensure the legislation is reinforced and continually acted upon. It should be based upon a much more holistic and organic foundation than currently exists in any of our current statutes having to do with life issues of people with disabilities.”

There should be assurance that all emerging technologies are either accessible from the get-go or designed to be easily made accessible.

“The Act should ensure that the strongest accessibility law always prevails, and that no Federal laws authorize or require disability barriers.”

It also needs to provide a mechanism by which the importance of accessibility is really highlighted within the federal government and consequently within the various agencies regulated by the federal government.

“It has to acknowledge cultural differences, indigenous peoples and others.”

“Barriers such as: attitudinal barriers, informational and communication barriers, technological barriers, systemic barriers, and physical and architectural barriers, are all areas which the Act needs to address.”

It needs to include some federal national standards around post-secondary education and training. Public sector organizations must lead and set an example.

Concerns with respect to human and other rights were expressed by 20.48 percent of respondents.

“It needs to have a human rights focus/lens. It needs to support the idea of 'nothing about us without us'. It needs to have an intersectional lens.”

It must create a framework by which people with disabilities are able to articulate their rights. It must be values based, establish a framework that will demonstrate to the rest of the world and Canadians that we are living what we agreed to when we developed the CRPD. In fact, according to one participant, the Act should mirror the CRPD and bring Canada into full compliance with it, explicitly linking to the international human rights obligations that Canada has signed. It has to be something that really advances a commitment to the Canadian Human Rights Act, the Charter and the CRPD in ways that are more than just symbolic. It must identify and eliminate physical, economic and systemic barriers and prevent the creation of new barriers. It needs to deal with the broader issues of social inclusion and participation outlined in the CRPD, rather than be limited to physical accessibility. It needs to recognize the social exclusion caused by poverty and see this as a barrier which needs to be removed.

“It needs to adopt a wide understanding of the disability experience and it needs to adopt an understanding that the purpose of the legislation is to simply ensure that the people who require that legislation are by virtue of the legislation brought into a situation where their human rights and the barriers that they face because of lack of accessibility are set aside. I see this accessibility legislation as a really wonderful opportunity for the government to really begin to put some details around implementation of the convention into the law, into Canada’s laws. So I think that what I would hope is that the legislation would take a very comprehensive view of things and that it would ground itself in a human rights understanding of disability and of access. So I think that the accessibility legislation, while it's not going to address everything, really needs to - I don't know - shift the frame may be the best way to put it, to talk about accessibility as a human rights issue.”

“So one of the things that I would recommend is that you place a priority on balancing concepts of hardship so the hardship to the individual, lived experience of the individual is given equal weight in the administration of the law as a hardship by private companies or federally regulated entities, that have to change their practices or retool to deal with proper access.”

There should be an aspect of the law that relates to duty to accommodate which connects with and relates to the individual, the Canadian Charter of Rights and Freedoms and the human rights acts or charters in the provinces and territories.

“The Act should complement and strengthen existing laws that protect the human and labour rights of Canadians with disabilities, and build on existing relevant federal and international standards and regulations. These would include the implementation of Canada’s obligations under international human rights instruments, including the United Nations Convention on the Rights of Persons with Disabilities.”

“Since Canada has signed and ratified the CRPD, the federal government is legally obligated to give effect to this, and to other, international agreements. Create a legal mechanism, which is accessible for people with disabilities, to address any infringements and/or violations of social and economic rights.”

“Legislation must not create a hierarchy of rights nor create any conflict with human rights and Charter legislation nor infringe on individuals’ right to file complaints or seek redress through the courts or tribunals if they feel their equality rights have been infringed.”

Education and training issues concerned 19.27 percent of respondents. They all agreed that the Act has to have a high profile educational component—it's vital to its successful implementation. People need to be hired to make the Act easy to understand.

“The legislation needs to provide specificity in design, and set up a process where organizations, etc. may consult with approved agencies to gain the information needed to ensure that their projects

are accessible. Dry reading of legislation is not enough to implement these changes.”

The Act should also require training in the area of customer service—how to interact with and assist people with disabilities.

“The government needs to make sure business people are educated so they don't see accessibility improvements as a cost burden rather than a means of increasing business. There needs to be a promotion tool about human, social and economic benefits of disability legislation, not just economic benefits because that's an argument we won't win because it's hard to get buy-in. Public education programs to improve awareness around disability life issues need to be expanded. The Act needs to provide education for people without disabilities about accessibility and respecting differences. It needs to talk as much to Canadians without disabilities about shifting public awareness and attitudes as it does about legislation and standards. Too many people don't understand what the Act will cover; it needs to be clearly defined. It needs a significant education and awareness piece because it needs to effect social change as well, teach people what to do and what the benefits are in doing it. People have to know that full integration means better jobs, higher tax income for the government, people will be healthier—all the benefits of an included population need to be understood. There are definite economic benefits of full inclusion. The Act needs to be promoted so there is broad public acceptance. ”

There was only one caveat offered:

“The Act should ensure that efforts at educating the public on accessibility don't delay implementation and enforcement.”

It is not surprising that 16.86 percent of respondents expressed concerns related to people with intellectual, episodic, psychiatric and mental health disabilities, since that group makes up approximately the same percentage of the whole participant group. The Act needs to go beyond physical/visible disabilities; as a society we need to start to talk about episodic and invisible disabilities. There is still a lot of disbelief and shame around these disabilities which decreases access for those people. The Act needs to deal with how society is structured—people are rewarded if they can work full-time but

punished if they cannot, seems to be an all or nothing approach-people get stuck in cycles of poverty which need to be broken. The Act needs to recognize that disability is not necessarily a fixed permanent unchanging state, that disabilities and impairments can be exacerbated or ameliorated by social conditions including work conditions. Many disabilities are fluctuating in nature-chronic illness, mental health issues, depression, anxiety, MS, and these episodic, often invisible disabilities are not currently protected under the law. The Act needs to address those sorts of disabilities, needs to allow for accommodations that provide flexibility of time and place of work rather than physical or technological accommodations.

The unpredictability and progressive nature of MS causes issues with work and therefore with income so people need to have some income support; people should not have to lose disability benefits if they find work they can do.

“With the new Act a person shouldn’t have to be declared disabled to benefit from accommodations because it should take accessibility and inclusion perspective and not a disability perspective. It needs to create a workplace culture that will bring out the full potential of everybody in terms of more accommodation for people needing flexibility from a workplace perspective given episodic flare-ups or chronic conditions that limit their mobility, their ability to participate fully. It needs to provide education to employers so they understand the issues around these chronic conditions and accommodations required, so that some of the stigma can be removed surrounding them, and thus lessen the fear experienced by employees who need such accommodations but who now fear reprisals for being considered less than fully productive just because they do require accommodations.”

“It has to equal the playing field for everyone, not just some of us.”

It needs to have relevance to people with intellectual disabilities and recognize they may need personal support. The Act needs to recognize that everybody’s accommodation need is unique; it needs to be very person-centred.

“I also think that accessibility laws and policies should dovetail with work on supported decision making for persons with intellectual disabilities - i.e. making accessible equal participation in social and economic life.”

One participant pointed out that the Act needs to deal with the RDSP access issues for people not deemed legally competent.

The Act should be written in plain language so everyone can understand it.

“We need to ensure that government policies and programs do not discriminate against people with all mental impairments. Therefore we need to always be vigilant that we don’t discriminate against these individuals due to lack of clinical understanding of the limitations that they face along with the challenges to live in a caring society and participate on an equal basis with others to the best of their ability. Educational accommodations, especially at the post-secondary level are as critical for young people living with mental disorders, as with intellectual disabilities. Employment accommodations are also an area where people living with mental impairments have little support. We have made great strides for individuals with intellectual challenges but people living with a mental disorder such as bipolar disorder and schizophrenia continue to live under a cloud of stigma.”

The issues expressed by 13.25 percent of respondents concerned the concepts of collaboration and harmonization.

“The federal government is uniquely placed to support innovation and research and collaboration across the entire disability sector from their position of leadership in the country and with their access to resources.”

There should be close collaboration with provinces on overlapping standards, i.e. employment being both federal and provincial.

The Act must be developed in harmony with all disability sectors. It needs to provide a way for various levels of government to cooperate and create more accessible communities. It needs to work in unison with provincial and municipal legislation somehow. It should have power in provinces where there is no accessibility legislation and, where there is already legislation, it should harmonize those provincial accessibility acts. Disability support programs must be harmonized across the country, to try to separate disability supports from entanglements in employment. Because Canada is a federation and therefore the provinces can do what they want, the Act has to tie in with the provinces and the best way to do this would be to encourage accessibility through procurement and contract compliance.

“We need harmonization between different places. I think it's a mistake to have a federal law only applicable to federal level, then a provincial and the municipal rules. We need a law that is applicable everywhere in Canada in every place so people can expect the same level everywhere.”

Employment issues were discussed by 12.04 percent of respondents. They stressed that the Act needs to address current exclusionary practices and the current unemployment rate of people with disabilities, breaking down barriers to employment in the federal government and federally regulated industries. It should create policies around hiring people with disabilities in the federal government. One participant had a few suggestions:

“The new Act should require that the Federal Government reinstate the Public Service Commission’s Access Program to help place persons with severe disabilities in jobs within the Federal Government. This program hired persons with disabilities to work directly with department managers with openings to facilitate the inclusion of people with severe disabilities (the World Health Organization’s International Classification of Functioning, Disability and Health framework of disability as used by Statistics Canada). Despite being extremely successful in a practical way, this program was closed in the early 90s.

The new Act should designate certain functions as dedicated to persons with a cognitive disability. This program was also shut down, and many people who enjoyed the opportunity to come to work to care for plants, shred paper, and many other jobs were abandoned by the Federal Government and their tasks were contracted out to the private sector without any protection for inclusion of persons with disabilities.

The new Act should require that entry level and all forms of casual employment opportunities be made available to persons who are disabled, particularly those who cannot see, as a matter of legislated obligation. The Federal Government should require that annually 5% of new hires be persons with disabilities.”

The Act needs to improve employability by encouraging employers to hire people with disabilities and then to support them throughout their tenure.

“The most important part of a Federal Act has to be employment. Employment of people with disabilities in real jobs for real pay changes everything. Transportation, education, living standards and much more are also very important to Canada's disability community but none of those are as important as employment.

The fact is, without a paycheck there is no transportation, housing, sports, and further education. Having a paycheck means contributing and much higher levels of self-esteem. It also means a more robust economy, adding 5,000 people with disabilities to the workforce saves the taxpayer \$78,000,000 every year (coming off benefits and creating new taxpayers). (Source: Employable until proven otherwise). When we have the majority of Canada's disabled people working, paying taxes, contributing to society, reducing ridiculous benefit costs and including them in decision making we create a very different world. The sort of world I want to live in.”

One of the most surprising results of this entire interview came from this question-over thirty percent of all participants self-identified as being legally blind, yet only 6 percent of the concerns expressed in this question are specifically related to people who are legally blind, and three people expressed the same concern, decreasing the sample size even farther.

“The new Act should require all internal facing web sites, electronic systems like time reporting, leave tracking, pay and benefits, file management and other work tools to be fully accessible and usable by people who are blind, including employees who are blind, before they are rolled out. The Phoenix pay system is the latest of a long list of electronic work tools which are not usable by employees who are blind.

The Active exclusion of people who are blind from functioning effectively and efficiently in the federal work place is a reality today. The new Act should require that entry level and all forms of casual employment opportunities be made available to persons who are disabled, particularly those who cannot see, as a matter of legislated obligation. The new Act should require all federal Government service

centers for the public and all federal buildings to have tactile wayfinding from the nearest street to permit persons who cannot see to find, enter and travel throughout these buildings with the same level of independence as other Canadians”.

“Canada Post privatised postal outlets should be accessible. A case in point is the outlet at our Shoppers Drugstore which is barricaded by displays in the aisle that makes the aisle too narrow to walk with a service animal. The new Act should require Canada Post to have tactile markings on all super mailboxes and keys. Also a super mail box should have a wind shelter like a bus stop for use in the winter.

The new Act should require that Canada Post tracking mobile aps for smart phones and web sites should be usable by people who cannot see.” It should have regulations concerning deployment of accessible pedestrian signals”.

“Personally my concerns are for the guaranteed right to have and possess a service animal, and have the promised and legal right to access all locations I chose, without fear of denial of access. In today’s society fear and allergy is used to deny persons with disabilities access to establishments, when that person requires use of a service animal.”

The Act needs to ensure accessibility in information provision-accessibility of websites and availability of documents in alternate formats.

The final group of concerns, dealing with barriers to people with physical disabilities, was also expressed by 6 percent of respondents.

“The Federal Accessibility Act needs to do a better job at regulating and enforcing accessibility for people with physical disabilities. For example snow removal and curb cuts. When it snows it's the responsibility to have business owners, employees remove all barriers such as snow away from the sidewalks so a clear path to move is made on the side walk and into the business. However the reality of this is that snow is literally dumped into areas where cars park creating a huge obstacle for people with disabilities to manoeuvre over the heap of snow to even get on to the side walk. Quite often there are turf wars when it comes to accessibility- private

sector says it's not their responsibility, municipal governments send it back to business owners, and the federal government will put the responsibility on to the municipality (at the end of the day there is still a heap of snow that people with disabilities struggle to get over) The gap where the snow still lays between a parked car and a private business or federal building is still not addressed.”

The National Building Code should form part of the Act. Guidelines need to be established for buildings, washrooms, elevators, stairways and escalators, digital information technologies, recordings, speeches, lectures and other audio commentary, websites, pathways, sidewalks, and other outside areas, air lines, and other travel agencies, taxis, hotels, every private business, as well as government offices, etc. The Act needs to provide funding for accessibility modifications in homes as well as public buildings, and needs to deal with retrofitting of old buildings and not just new construction. There must be strong regulations on physical accessibility and information access. The Act needs to ensure there are no loopholes in built environment regulations that allow people to avoid making structures accessible.

DEFINITIONS

This set of four questions was very popular-- Do you recommend that the Act include a definition of disability? Should the Act define a barrier? What other definitions are needed from your perspective? What should these definitions include to cover the issues that concern you? -- In fact, all participants except one answered at least one of the four questions. The results will be presented in three sections: definition of disability, barriers, and other definitions. The question dealing with the content of the definitions influenced all three, rather than resulting in completely unrelated information.

Do you recommend that the Act include a definition of “disability”?

This part of the question had a 97.62 percent response rate. Of the participants who weighed in, 80.49 percent agreed that the Act should definitely have some sort of definition of **“disability”**, and 29.42 percent of this group believed that the description of persons with disabilities found in the Convention on the Rights of Persons with Disabilities should be used, either in whole or in part, as the basis for that definition. Article 1 defines persons with disabilities as “...those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” A summary of the comments follows.

The community already sees this description as positive. It was noted that two elements were missing: the aging population and the concept of intersectionality. The CRPD’s description allows disability to be an evolving concept. It puts the person first. It has to be attempted through a social model, a functional point of view.

“I think we do need a definition but one that’s generous, one that’s dynamic, I guess what I’m trying to say, and then one that would be informed by certainly the UN Convention, and one that’s not narrower than anything that currently exists with human rights laws or provincial accessibility acts.”

Since the provinces are already obligated by the CRPD, this would reduce the number of definitions being used by the different levels of government.

“It is important to define things but they need to be living definitions; we need to ensure that we have definitions that provide people who are making policy, who are making decisions around legislation something that is significant that they can use as a basis for what they are doing.” Accordingly, it might be helpful to have broad

definitions of disability categories from the perspectives of the various disability communities-how they see themselves. ”

One of the most disturbing answers to this question illustrates how important it is that this new Act succeeds in being strong enough to make a difference:

“We have an awful lot of people who are terrified to let their employers or their close friends or anybody know that they are dealing with some type of invisible disability because it’s their belief and they’re probably accurate that they’ll in some way be discriminated against. So when we have reached the day that people are unafraid to identify when they are dealing with an invisible disability I’ll know that we have made some real progress.”

Other than the CRPD, participants expressed their views on the medical vs. social model of disability, referenced other sources for definitions (the AODA, Ontario Human Rights Code, Canadian Human Rights Act and other international laws), noted how past definitions managed to exclude people and suggested ways the new Act could avoid repeating this oversight.

“This isn’t an easy decision-the reality is disability will affect everyone at some point (with natural aging), the federal government job is to clearly define who is eligible to receive certain support at what stage of their disability.”

One participant stated that the definition should not be too medical, thus requiring too much documentation to prove someone’s eligibility. Another participant suggested a

“In the social model there is the disability, the impairment and the handicap-the impairment is some biological effect a person experiences which doesn’t necessarily lead to a disability; a disability results from interaction with daily tasks and physical spaces; the handicap is attitude, stereotype, limits placed on people. It is an evolving process, not a static definition.”

However, other participants thought it might also be helpful to include some understanding of the medical model-the physiological, emotional and psychological component of disability; also that it is fluid and can change, can be permanent or temporary, congenital or acquired. Whatever the definition, it will feed into the creation of the eligibility criteria for government services, so it has to be as close to perfection as it can be. In the past, people with invisible disabilities were often excluded from eligibility to services because of narrow definitions, according to 25 percent of participants. Then

there were the 23.5 percent of participants who agreed that a broad, inclusive definition was a must.

They believed that it needed to acknowledge the broad range of disabilities that are commonly experienced (i.e. psychiatric, intellectual, episodic and physical). One legally blind participant pointed out that it would also be helpful if, for example, the legal blindness spectrum were defined-the wide range of vision levels covered by the term-it's not "all or nothing".

“I believe it is essential that we define the “disability” from the outset, especially to underline the fact that we are not just referring to physical but also encompassing a number of mental disabilities that should not be lumped together under the term “mental impairments.” As much as we define all of the physical disabilities (vision, hearing, walking etc.), we must also be willing to define mental disabilities (schizophrenia, bipolar disorder, depression, PTSD, autism, many of which are permanent and do not always lend themselves well to treatment. I find the Ontarians with Disabilities Act the most comprehensive, which is also specific regarding the various mental “conditions” for discussion purposes.”

There are so many different kinds of disabilities-visible or hidden/invisible, and we need to find a way to include all of them, to get everyone to agree, which is very difficult. Due to the nature of some episodic disabilities or conditions, people's needs can change from day to day, adding to the complexity of the situation. The ideal situation would be for a person to be able to simply self-declare!

Three participants eloquently sum up the various dilemmas surrounding the definition to be considered for the new Act:

“It truly depends on the approach that will be taken. If it is coordinated with the Canadian Human Rights Act, then the definition must be in line with the Human Rights definition. The definitions used in human rights statutes adopt a social model and rights based understanding of disability. I have concerns about any definition that would detract from existing definitions and the need for any definition to be flexible and to respond to changing social conditions and understandings of disability.”

“I do think that it is important that there are some definitions there, but I also think it’s important that the aspirations of the Act not get lost at the definitional stage.”

“The Act could be a place of reference and a place where both what disability is and what barriers exist for people with disabilities can be clearly explained and detailed for Canadians and such definitions could set the standard for the country.”

On the other side of the argument, 12.20 percent of participants did not want the Act to contain a definition of disability.

“A definition of disability should not be included but the preamble of the legislation needs to highlight the ever-changing nature of our understanding of disability and barriers. The definition of disability is ever evolving and being interpreted. If a definition of disability is included it must be a functional definition not a medical one. Again there will be some need to harmonize understandings of disability and barriers across jurisdictions. Having differing definitions in various jurisdictions will simply create confusion and delay positive implementation.”

It is better to show how things can affect people individually. One participant doesn’t like that term-everyone has different abilities. If it's too narrow somebody will be left out and access will not be provided and needs won't be met. If someone wants or needs to know about a person's disability, just ask-there are too many disabilities. One participant reminds us that there is not one in the Charter, it is a social construct and will not exist if all barriers are removed.

Another 6.10 percent of participants could not decide whether there should be a definition of disability, and their opinions are just as compelling. Although supporting the CRPD, this participant said:

“I honestly can't say with surety whether I think it should be in or I think it should be out, but I think we need to find ways to be clear about what we're talking about here and talk about the exclusions that are faced by people because of the impairments or disabilities that they have. But to define exactly what that disability is I think may in the future close doors and I'm not sure that we want to be doing that.”

Another commented:

“I believe that in 2018 we are well beyond the need to define disability. Should that be added it should be a single line that is clear and obvious such as “A disability is defined as any condition, disease or injury , temporary or permanent that limits an individual’s ability to pursue a normal everyday life” or something of that level.

Defining disability in its medical sense is dangerous and a step backwards. There should be no mention of the medical definition of disability in the Federal Act.”

“It should only reference the broad spectrum of disabling conditions at a high level in the preamble, and might not even be necessary since disability is a segregationist term and has not been effective in the past.”

“People want to know who is a person with a disability, but to be inclusive the list gets really long, and is the list exclusive-if you aren’t listed are you not covered? How do you outline what you are talking about without being limiting, yet definitions are limiting. Having definitions can work or fail, not having definitions can work or fail, Manitoba legislation is no less powerful without a definition.”

As one participant pointed out, language is always changing; definitions could ensure people with episodic disabilities are included but could also exclude those people who do not consider themselves disabled even though they face the same barriers as others who do use that term. It would have to be very inclusive, and the lack of a medical diagnosis shouldn't invalidate any disabilities.

There was one more viewpoint expressed on the question of a definition of disability, one more reason why this new Act needs to be very carefully crafted in order to meet the needs of all Canadians:

“I am not an expert on that because most of our constituency does not consider themselves disabled nor should they be considered disabled in my view.”

Should the Act define a barrier?

This part of the question had a 75 percent response rate. An overwhelming number, 85.71 percent, of those participants believed there should be a definition of “barrier” in the Act. They agreed that it was necessary to determine what classified as a barrier, but that is not an easy task. One of our experts in social policy summed it up:

“We have to fight for real good definitions of barriers. In the end everything that hinders one’s life equal to others is a barrier.”

One of the experts in episodic disabilities revealed:

“The neo-liberal context in which we are all working which pushes us to amp up the amount we work so much that some of us work two full-time jobs instead of one-I call that a barrier.

When work and the amount of time it takes to complete certain tasks are not realistically estimated, then that is a barrier, because it is not possible for people to actually complete their job, or you have to be working 60 hours a week or 80 hours a week, and you need not have anything else in your life If that’s what your workplace requires, then that is a barrier to working, and it’s really unfair.”

This same participant continued by describing Rosemarie Garland-Thomson, a Professor of English and Bioethics, Disability Studies Scholar at Emory University and her belief that it’s all about bodies that fit vs. bodies that misfit.

“If you think about it in terms of fitting and misfitting, which bodies fit into this environment and which bodies don’t, then you begin to recognize that disability is not located in the body. It’s located in the body in its relationship to the environment. So anything that leads a person not to fit within a certain workplace, you could argue, is a barrier.”

Therefore, the definition needs to capture the complexities of people's lives on a day-to-day basis. The next two quotes show even more of the complexity of the issue, the first coming from an expert in social policy.

“I wouldn’t just want to show a shopping list of here are the five types of barriers and say that’s it. I think we need to be more sophisticated

in saying that barriers are created by the interplay of multiple factors at times, we don't just say, oh it's the lack of a ramp or it's the lack of braille on the sign of the door. It may be that but other times it's other things as well."

"Barrier' should be broadly defined as anything that impairs, infringes, or otherwise negatively interferes with an individual's ability to access the provision of a good, service, facility or employment. A more inclusive definition could be provided, but it should contain this at a minimum."

This last quote came from a future lawyer. Barriers can be physical barriers but also communication, technology, information, transportation, within programs and services, policy and bureaucracy. For example, people with episodic disabilities may be able to work part-time but current Employment Insurance programs require them to be either working or not-there is nothing in between. But can the definition go too far?

"If it doesn't create a barrier for your work, education and personal life, if you don't have to adapt to the world around you then I don't think it's a barrier, if you use such an open definition you could almost say that people of ethnic origin have a disability since other people's prejudice cause issues for them. Somebody else's prejudice should not be your disability."

Three participants recommended that the new Act borrow the definition of "barrier" used in the Accessibility for Manitobans Act, which reads:

"What is a barrier?"

1. **For a person who has a long-term physical, mental, intellectual or sensory impairment, a barrier is anything that interacts with that impairment in a way that may hinder the person's full and effective participation in society on an equal basis. Examples of barriers**
2. **The following are examples of barriers:**
 - a) a physical barrier;
 - b) an architectural barrier;
 - c) an information or communications barrier;
 - d) an attitudinal barrier;
 - e) a technological barrier;

- f) a barrier established or perpetuated by an enactment, a policy or a practice.”

Four participants suggested the description from the CRPD. Article 9 defines barriers as:

- a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b) Information, communication and other services, including electronic and emergency services.”

In accordance with CRPD Article 28, social and economic barriers need to be included in the definition as well. However it is crafted, the definition needs to be expansive, economic and social inclusion barriers to make sure those with intellectual disabilities or mental health difficulties are captured.

“Although the Act needs to outline what constitutes physical, attitudinal and systemic barriers that prevent Canadians from participating fully in society, focus on removal of those barriers will get us much further. We also have to acknowledge that, according to the variety of disabilities experienced, there will be both commonalities and unique differences with how the barriers impact individuals. The World Health Organization definitions focused on disability, impairment and handicap. The Act must not focus on the impairment or disability but on the handicap, ensuring that people are not handicapped by the environment, a regulation, a certain group of people-banks, employers, etc.-this is what an equality-seeking law should focus on. ”

On the other side of the debate, 7.94 percent of participants did not want to see a definition of barrier in the Act. There are too many of them, they change too often-the Act needs to use a positive framework instead.

“There are so many and it's important that society not get wrapped up in physical barriers, attitudes are still by far the most important as well as the most oft experienced barrier.”

It shouldn't define barriers but define how the barriers are identified and how they have been removed.

The final 6.35 percent of participants were not sure-how do we capture all of them? There are more than just physical barriers; we need to acknowledge the nuances of isolation and the cycles of poverty. One participant saw barriers as being very individual, but thought an explanation of the effect on quality of life might work.

What other definitions are needed from your perspective?

This last question received responses from 25 percent of the total number who responded to at least a part of the four-part question. Most of the words or concepts listed were suggested by more than one person.

The following are the suggestions made by individual participants.

“I think a lot of people are confusing ‘people with mobility problems’ and ‘people in wheelchairs’ For them, having an adaptation means only helping seniors who have lost some mobility while people in wheelchairs are being left behind. Maybe we should use the term ‘people with mobility problems including people in wheelchairs’.”

The following words/concepts should be defined in the Act: duty to accommodate; equality; equity; undue hardship; inclusive society; inclusive design; federal jurisdiction. It should incorporate the definitions from the Accessibility for Manitobans Act. It should incorporate the definitions list collected by one of the participants, which can be found here. There should also be definitions of business, organizations, and other structures made reference to in the Act. It should define a good, service, facility, and employment opportunity, and it should define what access to these means. It may be helpful for the Act to include definitions of different types of disabilities along with common barriers faced by individuals with that lived experience. The Act should talk about systemic issues. Disability supports need to be defined very broadly. There should be a statement that the CHRA is the ultimate or over-riding act.

The following definitions were each suggested by two participants:

Intersectionality
Universal design, and
Accommodation.

Three blind participants stated the need for definitions of service animals-what they are exactly and what animal can be trained for the purpose. The terms “guide dog”, “service dog”, “emotional support dog” and “therapy dog” should also be defined.

One participant elaborated:

“The Act needs to outline exactly what a service dog is, what a mobility aid is, and the rights of both the disabled person in possession of the Service dog, or mobility aid is, and what the rights of the establishment owners/workers have with reference to the equipment being used in stated place. The Act must also contain what is and is not permitted to be asked of the people with service dogs, and must outline the various service dogs that are in the workforce for the disabled people. This act must also outline a penalty that can be imposed upon report of a fake or unlawful service animal.”

The word “inclusion” was suggested by 19.05 percent of respondents, but the concept most often cited was “accessibility”, mentioned by 42.86 percent of respondents, and here are the comments: Any terms related to accessibility and disability need to be defined so everyone is on the same page.

[Accessibility—what it is and who is included?](#)

Accessibility—must be a broad definition including attitudes. How existing legislation addresses accessibility.

“Accessibility: Fundamentally, accessibility is about expanding market opportunities to achieve sustainable growth in revenue, return on investment, and profitability; And not just about legal compliance. The ability to use new emerging technologies is currently at the heart of social inclusion, with those excluded being left out of many work, entertainment, communication, healthcare and social benefits. As the population ages and as governments enact accessibility regulations, all organizations need to understand what accessibility is and how it impacts their services, customers, employees, and facilities.”

“The Act should define accessibility, and what that means to individuals. Accessibility includes the right to access, make use of and enjoy a particular good, service, facility, business, organization, information, or employment opportunity.”

“The Act needs a broad definition of what accessibility means, including communication methods, far beyond just the physical. ”

There was a caveat among the responses:

“Definitions must give guidance but not be seen as an absolute.”

PURPOSE

This question -- Some Acts have a section describing their purpose. If you have been thinking about a purpose section, what should it contain? -- received very thought-provoking responses from 88.24 percent of participants. These fell into two categories: a discussion of what a “purpose” was exactly, and actual ideas about how it should be worded.

This collection of responses is a great primer on the “purpose” of a piece of legislation.

“It should answer the question: ‘What are you trying to achieve?’ It is a road map, showing goals and objectives, with gradual implementation so it doesn't result in hardship. It is a plan of where we want to go and how we want to get there-don't get lost in the details but know where we are going.”

“The purpose has to contain values, it needs to make sure people understand the intent of the legislation and provide some background so when you read it you can picture it. It provides clarity.”

Even though not justiciable, it's good to have an idea of what the framers of the law were thinking. It needs to be clear and concrete, avoid vague fluffy wording.

“You can't get too much into the details there because the actual narratives of the Act, like the story of what it's trying to do and the standards by which it will be assessed, they're all expressed in the preamble, the object clause and the purpose clause and based on my experience with the indigenous world that really should be jointly developed on a partnership basis with disabled Canadians and legitimate representatives. The Act needs all three: a preamble can state fairly general assumptions that are being made in the creation of legislation, but the statement of purpose and the object clause set clear and mandatory descriptions of what must be done by the people administering the Act.”

“A preamble is needed so that the courts clearly understand the purpose of the legislation and thus future decisions or interpretations are possible even if the legislation is silent on a particular barrier or issue. With the extremely rapid pace of change in our society it is impossible to anticipate how new systems, technologies etc. will be developed and ensure no new barriers.”

“For me the object is you’re looking at three things, in the preamble, the purpose clause and the objective: a really clear statement of the narrative that we’re trying to achieve, what’s our national project, what are we trying to do, a clear simple statement that states the right to access and then third, a very rational complete and practical approach to enforcement that uses multiple approaches to enforcement to ensure that the promise of the Act is met.”

“I support the language included in various acts to the effect of ‘full and effective participation in society’. That should be the most prominent element, and the rest is geared toward making that happen. There should not be roadblocks put up around devising innovative ways of pursuing that end under the auspices of an accessibility act. There should not be a closed list of activities or types of accessibility policies expected to flow from the Act.”

“Some days that sounds like quite the utopia but, unless we lay it out there as part of the vision for what we want to do, we’re not going to get there. So I think it needs to be a purpose that has some potentially far-reaching impact in the day to day lives of people.”

It needs to be clear enough for the common person on the street, we’re not always preaching to the converted. We should learn from what other countries have done.

Rights need to be foremost.

“If the Lafayette report recommendations had been followed we’d be so much further ahead.”

“Consultation with non-disabled people might help define a purpose they would understand.”

Although the actual words may have been slightly different in the many responses, several words or concepts tended to repeat themselves. The concept of “inclusion” was expressed in 50 percent of responses; “rights” in 30.67 percent; the “Convention on the Rights of Persons with Disabilities (CRPD)” figured in 21.34 percent of them, and two people suggested its purpose be used; “barriers” were found in 17.34 percent of responses; and “accessibility” in 13.34 percent of them. The most thoughtful responses are set out here.

“To include people with disabilities in day to day life in the country, the involvement of people with disabilities in all aspects of contemporary life, ‘us too!’ ”

“It should speak very definitively about the need to remove existing barriers and prevent the introduction of new ones.”

To ensure an inclusive, barrier-free society for everyone. It should include principles and UN Convention commitments. It should have a goal—and a timeline for achievement of that goal.

“Full accessibility may never be achieved since disability is always evolving, as is the environment, but having an aspirational timeline is important; the four principles from the Manitoba legislation would fit here: access, equality, universal design and systemic responsibility.”

“To create an environment that will provide opportunities for people with disabilities to have a meaningful contribution to the society, and to feel that they belong to Canada like anyone else.”

“To ensure that all Canadians have equal access to everything in the federal jurisdiction. The Act should represent at the minimum the standards set by the CRPD.”

“The purpose of the Act should be to ensure that goods, services, facilities, and employment opportunities provided in Canada are accessible to everybody, regardless of physical or mental ability, race, colour, ethnic origin, religion, sex, gender, sexual orientation, age or other analogous grounds.”

“To create Canadian communities that are inclusive and welcoming to people including people with disabilities, to increase the profile of disabled people as a historically marginalized group, to create a place where everyone in Canada can feel we can belong to an equal extent.”

“Use the purpose from the Canadian Human Rights Act: ‘The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs

accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.”

“Everybody should be able to live their lives and pursue their careers and be a Canadian free of discrimination and be part of an inclusive Canada.”

“It should include moving towards universal standards for all software, tools and appliances, etc., including telecommunications that may be used by disabled persons.”

“There should be a reasonable implementation schedule. These should be supported by the CSA or other relative Standards Associations to ensure these are common across Canada.”

“It should be similar to the purpose of the ADA, as it has been successful: ‘(b) PURPOSE- It is the purpose of this Act - (1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; (3) to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and (4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.’”

“It should tie what we are doing with what we believed when we signed the CRPD, which stressed the importance of inclusion and what inclusion is.”

“Everyone working together to achieve accessibility”

“It should reflect the Charter. Equality, inclusion, barrier-free, removal of the impediments that disallow people to self-actualize in life. It must speak to the implementation and enforcement mechanisms as well as the specific regulations—the Act must be adhered to.”

“To contribute to all people having equitable access to a fulfilling life, make the world more equitable and more fair and remove oppression and barriers on a systemic level.”

“People with disabilities have the capacity and the right to contribute to the vitality and wellbeing of the community and society. People with disabilities have much to offer and access to communal life, social life and public life is a fundamental right for all human beings.”

“It needs a specific timeline and needs to include working with the provinces/territories to improve accessibility.”

“Refer to the Charter of Rights and Freedoms and mirror that and note that it has not been achieved; an acknowledgment that our society still sees disability as a charity model and not a rights model; people's perceptions of other marginalized groups have changed since the introduction of the Charter, but not so with people with disabilities; social participation and social inclusion are rights for everybody.”

“Pick up on general principles-freedom from discrimination, equality, equal treatment, full inclusion, the Act's purpose would be to ensure that people with disabilities have these principles.”

“It should talk about building An Inclusive and Accessible Canada.”

“Everyone in Canada has the right to participate fully in society and those barriers that are created either intentionally or unintentionally need to be addressed to facilitate the active participation of all peoples in Canada.”

“To enable people to live a good quality of life and to access things in their community, with adequate supports and resources to do so. ”

“We envision a Canada where people with disabilities can effectively participate on an equal basis with others, that the legislation is aimed to address barriers that prevent that from happening, to minimize and eliminate disability-based stigma and stereotypes and explicitly recognize the CRPD.”

“The purpose of this act is to ensure that Canadians with disabilities have equal access to federal services and programs that everybody else has access to regardless of disability and that appropriate supports are in place to allow people that equal access.”

“To ensure that Canadians with disabilities are able to access their communities and be included in their communities. ”

“I think it should clearly set out the aspiration to have a society that is inclusive and in which people of all abilities can flourish and play a part and contribute.”

“The Act should have both a preamble and a purpose, can be made more inclusive and can speak to the issues of people with intellectual disabilities or mental health problems; it also needs to tackle or at least admit the exclusion caused by poverty.”

“A preamble can set out the principles and values that underpin the legislation: principles of equality, references human rights, the Charter and the CRPD; objective: a more inclusive, more fully accessible society in Canada for persons with disabilities, for all Canadians.”

“It has to say that Canada is led to becoming fully accessible by a certain specified deadline; it cannot use language like "improve accessibility" or it will be diluted.”

“All Canadians should not be barred access to public services or access to public places or facilities because of a disability.”

“The Act should require a duty to consult whenever new policies are developed so that people with disabilities are constantly involved.”

“The purpose section should clearly articulate the goal of full inclusion, advancement of rights of persons with disabilities, the removal of barriers, and the adoption of the CRPD within the Federal sphere.”

“It should clearly position the Act within the federal jurisdiction, establish the provincial/territorial interactions and position Canada in its international relationships.”

“I think it should set out the broad vision for what an accessible and inclusive Canada is.

“There are a lot of things we could use from the UN Convention in the sense of people having rights on the equal basis of others, respect for human rights and dignity of all people regardless of whatever.”

“This idea of being able to foster, facilitate, promote whatever needs to happen to create the kind of world we’ve envisioned for a long time where people who have a disability are regarded as equals and have important roles and valued roles to offer our society.”

Use the purpose from the CRPD:

The purpose of the present convention is:

- To promote, to protect, and to ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity.
- To ensure that we are all equal citizens under the law, persons with disabilities are not an afterthought. Human rights, to reduce barriers, to reduce poverty, to reduce social isolation.
- To build an inclusive, welcoming Canada, an inclusive, welcoming society that ensures all Canadians are supported to be included and feel they belong and that they can participate meaningfully in all aspects of our society, be part of everyday life.
- To inform and inspire and to engage the public, to signal some kind of aspirational and inspirational language around leadership by the Government of Canada.

The law is first and foremost focused on the jurisdiction of the Government of Canada, so this is a federal law about federal stuff. So it applies to the parliament of Canada and all the legislative offices related to it, it applies to the Government of Canada and to the federal public service and to federal crown corporations and to all federal regulatory

agencies, boards and commissions. Need a preamble where maybe statements like intersectionality is said where progressive realization is said, where the principle of nothing about us without us is stated very clearly and strongly, as well as statements around the purpose of promoting full inclusion for protecting peoples' rights, human rights, to assist the courts in interpreting the intention of the policy-makers and parliament and to interpret the intentions and purposes and objectives. So again a chance to maybe educate the public in the preamble around why in the 21st century this sort of legislation is required, cause some people will say, don't we already have enough of these kind of laws or programs so I think there's a bit of an educational function there with the purpose statement.

“The purpose would be to promote and to protect and to ensure the enjoyment of all human rights and the fundamental freedoms of all Canadians, all persons with disabilities. In other words a purpose statement would reinforce the UN Convention, it would reinforce the Canadian Human Rights Act, it would reinforce the Charter of Rights in our Constitution, it would fit in with purpose statements in any provincial laws, so again there was no sense that the purpose statements in the federal law were less ambitious or less serious or less committed than what we had in other existing laws at the time.”

“It should identify key outcomes to be improved for persons with disabilities, how will the lives of people with disabilities and their families be improved by the Activities that are in the Act; goals should be stated and a mechanism to measure the impact of the Act.”

“A purpose section should explicitly reference CRPD Article 1; in addition, the section should also state that one of its primary purposes is to ensure that people with disabilities are entitled to an adequate standard of living (CRPD Article 28 & ICESCR).“I believe it would be helpful to include information about how creating more accessible and inclusive environments benefits all of society in the short and long term, providing some examples from different sectors and from different disability perspectives.”

The purpose of the Act should clearly outline the vision of total accessibility for all Canadians with disabilities and how the Act can ensure accessibility is achieved in Canada and indicate the value of individuals with disabilities and their inclusion in a full and welcoming society and their right to participate in the Activities they choose. It should also emphasize that Canadians with disabilities should have the right to full inclusion throughout the country equally.

- a) To ensure Canadians with disabilities have equal access to the same opportunities and resources as everybody else; true inclusion in society.
- b) To make Canada as accessible and inclusive as possible through the development of policies and procedures, and legislative change.

The legislation must bring us to the minimum of complying with the CRPD. To remove barriers so that people can participate on an equal footing with everybody else in society; it should reference the Charter and Canada's obligations under the CRPD. To ensure that Canadians regardless of their disability right across Canada have equal access to and supports from federal government and federally regulated services and programs.

ENFORCEMENT

This question-- How should the new act be enforced?--brought out the serious guns of 94.12 percent of participants. The short answers: two said "brutally!" One said "vigorously!" and one said "with people with big bats!" Then there were the 15 percent of respondents that spoke of the Act needing "teeth". In other words, enforcement has to be taken seriously. Here are the suggestions for how it might be accomplished.

The first important aspect of enforcement, mentioned by 20 percent of respondents, was education.

"The federal act should be enforced through a robust public education strategy which involves both making information easily accessible to all as well as partnering at provincial and regional levels with organizations who can effectively assist with spreading the knowledge of the Act within their networks and provide needed support to businesses and individuals in all sectors of society to help them with implementation. After a period of time where there has been ample education and public awareness raising, a well-articulated plan for enforcement should be communicated with all sectors."

"There needs to be mandatory education across all regulated sectors to make sure everyone knows what they have to do."

"Invest time in education to inform and help people understand what the Act is, the importance, how rolled out, who needs to comply and how, and consequences if there is failure to comply."

"It needs an education piece so people will know where to go to report rights violations and how they will be enforced."

"The more significant side is education and public consciousness-raising."

"It needs education and awareness-people need to know what they have to do to ensure that people have full access and real opportunities for inclusion."

"Preventative measures should be in place to proactively deal with violations, the community should be able to seek assistance to

become educated and aware of what must be done to achieve accessibility.”

Over ten percent of the respondents tackled the issue of oversight of the Act and its enforcement. Here are the suggestions:

“There should be a Minister of Accessibility and Inclusion with a deputy minister and ministerial staff who will coordinate the implementation of the Act within the government and all other covered entities, through policy development, best practices and educational programs.”

“Mandate all federal government Ministers to appoint a Disability Champion for their Ministry sector. Mandate all Ministry Disability Champions to develop a disability strategy that is fully integrated into the Ministry regulatory policies.”

“Mandate the parliamentary Disability Oversight Committee to manage a public complaint process, and issue letters of noncompliance to both government and federal companies.”

“There should be a minister, with an associated ministry that would have a sufficient number of employees and a sufficient budget to process the reported incidents. Create a Chief Accessibility Officer job position in the Treasury Board of Canada to oversee the digital accessibility challenges. This was the minority view-the majority, as will be evident, believed that the enforcement had to be overseen by an arm’s-length commission or tribunal. “So, while government is less likely to admit they are either incompetent or don’t care, the reality is that they are probably incompetent and they don’t care.”

Here is what the respondents believed would work instead: There should be an independent accessibility commissioner to monitor and advise all government ministers, appointed by parliament. All ministries should have the accessibility responsibility at their level as well.

“Enforcement needs an independent office-could be at the office of the Auditor General, a new Disability Commissioner reporting to parliament, or under the Canadian Human Rights Commission-doubtful-whose job it is to monitor whether timeframes are being adhered to, barrier analysis is being conducted, and the Actual plans

to remove barriers are being designed and implemented in the timeframe set out in the Act. Requirements must be clear, including delivering on any plans made with actual progress towards accessibility. The independent office/body should be well-resourced and have an advisory function for people with disabilities and their representative organizations.”

“Some sort of accessibility commissioner and oversight body who will report, investigate and enforce.”

“Some sort of ombudsman type of function, people need a safe place to go to have issues addressed when they experience noncompliance.”

“There needs to be an arms-length independent kind of body like a disability ombudsperson, like the Auditor General, to monitor compliance. There should be an advisory body that includes persons with disabilities from representative organizations that meet every so often with the ombudsperson who will independently report.”

“Appoint a Disability Commissioner as a representative in the Canadian parliament to oversee disability concerns.”

“Create an Accessibility Commissioner attached to the Auditor General’s office. This position would create a senior internal advocate working with and monitoring departmental initiatives.”

“The Accessibility Commissioner should be responsible for enforcement-the federal government as the largest obligated organization under the Act cannot be responsible for its own enforcement. Also, existing agencies could have increased accessibility at any time and did not.”

“There must be an independent commission outside the parliamentary system but reporting to parliament that will hold the government accountable and enforce the law. It cannot be done by the government itself. This commission must have the power and resources to enforce compliance.”

“We need a federal disability commission, similar to the Disability Rights Commission in the UK, which could, among other things, monitor the Act and help keep the issue on the agenda.”

“We need to have some kind of external body similar to the CHRC to deal with individual complaints as well as enforcing the law through more proactive measures. The commission/body should be made up of government people and people with disabilities.”

“There should be a new tribunal created to deal with the Act, and it should include people with visible and invisible disabilities and people without disabilities.”

“Complaints must be investigated by a panel/commission at arms-length from the government, possibly the CHRC.”

One participant suggested a well-resourced Office of Disability Issues kind of program to help enforce the legislation.

“Human Rights Commissions/tribunals could be the mechanism but they are complaints-based and not proactive, and remedies are not substantial enough either.”

“A properly-functioning human rights commission with mandates to ensure in a proactive way that federal entities were doing what they were supposed to do in guaranteeing access that would go a long way.”

One participant suggested a mix of government and arm's-length enforcement:

“An administrative tribunal with expertise in disability, accessibility, human rights and equality rights law would be an appropriate venue. A framework which includes both a focal point within government charged with overseeing implementation of the accessibility legislation and an independent body charged with monitoring; government-based enforcement may include inspections, compliance orders, penalties, and other approaches. It may include designating a particular minister or government office to lead and be accountable for the implementation and enforcement of the legislation. Independent enforcement mechanisms may include designating a statutory human rights agency to monitor the implementation of the

federal accessibility legislation and enforce its requirements in relation to individual complaints. It may include creating new implementation and oversight bodies such as a Canada Accessibility Commissioner, an Accessibility and Design and Communication Centre, and a Full Inclusion Policy Centre.”

“It has to get away from one-offs like today's human rights system, no more gag orders but instead a way to develop jurisprudence so that the same act of discrimination cannot be repeated and, if it is, that a base penalty is established and the entire process is made public. The committee has to be made up of people from different backgrounds in education and experience. It cannot be the Canadian Human Rights Commission because that body cannot apply sanctions.”

“It should be some kind of national council or secretariat that has an independent reporting capability. There will have to be targeted communications, there will have to be champions, and there will have to be a great deal of co-responsibility and collaboration within the disability sector. You need some sort of a mechanism where the decision-makers within the sector in this case at the national level can at least connect to each other and figure out, if the federal government has set some targets and some strategic goals, how can we help those goals be advanced? So to me enforcement will be a kind of turning on the lights about what’s going on. Comparing measurements from province to province will point out inequities that the Act can address. ”

“There needs to be a mechanism that has some autonomy from government. The CRPD at article 33 talks about domestic monitoring and implementation, and it gives a full role for domestic mechanism like the human rights commission or whatever it might be. But it also flags very specifically a role for persons with disabilities and our organizations, so we don't get into a situation where we have a bunch of people who don't have lived experience with disabilities making evaluations about these things. And I think that principle of consumer control, if you might call it that, or consumer input is an absolutely vital thing here. There is no way, for example, that you would set up a mechanism that would oversee the rights of women in Canada and

not be ensured that that mechanism was controlled by or at least very significantly influenced by women in Canada. And in the same way, it would be absolutely abhorrent to me if an oversight body did not have a similar construction with regard to a complement of people with disabilities and organizations. I think it's absolutely essential. ”

The Act must include all the details around strong and effective enforcement.

“It should be treated as serious and enforced as serious as worker's compensation acts and occupational health and safety acts across Canada (as a comparison).”

During implementation, goals and objectives must be clearly set so that measurement can begin; key performance indicators must be chosen—what we want to achieve, in what timeframe we want to achieve it and how we want to measure it. Before any standards can be measured, they must be tested by persons with disabilities.

“There will be different levels of enforcement, a phased-in approach. The Act should lay out the different standards and the process by which the details will be defined as well as the timeframe for the process, so the first piece of enforcement would measure whether the standards were developed with adequate engagement of people with disabilities and their representative organizations, on time, and then whether they were applied through a planning and review process within the various obligated sectors.”

“Use a multi-pronged approach centring on effectiveness and only delete one of the approaches if it is not working: monetary and other penalties; mediation, training and soft methods to ensure compliance; public reporting of non-compliance; orders that describe non-compliance and give timeframes for compliance; and criminal charges, revoking permits and licenses.”

Another participant suggested:

“The Act should be enforced in accordance with international human rights standards. The Canadian government must first address its failure to develop a transparent, accountable, and effective human rights system that monitors and addresses Canada’s international human rights obligations. A legal mechanism, which is accessible for people with disabilities, must be created to address any violations of the Act.”

One of our legal experts suggested this three-pronged enforcement model:

“The first part would consist of a complaint-based system for people with disabilities or representative groups, whereby they could report noncompliance issues and have them investigated. Secondly, there should be a commission that has proactive ability to take measures to address access issues on behalf of disabled Canadians, without being limited to acting only when there’s a complaint, but able to take notice of the existence of complaints in setting its own priorities. Finally, I think there should be in the Act a clear statement not only that a single minister is responsible for addressing the commitments that are expressed in the legislation particularly through the preamble, the purpose and the object clause, but there should be responsibilities of reporting through parliament, engagement with a dedicated parliamentary committee whose sole job is to provide parliamentary oversight for the administration of the legislation plus clear reporting obligations. The model for this idea is an indigenous health initiative in Australia, "[Close the Gap](#)".

This third level of political enforcement would reinforce the idea that this is not just a technical issue, not a legal issue, but a national commitment to address disability issues.”

“Enforcement requires monitoring and a resourced body established to do so. This might be a role for Human Rights Commissions but further discussion of this role for Commissions is required. Our current process of human rights enforcement sadly is too slow, too focussed on individual remedy rather than systemic remedies, and ultimately it requires individuals to have the tenacity and capacity to file complaints. Other possible mechanisms may include well supported disability rights advocacy organizations, possibly

additional specific resources allocated to the new Court Challenges Program to support access litigation.”

“Before we look at enforcement we have to look at how the Act is sold to society, especially business. Fines simply become a way of doing business when companies don't see any value in accessibility and inclusion activities. The first few years of the Act should be the launch, major marketing of the different aspects of the Act, town halls , webinars, full buy in from the Federal government including the rank and file, lead by example and ensure the procurement apparatus in the Federal Government includes those with disabilities. Once this is in place, enforcement should be heavy. Heavy fines tied into more than just visits by the disability police. Enforcement should be tied into all aspects of federal law so that lack of compliance means no other federal department can be accessed until an entity complies with the Act. For example, in Canada a major airline is granted a license to operate by the Federal government. If that airline fails to comply with the accessibility act, the license to operate is rescinded.

That would have a massive effect on the industry. Likewise any other federal contractor would be required to comply with the employment Equity Act. Today none of them do and they all receive letters each year telling them they are not in compliance. Letters with words, punctuation and someone's signature certainly doesn't have a CEO shaking in his/her boots; the Employment Equity act requires teeth and the Accessibility Act could be the mechanism to do so. As well, there should be laws in place to prevent any company from accessing the TFW program (Temporary. Foreign Worker) if they are not first in complete compliance of the Federal Disability Act. This also includes tapping into the disability demographic before entering into an agreement with the TFW program. This is a very big issue today especially in areas of the country where there are labour shortages. It should not include any reliance on quotas.”

“I believe it should be enforced by the municipal governments, provincial, and territorial, and federal- Everyone needs to take a role in this and work collaboratively to develop and enforce- There needs to be buy in from all levels of government, this way more people will take ownership for enforcing it.

There needs to be memoranda of understanding created and signed off by Provincial, Territorial, Municipal and Federal counter parts.”

One participant suggested

“Post signage. Or use the local police force. To have them write tickets and or fines.”

“The challenge is enforcing a federal act at a local level when there is no federal jurisdiction there; most of the business is at the local level.”

“People with disabilities who actually use the goods and services need to be employed as inspectors to ensure that a service is usable just as there are experts in flight safety as inspectors working for Transport Canada. In the transportation context, seat transfers, guiding a person who is blind, space for service animals on aircraft, and CATSA screening can only be really enforced when trained people who use these services are evaluating them.”

Transportation and communications regulators could enforce the regulations in their sectors. Other departments could be given the accessibility mandate along with their specific concerns so that accessibility is checked along with safety issues, etc., but this cannot be the only form of enforcement. There will have to be different types of enforcement mechanisms for different sectors: building accessibility could be done on a random inspection basis; access to services will probably require an effective and accessible complaint mechanism, perhaps functioning more like that of police crime units, where issues are ranked in order of seriousness and resources targeted accordingly. People with disabilities need one place to go to complain. And to be clear, people should not have to seek legal assistance in order to lodge a complaint, unless the legislation covers all legal costs incurred. Whatever agency or commission has the responsibility for enforcement, it should also have the power to be proactive—we should not have to rely on individual complaints from people with disabilities before compliance is achieved. Also, the onus should not be on the people whose rights have been violated. The Act should have a definite investigation/enforcement section spelling out exactly what can be done when an entity does not conform to the Act, and the compliance framework needs to be streamlined so it does not create an excessive regulatory burden.

“There also needs to be a mechanism for individuals to report a business, organization, or other facility, and that entity must be notified of the changes required, and given a reasonable amount of time to comply. Once the time has elapsed there needs to be some

consequences for continued noncompliance, i.e. fines, or a loss of funding, injunction, or a court order for specific performance.”

“Imposition of harsher fines, criminal or jurisdictional violations, potentially imprisonment for multiple offences may be a deterrent from discrimination.”

Another deterrent might be the public acknowledgement of entities' compliance with the Act, or lack thereof.

There was a common view that the penalties should reflect the capacity of the entity being penalized. A couple of participants suggested the monies collected in this context should be utilized with respect to the Act itself-either as resources for enforcement and other such activities or to actually improve accessibility via grant proposals or other methods. One participant suggested there could be a reward system for organizations who are doing a phenomenal job, and that this could also encourage compliance. And, speaking of encouragement, quite a few participants believed that there should be a carrot along with the stick.

“Enforcement should be clear and approached from a supportive stance rather than a purely punitive stance.”

“Thinking about your teeth in your mouth as having a bite, there also has to be the lips for the kissing of the incentives, some sweetness there and also use your voice.”

“We need a culture change and the carrot is often better than the stick.”

“It might be better for federal institutions to be enticed as opposed to being forced to do something. Have funding in place that would allow a federal institution to make the changes that are required in terms of accommodation; rather than hiring accessibility police there should be funding in place so there are no excuses for not adhering to the law. There must be a mediation process to deal with complaints of noncompliance that is outcomes-based.”

Mediation and education should be suggested before moving to litigation.

“There should be a combination of incentives for compliance and enforcement mechanisms to deal with failure to comply.”

There should be incentives-tax credits or grants-to motivate the businesses to want to follow the rules. Regardless of the methods used, some sections of the Act will be easier to enforce-build environment accessibility, etc. is easier to measure than whether people are being included.

“Another component of enforcement would be an annual report to Parliament by the Minister Responsible for the Status of Persons with Disabilities. This report would then be public and improvements could be measured over time. The report should include aspects of each federal department’s initiatives to ensure inclusion and accessibility.”

“An audit or similar report must be submitted to parliament on an annual basis, with a requirement that the Prime Minister speak to the report and comment on action items.”

One final comment:

“Without some form of enforcement, the new act will be a sham especially since people living with mental disorders, to be specific, more often than not, are unable to advocate on their own behalf.”

DATA COLLECTION

This question -- What information needs to be collected under the new act, so we know if we are making progress on accessibility and inclusion? -- received responses from 84.71 percent of participants, and it was clear that two categories of data would need to be collected: quantitative data and qualitative data. The table below shows the types of data the respondents believed belonged in each category and therefore needed to be collected. Anything not data-related will follow the table.

QUANTITATIVE DATA	QUALITATIVE DATA
Identify targets and timelines	Housing and poverty experiences of people with disabilities
Need to identify baseline in many areas including: transportation, information, technology and communications, banking, procurement, built environment, education, employment (in federal government) and external	Violence prevention
Federal departments and agencies, Provinces and territories should have to complete report/status update annually.	Need intersectional lens, including consideration of unique experience and needs of Indigenous, Inuit and Metis communities.
Information related to the key performance indicators built into the Act	Can people with disabilities enjoy entertainment—games, etc.—as their peers do—something rarely measured or considered, majority of games not accessible
How many people with disabilities of differing types are participating in post-secondary education, how many are succeeding, how many are not succeeding, how many years is it taking them to get their degrees as opposed to anybody else? Are they going to colleges vs. universities, are they participating in on-line courses or are there barriers there?	Look at the quality of life
How many are employed, are they being pushed out of the workforce? Is technology a good thing or a bad thing, etc.?	Accessibility should be measured in the context of how independent does a particular standard allow a person to be.
All results and measures should be assessed on how they help people with mild, moderate and severe disabilities, based on the adaptation—not how many people with disabilities are employed but how many of each level of disability are employed, measure things like, in employment equity, how many people in the federal government use Braille in the	People's stories

workplace? How many use sign language interpreting at work, how many people in federal government actually need attendant care.	
How many people who need a particular service are actually able to obtain that service? Are level 1 diabetics benefiting from the will of Parliament through the medical deduction benefit of the Income Tax Act – no because able bodied people changed the interpretation of the Act to reduce costs.	Are the standards created under the Act actually resulting in contributions to greater accessibility for the people affected by them
Define the Act's positive anticipated outcomes at the time of passage and then measure them by severity of disability.	Feedback from individuals if there is difference in their lives
Census data-specific questions posed and the results collected: how many people with disabilities are there in Canada, broken down by age range, ten-year groupings perhaps, specific disability category numbers	Data on attitudes
Labour force participation statistics	People should be able to report on how effective they find the enforcement mechanism.
Reviews of government program outcomes like the Opportunities Fund—short-term training opportunities with subsidies may or may not be working	Feedback from the disability community regarding qualitative data-level of belonging in community, opportunity to increase awareness through the anecdotal data while providing input on the progress of the Act
Mental health statistics are on the rise-why is this-are they higher or are more people coming forward, and this is information we would have to collect	The primary information that would need to be taken into consideration would be that of the disability communities across the nation. In this, we can further formulate direct impacts on a disability by disability basis, which may be able to make the law or act much more in-depth and binding while allowing for more direct methods of enforcement.
Income tax returns (have a section where business owner could talk about what initiatives they have done to create a more accessible, inclusive, barrier free access for their customers)	There should be a current environmental scan done to determine what rights and privileges and obligations people with disabilities have across the country to set benchmarks, not just under federal jurisdiction but provincial and municipal as well.
Conference board of Canada information on purchasing power	Find what is already available and figuring out how to improve it, what is working, be aware of different needs, get feedback from people

Need some baseline information, we need to know things like what percentage of federal buildings are currently wheelchair accessible	Look at intersectional data to capture all people benefitting from the Act
Statistics Canada needs to begin collecting the same specific data over time, instead of changing the surveys every time they conduct a census	Feedback every five years from disabled people on whether it has made a difference in their lives
Rate of participation in elections; employment; education; volunteerism; and segmented data with severity of disability	A lot of the measurements however will be anecdotal. If we look at the narrative today compared to ten years ago it is light years ahead.
Regulatory bodies should track and report on conflicts and resolutions. Each Minister must submit an annual disability strategy progress report to the parliamentary Disability Oversight Committee, led by the Disability Commissioner, to assess progress within each Ministry.	Data from people who self-identify
Data on building accessibility	Surveys of organizations and individuals about accessibility
Data on population classes—income levels of people with disabilities	quality of life indicators, community innovation
Organizations under federal jurisdiction will be required to produce an annual report of accessibility initiatives. These reports should be public, submitted to Parliament and organizations of persons with disabilities. A way to see the progressions of the law.	Data needs to be gathered of the experience of people with disabilities in employment—not just did they get jobs but did they keep them, promotion levels, etc.
Gather information for a baseline and then compare subsequent statistics to it	May be difficult to gather compliance information on web accessibility, public services access etc.
Surveys that indicate the accessibility of offices, businesses, goods, services, facilities and employment opportunities.	Need to collect information on what works and what doesn't work
Reported incidents of noncompliance need to be recorded, and analyzing the number of reported incidents in a given year may reveal information about progress, providing there are no other factors that may contribute to a decline in reported incidents. For instance, if the enforcement mechanism is ineffective individuals may stop reporting incidents because they are frustrated with the inability of their reports to affect positive changes.	Need data on progress of inclusion, are people finding programs more accessible? Feedback from people with disabilities regarding how things are progressing.
Need to know levels of employment—mailroom or executives?	Needs to be a very broad scope of data collection need to develop indices for inclusion and participation and quality of

	life including issues related to income and assets in poverty, perhaps a happiness index which takes into account the mental health of the population; need to collect more than just the physical statistics of how many buildings have been made accessible, how many devices are being distributed, etc.
Physical inspections	Data on usability
Bring back PALS or develop stats on what is happening with people with disabilities in Canada. What are the challenges they are facing, what are the variations across the country in terms of what is or is not available?	How many barriers have come down? Monitoring how much process has been created does not show anything
Census data to track the instances of disability, definitions of any new disability, secondary survey to capture more data from those who self-identify as having a disability on the original census monitor the economic status of people with disabilities; monitor the health status of people with disabilities-the rate of acquisition of secondary and tertiary disabilities, mortality rates, etc.	Data-based human rights monitoring is one example. It is a focused and thorough approach to tracking and monitoring data that emerge from the experiences of a particular group of people, including fact-finding, interviewing, the use of empirical benchmarks and indicators, and other components. The product of monitoring is usually a report analyzing the situation and providing a basis for further action. Data-based human rights monitoring can effectively be used to determine whether there are gaps between a domestic standard or law and the application or implementation of the standard.
Taxation data—look at the status of persons with disabilities relative to the income of other individuals across the country	Subjective surveys of persons with disabilities on satisfaction in a range of areas of life, ideally gathering specifics on education, housing, experience of stigma or discrimination, etc.
Employment-number of people who have received supports, number of people who have improved their employability, number of people who have reached their goals, etc.	Data on how people access basic services; what creates the inequities, what are the ways in which people experience barriers when they're trying to access say a service, whether it's a transportation service, a justice service, a health service or something and the impact of actions that are designed to address those barriers. So also I think it's important to collect information about what kind of processes and practices are useful in addressing those barriers and helping move to a point where there's much broader accessibility and inclusion so what works, like how do we know what works and whether that's in

	a change in practice, change in a law or regulation or something? What's having an impact? So if we're going to be putting some resources behind this legislation we need to know what impact it's having on the day to day lives of people.
In essence how much is perceived as accessible by disabled people. One could use a RFID chip for every venue the law applies for and disabled people can mark them in an online repository as accessible or not	Rotational reports from all jurisdictions within specific time-frames after the base-line report; reports evaluated by independent advisory committee of accessibility experts; civil society should also be able to make reports and also comment on the jurisdictional reports
Audits of programs and services—how effective are the programs at meeting their goals	Need to monitor whether the provinces are falling into line—are the provincial acts achieving accessibility?
Measurement and evaluation is critical, statistics such as workforce participation, need to measure progress against the goals set in the legislation	Conduct research, reach out to people with disabilities and identify what is important to them
Need all clinical measures as well as measurement of whether accommodations are meeting employee needs from their perspective, should be able to measure the economic benefits of improved participation in the workforce-fewer sick days, etc.	Engage the people who use and require the services and ask how things are working
Data in the areas of housing, public transportation, graduates, income level, program data, municipal data	Data from disability organizations themselves what their respective constituents or members are experiencing or hearing or feeling or whatever
Those who work with children were extremely unhappy when the federal government stopped collecting more detailed information about children with disabilities so we may not have a good baseline to work from, there needs to be some disaggregated data by age and gender, need to collect data year by year	We need to collect information on outcome indicators which can be at a national level for persons with disabilities, they can be at the provincial level, and in most cases would also have to be at the sub-provincial level. So we really need to know what's going on with persons with disabilities and have that capability carry on into the future so that we can see how things change through time.
Information should include: Annual Departmental Access Plans, An Overview Report of Federal Initiatives, A List of Access Complaints Filed, A List of Penalties Imposed for noncompliance, highlights of access litigation undertaken.	Statistical information needs to demonstrate whether or not the state's programs, legislation, policies, institutions, and benefits entitle people living with disabilities to an adequate standard of living.
Look at what is out there in the physical environment, what is available and what isn't and how do we systematically change	Collecting demographic information about who is benefitting from increasingly accessible environments, both quantitative

that; look at current state of access to information and how it can be converted to alternate formats	and qualitative data about the impact of the new legislation.
Levels of poverty of people with disabilities	Identification of who has done things-what organizations are doing a good job and which are not-being required to report publicly on how people with disabilities are being treated should force the treatment to improve and changes to be made
Employment statistics by business-who is living up to the spirit of the Act or not	Has legislation been updated as required? What results have come from the new Act?
Need specific standards with very clear benchmarks and progress on achieving the specific outcomes, reports on barriers that prevent entities from meeting those standards and the actions they plan to take to address those barriers	What are the barriers that are keeping people back?
Monitor the Act through procurement data; asset mapping-need to find out what isn't accessible industry by industry, set baseline measurements by conducting a survey, it would also raise awareness.	Consultation with a very large, diverse community in different cities, different geographical areas, need to hear from the people affected, reach out to all the marginalized people-people with colour, LGBT people, everyone
The Act should require transparency and annual accountability from all organizations under federal jurisdiction, and Federal Contractors Program (FCP) employers including action plans, progress reports, reviews and audits.	
Stats from the IRIS Institute	
Human rights complaints need to be carefully collected and categorized so it is clear how they fit into the new legislation—are there more or fewer cases? Are there areas that need more work?	
A systematic methodologically sound assessment and evaluation monitoring and tracking process of the Act which would be clearly dividing up the jurisdictions in terms of the components of each of the Acts and seeing the before and after effects of the implementation.	
Need to collect statistics on people, depending on their level of post-secondary or less education, what is their experience with public post-secondary education, what is their experience with private sector companies that are federally regulated in terms of their rates of employment.	

“All this information can be collected without infringing on people's privacy as long as the people collecting it know what they are doing.”

“There is a need to respect privacy by protecting personal information.” “Clarity is very important in order to measure results.”

“There must be consistency in how we measure access to daily living activities and who is defined as having a disability.”

“We need a way to monitor changes and the impact of those changes.”

“We need some good solid statistics to paint the picture of what are the barriers and opportunities and come up with common understanding of terminology.”

“Specific to each section of the legislation, metrics and measurables need to be matched to the type of issue being addressed.”

“We need to review every 3-5 years to make sure there are no unintended consequences and that accessibility is improving.”

“There needs to be a mechanism to collect feedback in various formats, including in-person focus groups because people with intellectual disabilities may find this the best way to communicate.”

“I would see kind of a process approach to information because what's required now may not be what's required in 10 years' time. And also our understanding of disability issues will evolve over time, particularly as demographics change in Canada. Those kinds of process measures would over time control the types of information that's generated, collected, collated and analyzed.”

“It's going to take a considerable amount of time for things to unfold, but I, for one, and I think a lot of people in the disability community fault me for this, but I for one am not a person who believes that things need to happen quickly in this type of work. Because I think when things happen quickly they're often done in ways that are not most effective in the long term. So I'm more in favour of taking the time to get things right. But again, it's a challenge and a balance.”

“Reports from all the obligated organizations on possibly a five-year rolling cycle, the Commissioner would produce an annual report; maybe year one you look at the major federal departments like Transport Canada, telecommunications, others you may look at banking which I think is already pretty well regulated and moving on, you get the banking sector that’s under federal jurisdiction. Maybe year three at Elections Canada, report on what they’re doing under the last recent federal election whenever that was, etc., you look at Via Rail and stuff, and maybe by year five you’re looking at non-profit organizations that are getting federal funding and to what extent are they moving in a progressive way towards more inclusive practices, do they have standards, if not why not, how are they being helped, how are they being encouraged to move forward, other private enterprises or the provincial governments, as they get money from the federal government do they have access and inclusion laws or policies that are moving in the same direction? The challenge is not to get drowning in it and to think strategically about what exactly do we want to know from whom and when and how often do we want them to report to us about it. And then what do we do with all this stuff and those are real simple questions, but we often just think collecting the information is going to be really important for enforcement, it may, but it may not if we’re not asking for the right kinds of information and if we ask, we have to be careful what kind of burdens we’re putting on organizations to comply with all this reporting.”

FUNDING

The question was: -- What, if any, pots of funding should the new act create? -- Money is a very popular topic, and 94.12 percent of participants had ideas about spending some of it! However, there are always two sides to every story. Here are three responses from participants who felt that there should be caution when considering what to do with any new pots of funding.

“Conduct a cost study and provide funds to the areas where it is needed; perhaps provide incentives, but only if the study discovered that they would be effective.”

“No new funding is required. This also annoys me as we waste tax payer dollars on foolish programs that have no chance of success. Most notably is the Federal Opportunities fund. In 2013 I was involved in the decision to increase the fund from \$30-\$40m but I made suggestions at the time that the fund no longer be used for employer wage subsidy programs. My suggestion was ignored. These programs do a tremendous amount of damage to the overall topic of disability employment and often lead to slave labour especially for those with intellectual disabilities. The Federal Act should actually legislate wage subsidies out of existence. They do far more damage than good. The \$40m in the Opportunities Fund can then be used for programs that work such as paying for accommodations and /or adjustments for business, training programs for companies and more.”

“I’m not in favour of funds businesses can access to pay for retrofits as this is a cost of doing business, they would never be big enough.”

Some respondents were concerned about where this new funding would come from. Two respondents had great ideas:

“As noted in recent reviews of Canada under the ICESCR and CEDAW, federal social spending is at its lowest level since 1949. Federal social spending for 2017 was only 14.6% of the GDP. If Canada were to inch towards a similar percentage of GDP spending as nine years ago, even by a single percentage point (15.6%), this would make available \$21.6 billion to invest in Canada’s international human rights obligations and to ensure the fulfillment of CRPD Article 28.”

“The federal government should allocate the funds they will be receiving from the legal sale of cannabis to moving an accessible and inclusive Canada forward. It could cover any extraordinary costs resulting from the new legislation. It should cover any issues dealing with disability.”

The implementation of the accessibility and inclusion legislation and the federal government itself were cited by 65 percent of respondents as the major category in need of funding. It would seem respondents believed that funding would be required to support the federal government walking the talk.

“Each Ministry should have a budget for accessibility needs: Education, Health, Innovation, and Transportation ...”

“The ministry should be given a budget comparable to other ministries that provide for the protection of human rights, the environment or similar causes.”

“There should be funding for another office that has real leadership at the interdepartmental level, at the PCO, for accessibility and inclusion, responsible for driving implementation, barrier identification and barrier removal within the government itself.”

“There should be a workplace accommodations fund for the government employees.”

“There should be a pot of money to hire severely disabled persons in the federal government, to integrate us into the workforce.”

There should be funding to hire all people with disabilities to work in the government. There should be funding for the Human Rights Commission so it can function properly. ”

“So it’s nice to have a law but without the resources behind to make things happen and to stimulate change and transformation, I don’t expect it to be all that effective.”

In other words, there must be adequate resources to administer and operationalize the Act and to adequately staff a directorate. Possible recipients of this funding included a National Accessibility Commission, an independent Ministry/Agency to inspect usability

and accessibility programs (similar to the Auditor General), and an advisory committee to monitor the Act, its effectiveness and how it is implemented. Funding requirements for the various enforcement mechanisms of the Act were cited in 21.15 percent of responses.

“There should be funding for a dedicated agency like the CHRC, perhaps the Canadian Disability Rights Commission, to implement and enforce the Act. There has to be enough money to ensure the Act makes a difference.”

There should be funding for the oversight body working on enforcement and to ensure that individuals can contribute. Funding for enforcement and compliance analysis could be built in to what is already part of the requirements for implementing programs and strategies within departments or agencies. There should be funding for rewards for accessibility compliance. Public education, promotion and awareness of the Act were cited in 38.46 percent of responses as important aspects of the legislation requiring adequate resources.

“Centres of expertise on Universal Design to support, counsel and advise governments and private, non-profit and public organizations on how to comply with the Act. Budgets that enable on-site and virtual support to organizations—of any kind.”

“There should be resource centres to provide information for employers and others on how to comply with the legislation, run by experts with the capacity to research new technologies and new ways of doing things.”

There should be a centralized mechanism to provide information, tools and good practices. There should be funding for educational access forums for employers, service delivery etc.; for a knowledge base for the federal government for information, referral and consulting; for planning and barrier removal processes and a cross-department training strategy. There should be funding to change the cultural attitudes towards accessibility, and to educate Canadians about accessibility and reduce stigma/discrimination towards people with disabilities. There should be funding for a train the trainer model to train people with lived experience to provide training regarding the Act.

“I think we need to give whatever organization has responsibilities for the Act to have the capacity and responsibility and some money to undertake research and information sharing on its own, maybe even to be able to hold conferences or to bring together groups to have conversations and dialogue around lessons learned and sharing

practices and raising the bar over time to move towards more innovation and more inclusive practices. This legislation, to work and succeed, will require new investments, new federal dollars; this can't just be done on existing budgets."

"There could also be grants for agencies and individuals interested in providing education or support to the public awareness campaign for the new legislation (could get very creative with a variety of ways to promote this!)"

Legal funding figured in 15.38 percent of responses.

"If there will be enforcement through a formal judicial or quasi-judicial administrative body, funding for legal assistance and full legal representation should be made available to ensure access to justice."

A separate funding stream could be created under the new Court Challenges Program for access litigation. There would need to be money to fund the complainant if the system is complaints-based in order to level the playing field against industry. There should also be funding for the tribunal handling the complaints. There should be funding for measurement and evaluation. There should be funding for the monitoring piece, either for an independent monitoring office and commissioner, or to better resource the CHRC for monitoring, media/promotion and education. There should be funding for a review of all legislation to apply a disability lens. And, finally, there should be funding to ensure the standards-development process is intersectional-that all groups can be at the table.

Next in line for funding, according to 58.75 percent of participants, was the whole gamut of accessibility improvements. Most of the respondents were of the opinion that funding should be available for a wide range of initiatives. There should be funding to ensure accessibility of software and wearable technology-perhaps an innovation fund for any new technology that is barrier-free. There could be some funding for innovation, i.e. for creative employment programs for persons with intellectual disabilities; funds to stimulate innovation and transformation within society, within service systems, to address barriers there. There should be money for health-related activities-accessible labelling etc. There should be funding for groups who want to embrace inclusion. There should be funding to encourage the habit of captioning and audio description. Employment-related funding was mentioned by 12.77 percent of respondents, who expressed the following: there should be funding to assist federal departments and regulated entities to increase employment of persons with disabilities; funding for accessibility requirements for any employment programs; and grants to increase access to employment opportunities for persons with disabilities (both from employee and employer perspectives).

“There should be funding at least initially for employers who hire people with disabilities to pay adequate wages and benefits; even if they cannot work full-time they should get benefits.”

The Opportunities Fund should be expanded.

“There should be mission-based and recurring funding exclusively for accessibility. Relax the criteria for applications for financial assistance to the Accessibility Fund program.”

There should be funding for non-profits to increase accessibility, and funding to support inclusive practice in services and organizations. There should be project funding—grants that people can apply for. There should also be funding to address systemic issues. One respondent suggested partial funding for a unit for banks, crown agencies, transport etc., to help drive implementation in those sectors. Another sought increased funding to ensure accessibility to festivals, parks, etc. already receiving funding. Another respondent suggested funding for accessibility consultants to assist companies in determining what would need to be done. The prickly issue of how to deal with business owners who might be looking for financial help to make accessibility improvements was tackled by 46.81 percent of respondents.

“Potentially provide tax break incentives, federal tax credits, for business owners, municipalities and all levels of government who work towards this goal of creating more accessible, inclusive initiatives. Create matching grant initiatives, partnerships between all levels of government and the private sector, to ensure financial resources can be in place for accessibility initiatives to take place.”

The funding could be based on the size and available resources of the business—small businesses would receive more of their costs; or the costs could be shared 50/50 between the government and the business; or all businesses could receive the same percentage of the costs.

“An undue hardship fund should be created for those who want but can’t afford to do the right thing.”

“There could be low-interest loans for small businesses to allow them to improve their accessibility, not straight money but a means to proactively assist them.”

These funding models would offer supports and encouragement to organizations, and could include recognition for excellence in organizational leadership when appropriate.

“Resources need to be available for organizations requiring money to improve accessibility. There should be funding to encourage collaboration between small organizations as well.”

Funding for accessible infrastructure and improvements to the built environment figured in 38.30 percent of responses.

“There need to be some incentives in the transitional phase on the physical accessibility side with criteria so that public places with less resources could access some funding to come up to standard. There are some provincial funding programs that work well and others not, so there should be some funding to reduce disparities that exist.”

Funding could be in the form of grants. There were two other creative suggestions:

“Funding could be made available to upgrade the accessibility of a building as long as it could then be used as an emergency shelter in times of crisis, no questions asked.”

“Funding for retrofitting of existing infrastructure, existing buildings and existing transportation networks, could be handled in the same fashion as the Indian Specific Claims Commission that provides remedies for past wrongs but has a yearly limit and a five-year lifespan.”

Home modifications and accessible housing initiatives, including supported living, should also be funded.

There are many other types of support which figured in 40.38 percent of responses, the most commonly mentioned, by 42.86 percent of respondents, being the need for the creation of a National Assistive Devices program.

“There should be funding for income support where most needed, i.e. the north.”

“The Act should include provision of a guaranteed income for persons with disabilities based on severity of disability. Recognize that persons with disabilities have not had the same educational opportunities as other Canadians, for example, braille users cannot do French immersion in the Ottawa school boards due to a lack of qualified teachers to teach French braille. Funding should be given to reinstate the national Assistive Devices Program and the Technical

Aids Loan Bank. At present, managers try to avoid hiring people with disabilities, particularly those who cannot see, because of their budget squeeze. This is one of the main reasons why the new hires statistics for persons with disabilities are so low and abysmal, when they should be much higher than the employment equity minimums. Another side effect of this funding of adaptive equipment barrier is that part time, casual, temporary, and term employment opportunities are routinely denied to persons with disabilities because of the adaptive equipment cost issue and the lack of accessibility in the federal workplace, particularly for persons who cannot see.

“There should be consideration of a national fund to ensure that there is equal access to services and equipment.”

“Money for education and assistive devices is also important to me. Although education is under provincial jurisdiction, I’d like to see additional grants and loans be made available. Some of these grants and loans should also be able to be spent on assistive technology since these devices are costly.”

“There should be funds to enable people to participate in inclusive education. I.e. close captioning and translation, all expensive. In order to be inclusive and accessible, and in order to enable all to participate to their full potential, these are the kinds of things we need and we will certainly need some sort of revenue to make that happen.”

Another respondent said,

“There needs to be funding for people doing the work-the people on the ground, social service agencies, organizations doing work around disability to deliver training, workplace programs, etc.”

There should also be funding for people with disabilities to access employment and other services. There should be funding to give people with disabilities autonomy in gaining supports for employment access.

“There should be funding for self-managed care for people living with disabilities throughout the life-span; funding for workplace accommodations not equipment-based but time and actual place of work; funding to change income support structures so that people with episodic disabilities can work part-time and not face claw-backs.

Celebrate the fact that they can work. We need to investigate connected legislation dealing with social welfare programs.”

There should be funding for employment programs so that people with disabilities can compete and work competitively with their colleagues, and funding to increase employment subsidies which could continue throughout employees' tenure at a particular company in order to elevate their income status. There should be funding for accommodation of individuals' specific needs, personal or financial, to assist with communication, education, employment and other areas of daily living.

“There should be funding for mentorship programs to build community and remove isolation.”

Respondents suggested funding to allow augmentation of the CPP-D benefits; changes in tax law—broadening of the medical deduction, review and revision of the Disability Tax Credit; and funding to increase the limits of the RDSP.

“There should be funding for First Nations to address accessibility on reserve.”

“Civil society members need to be funded to work on monitoring as well.”

And finally,

“Any funds from the new legislation have to at minimum cover the cost of living.”

“I would like to see the funds going to organizations; at least they provide programs for people who have disabilities.”

This statement came from one of the 30 percent of respondents who want to see some funding earmarked for organizations of people with disabilities.

“There should be funding for national disability organizations to build capacity so they can provide training, tools and information resources to help entities meet their obligations and for them to provide consulting expertise; you won't have accessibility unless people with lived experience are helping to inform and shape the initiative.”

This sentiment was echoed by another respondent, who said,

“There needs to be funding for people with disabilities to participate in consultations-pay for their expertise.”

National organizations of people with disabilities should be able to access funding, and there should be funding for organizations of people with disabilities to do work on the Act. There could be

“funding for an advisory group of representatives of the disability community; perhaps give CCD money to enforce the Act.”

There should be greater support for representative disability rights advocacy, and sustaining funding for advocacy groups, so they can continue working with people with disabilities to ensure their rights. This belief in the need for greater advocacy was shared by 20 percent of respondents.

“There should be funding to increase the capacity of the disability community to level the playing field between them and the better-resourced groups who want to resist change, and funding for the disability community to play leadership roles.”

“There should be funding for organizations of people with disabilities so they can formulate policy and understandings, and funding for people with disabilities to be able to meet and discuss the Act within their own communities.”

There should also be funding to assist with innovation in the disability community.

“There should be funding for the disabled arts community; they can influence people to change their beliefs and attitudes.”

This was another opinion held by more than one respondent. In fact, the subject of monitoring figured in one-third of responses.

“Funding should be reinstated for organizations of people with disabilities to be able to advocate for inclusive practices and to monitor how things are proceeding with respect to the Act.”

Another respondent suggested that there should be

“funding of an independent advisory council to advise on the implementation and participate in periodic reviews, not the Accessibility Commissioner but a group of people from CCD, CACL, etc., advising the Minister of Accessibility and Inclusion.”

“Organizations of persons with disabilities should be funded so they could help with the monitoring piece to provide more diverse perspectives.”

Finally,

“There should be funding for a comparative study of the Act by the disability community.”

Funding for Research and Data Collection was suggested by 13.75 percent of respondents. They stated that there was a need for disability-related research and development. There should be

“Funding so that perhaps the new agency partners with Statistics Canada to undertake surveys on a variety of issues around whether it’s on services, barriers, supports, feedback from key stakeholders, the lived experience of Canadians with various kinds of disabilities, whatever, but that we think ambitiously here and not nickel and dime this organization, give it an adequate budget so that it has some capacity to partner with organizations.”

When considering funding for research, they could have collaboration as one of the funding criteria to encourage new networking possibilities.

“There should be research on innovation in the key areas covered by the Act-i.e., transportation, housing, poverty.”

There should be funding for research and development of clear guidelines to make websites and technology accessible. There should also be funding for post-secondary education so universities and colleges can research what is accessible. There should be expanded funding for Stats Canada to do disability related surveys on discrimination and barriers, and there must be a full census of people with disabilities each census period.

This question --If there are pieces of existing legislation that you are concerned about, are you recommending the Act make specific amendments to these laws? What are they?--garnered responses from 68.24 percent of the participants, and the following quote clearly summarizes the feelings expressed.

AMENDING EXISTING LEGISLATION

The question -- If there are pieces of existing legislation that you are concerned about, are you recommending that the Act make specific amendments to these laws? -- What are they?-garnered responses from 68.24 percent of the participants, and the following quote clearly summarizes the feeling expresses:

“What we’re doing is we’re dropping a big boulder into a pond of water and it’s going to have big ripple effects. So those ripple effects mean we need to amend a whole bunch of other pieces of federal legislation or to look at them and figure out how they will assist and advance the new purposes in this new piece of legislation. The Department of Justice needs to work with the lead minister responsible for the Act to conduct a review. I would suggest what are our top five, or what are maybe the top ten at most, federal acts that really need to be changed in the short-term. If we can’t get to them all, what are the ones that we really need to get to quickly that really will have a big impact, particularly again to ensure that this act really has a great launch, that it starts off in a strong way with strong commitments.”

The majority of respondents, 56.9 percent, called for the Act to require a complete Legislative Review—laws, statutes and programs—within a reasonable timeframe.

“Is it valid and reasonable? Does it have a negative impact or outcome for people with disabilities and, if it does, how do we reframe, reorganize or repeal the legislation to better respond to the needs and rights of individuals living with disabilities?”

“Intersectionality and its consequences need to be taken into account.”

“The ableism has to be removed so that standards can be developed that treat people with disabilities equally. Example: a blind person is required to pay for a stamp on an international health certificate so he/she can travel with a guide dog to another country—the dog is not a pet and a person with a mobility disability is not required to pay a fee to certify a wheelchair.”

The following table lists the top ten laws/programs, the recommended amendments and the percentage of respondents who chose them, in order of priority.

EXISTING LAW/STATUTE	RECOMMENDED CHANGES
Canadian Transportation Act, 18.97 percent	The Act needs to recognize systemic change; there needs to be funding for and the ability to award pain and suffering damages not available now; needs to allow funding for legal assistance when filing a complaint; change the focus of complaint-handling to one based on human rights rather than economic considerations for persons with disabilities; ensure that at least 50 percent of Members, adjudicators, investigators and the like are persons with disabilities; require service animal relieving areas inside security at all airports; the "one person/one fare" regulation for domestic travel should be extended to international travel for carriers whose flights originate in Canada; voluntary standards should become regulation and could happen without a new Act; the word "undue" should be removed-obstacles are just that; transportation-related kiosks must be made usable by everyone; there must be adequate trained staff throughout the transportation system to provide assistance to people with disabilities-unmanned train stations are not acceptable; regulations need to be strengthened to make transportation universally accessible; the Canadian Transportation Agency should be able to initiate investigations; results should apply to all of the sector; should also be able to have international reach; smaller aircraft need to be covered as well-the north should be covered; vehicles should be designed for the future-the population is aging; needs to be amended to allow people to fly in their own mobility device (the devices would need to be properly certified).
Employment Equity Act and programs, 18.97 percent	Needs to ensure people with disabilities can no longer be paid less than minimum wage; sheltered workshops must not be allowed to continue; a 5 percent minimum standard should be added to "numerical goals" under Section 10 (Employment Equity Plan)-no minimum exists now; it only speaks to targets, very weak, lack

	<p>of employment only increases poverty and therefore overall accessibility means little since people wouldn't have the means to afford to take part in those accessible spaces/events. "Strengthen the Employment Equity Act, its implementation and accountability, in particular restoring the obligations of the Federal Contractors Program (FCP) to equivalence with the federally regulated employers covered under the Act, and to revert the FCP threshold back to a minimum of \$200,000 of Government contracts from \$1 million. The Employment Equity Act should be applied to government procurement as well as any federal initiatives stemming from the Infrastructure Bank." We need employment-related supports e.g. pay equity, national early learning and child care program; training and education e.g. Workforce Development Agreements, which do not designate specific and adequate funding for workers with disabilities. It hasn't done much, but perhaps not worth dealing with.</p>
<p>Immigration Act, 18.97 percent</p>	<p>Stop separating families. "Replace section 38, the excessive demands clause-an arbitrary way of barring potential immigrants to Canada, with a more equitable method of immigrating to Canada put in place as is required by Canada's obligations under the UN convention"</p>
<p>Income Tax Act, 18.97 percent</p>	<p>Make the Disability Tax Credit application process and eligibility criteria more inclusive. "It is not fulfilling its mandate because the application process requires a doctor's sign-off and this is too subjective, also it does not help people who are not earning taxable income." The DTC should be refundable. There needs to be a better way of defining permanent disability and who qualifies for the disability tax credit, and once it is granted to a person it should never be taken away. Address the accessibility issues of the RDSP-a disability lens should have been applied when the policies were drafted.</p>
<p>Elections Act, 12.07 percent</p>	<p>Needs to be amended to allow for different voting processes-picture ballot, etc.; Braille template needs to be changed; user consultation needs to happen; needs to</p>

	facilitate usable secret, verifiable voting by people who are blind i.e. electronically or with voting machines or on line.
Telecommunications/Broadcasting Act, 12.07 percent	No equipment should be allowed into service if it cannot be used by people who are blind. There should be 100 percent descriptive video, descriptive narration, on screen programming and digital content for persons who are blind. It needs to be updated to allow the CRTC to sanction companies for not doing what they are supposed to do; licenses can be pulled for lack of compliance but this rarely happens. The CRTC needs to deal with audio description of programming both on the internet and platforms other than regular television. If still handling complaints of discrimination under the new Act, the CRTC needs to be able to offer the same redress and damages as the CHRC.
National Building Code, 10.34 percent	It needs to be strengthened and should adhere to the CSA's accessibility standard which is stronger than the current building codes; needs to ensure end-to-end accessibility; needs strong access standards as well as regulations related to Federal Government-owned or leased buildings.
Federal Procurement Acts and procedures, 8.62 percent	It should ensure accessibility, usability and benefit for all Canadians; should include accessibility in all of request for proposal in all of its grants and contributions. This should extend not just to the government of Canada itself but to its agencies, boards and commissions and it should also extend to any grant or contribution it offers to outside organizations of any kind at any time. This should include internal and external new and existing IT-systems used by employees as well as by consumers-if not accessible currently then upgrades must be carried out. Alternate formats for documents should always be available in the same place and at the same time as the original possibly inaccessible version, including plain language versions, Braille, text-based electronic, etc. and this should extend to the House of Commons and its committees.
Housing, 8.62 percent	Inclusive housing options must be offered, choice must be ensured; universal design

	should be part of all federal housing; disability lens needs to be applied; need to look at CMHC in terms of accessibility and inclusion.
all laws need to be harmonized across the country, 6.89 percent	More harmonization between federal and provincial legislation is needed. "The Act should contain a process to review and revise the laws, regulations, policies and programs for disability benefits and supports to shift the current fragmented system to an aligned seamless system that truly serves and supports Canadians with disabilities." "This is an area of law I am unfamiliar with as it varies province to province. Which is the key problem, to have equal rights, we need the same laws provincially, which would be best implemented on a federal level. For the best example, I will use British Columbia and their service dog certification requirement. The province has allowed establishments to discriminate and disallow service dog handlers access to their place of business if they do not have the provincially accepted certification card."

The following laws/programs were cited by fewer than 8.62 percent of respondents: CPP-D; Indian Act; Medical Assistance in Dying; Canadian Human Rights Act; Bank Act; Criminal Code and access to justice; Employment Insurance; Labour Act; Service Canada; Canada Health Act and related acts; Child Care; Health and Safety Act; Income Support; Insurance Act; Mental Health Legislation; Privacy Act and Science and Innovation (formerly Industry Canada).

INTERSECTIONALITY

Although this question -- What could be included in the Act to ensure that access and inclusion are viewed through an intersectional lens? -- seemed to be the most perplexing, 70.59 percent of participants managed to express very strong opinions. They fit into six broad streams.

Actual ideas for the language of the new Act were provided by 31.67 percent of respondents.

“The language of the law, the way it is framed to set the tone to say that this is inclusive of someone with a disability, someone who identifies with multiple other identities. There must be room for evolution as things change, there must be a process to easily update the Act if, after a year, gaps are found.”

“All marginalities should be mentioned in the Act-race, ethnicity, religion, gender, etc.” “It could be mentioned in the purpose, state the philosophy of intersectionality as a guiding principle behind everything.”

“A preambular or purpose statement is one way at getting at this.”

“As part of the purpose section, the Act can mention participation in Canadian society as a goal of the Act. The opening language can mention how accessibility contributes to higher rates of participation, and this inclusivity is of benefit to Canadian society.”

“Ensure in the preamble a strong definition of what intersectionality means and how it can be applied, ensure that all the language throughout the Act refers back to that preamble piece, so that at no time does the wording of a section of the legislation cause confusion of what intersectionality is.”

“It could also be mentioned in the preamble, recommend including aging along with all the others as well as gender.”

“Definitions have to be broad and inclusive, any lists should have a clause allowing the inclusion of any missed groups, perhaps avoid lists altogether.”

“Define intersectionality in the Act.”

“Having a broad definition of disability, making sure that the Act has a wide perspective on what disability is and what accessibility is.”

“Part of the definition of disability discussing context invites thoughts of all the different intersections; disability is also seen differently in different cultures; see the body interacting with the larger context, the goal should be ensuring that people can fit and join the part of the environment they want to fit or join.”

“Make sure to account for intersectionality in the data collection.”

“The Act must implement a full gender and equity based analysis to meet the unique needs of specific groups with disabilities. Any data collected must be disaggregated so that the effectiveness of the Act for each group can be evaluated and revised, involving representatives of that group, as needed.”

“People with disabilities must be involved at every step of the process; a more participatory process including us in the development of law and policy.”

“I think if the purpose is well articulated and it is clear what that aspirational goal of inclusion is then it makes it much easier to ensure that people don’t get lost between the categories that they inhabit. I think what makes it real is understanding that you should be looking at things from the perspective of the individual involved. The definitions will also make a difference.”

“I think the aspiration towards promoting a broad vision of equality and addressing areas of intersection is important at the get-go, so that’s why I’m saying that the intersectional vision piece should be in the preamble and the purpose, as a way of helping everyone understand that it’s usually far more complicated in terms of the kinds of discrimination that people with disabilities face than to just say, well it’s only one domain. So I think that intersectional issues need to be canvassed maybe at a general level the way it is in the Nova Scotia legislation or maybe with some examples, where I wouldn’t doubt that depending upon the issue there is a vicious

intersection between disability and other unfavourable aspects of the fabric of Canadian society. So when you're looking at the social determinants of health that would give you more clues about intersectionality so you'd be thinking about ensuring that accessibility was sensitive to the needs of women, of older people, of physical minorities, of new Canadians and so on to be explicit about intersectionality both in the preamble, purpose and as often as seems appropriate."

"The CRPD is a great framework; its preamble should form the basis of the Act. Existing policies and programs need to incorporate disability."

"In the preamble, the purpose statement and the definition section intersectionality or the intersectional lens should appear again and again and again to really start telling that story right from the get-go. If there is an Access Inclusion Commissioner, a lead bureaucrat or lead officer in charge of the Act, part of that person's mandate would be to include being responsible for ensuring the sustained application of an intersectional lens. If there's an advisory council or body that is setup of stakeholders to provide assistance and advice to the commissioner and to officials administering the Act, that we ensure that that council have broad representation that reflects intersectionality itself, cross-disability of course, but also around geography, ethnicity, official languages, indigenous, gender, age, etc. So this would not be a small council of five or ten, we're looking at 20 or 25 people maybe it only meets three or four times a year but it would be an important place and face of intersectionality in itself. In the research and education functions of the new agency that they would be committed to in any education they did was through an intersectional lens, that any research they may commission would again be informed by an intersectional perspective. Down the road in any kind of standards development committees set up to actually craft the standards, there would be an expectation or an obligation, that the approach to who's involved in that, how it gets talked about, the way it's thought about and how it gets implemented is mindful of, sensitive to, required to pay attention to intersectionality."

"Provide a thorough introduction about the need for the Act, information about the variety of disabilities people can face, and how

people often experience multiple disabilities simultaneously, and how it is important to view each person's experience as unique with respect to what will be most helpful to supporting their access and inclusion in desired environments and roles."

Focusing on the individual and his/her needs formed 27.87 percent of responses.

"I think that the Act needs to recognize that intersectionality and that how people identify and what their life experience is given their identity can have a major impact on their participation in community life, in education, in employment, in access to housing, you know a whole range of things."

"The federal act should probably recognize that people with disabilities can face greater disadvantage and discrimination if they have one or more disabilities and if they are part of minority communities that often face disadvantage and discrimination."

"The Act needs to stress that everyone has unique needs—celebrate difference."

This last sentiment was echoed by another participant.

"Everyone must be supported to be included."

"The Act has to focus on individuals who may have two or more sets of needs and ensure that all needs are met."

"We need to place emphasis in the Act that we don't have the idea that a person only belongs to one group and not another and make sure no one is caught in the circle of who belongs where, focus on each individual's needs-whatever they are and from whatever area they come. We all need to work together to show we can provide a service that doesn't create bureaucratic barriers, but indeed provides some sort of direction and flow as to how we can meet the needs of people across disability and across sections."

"The government could run awareness campaigns featuring persons with disabilities telling their own stories so that we could see the differences and similarities of our fellow citizens. Everyone has some sort of disability or hardship that has caused them to have some

limitations or barriers to their life. There needs to be a fluid definition of normal so that everyone can work within his/her own normalcy to gain awareness of others. Individuals need to be able to feel that their voices are heard, the dialogue needs to be rekindled.”

“The Act needs to recognize that there is no one size fits all approach and barriers will look different from different social locations. Some barriers that might be invisible to me will be obvious to someone else.”

“It needs something but hard to say other than making sure everyone is treated with human respect and it needs to recognize that everyone is unique with unique needs.”

“It's hard enough to make people look at you as a person, not just as a disability.”

“The process to access and inclusion always comes to an intersection between what the disabled people think/know they want or need, and what the general public feels they think they want or need. This cross-road currently is more like an over pass where the general public make the determination of what is wanted or needed and the disabled need to just fly under the radar. To bring this to an intersection we need to be able to make a compromise, where both parties are happy, where both parties have equal input and say.”

“Hold the sector of disability high and link in the other diverse often disenfranchised sectors.”

“The Act must recognize individuals, and that this may mean seeking assistance from multiple programs in order to fulfill all their needs; treat people holistically rather than in a silo fashion.”

“The Act needs to recognize individuals, not all people can fit into specific categories so it should not rely on trying to fit everyone into them. People should be encouraged to give feedback if they feel they are being excluded or missed.”

“The Act must consider the complexities of lived experience, in particular, the historical, social, and political contexts of an

individual's life. Race, gender, class, sexuality, age, and inequality all play a role in shaping the experiences of all people. To alleviate poverty and advocate for human rights overall, the Act should not only recognize the intersecting systems of oppression, but appropriately support people with disabilities who live with these intersecting complexities."

"I would just say to keep in mind people with disabilities' intersectional identities and how they would interact with disability in terms of existing legislation. So that would ring true for Indigenous, persons with disabilities, lots of legislation and acts in relation to that, as I said the immigrant act and I'm sure I could if I thought of some others, but I think it is sort of the interaction with some of those legislations that should be compatible."

"The legislation has to be inclusive, has to cover all programs and services in the federal government, so when we're talking about people with disabilities it has to be made clear that those persons include Indigenous peoples, women, visible minorities, etc."

Intersectionality would come from involvement of people of all marginalized groups in all processes according to 16.67 percent of respondents.

"Make sure the Act is broad-based and consultation is inclusive of every marginalized group."

"Need to ensure consultations are representative. Need to ensure diverse voices are included."

"Hosting consultations and inviting persons with disabilities as members of advisory committees is not necessarily inclusive collaboration. A collaborative partnership requires active participation in policy and procedure engagements, and ownership of defined deliverables. People with disabilities must have an active role of accountability in the Act's decision and enforcement processes."

"Hold consultations every year or few years with people with disabilities on how to continue to implement and enforce the Act; include questions on intersectionality as well."

“Consultations with all groups of people to gain all perspectives.”

“Ensure that at each stage from the initial stage to the completion-standards, compliance-the people who are developing it and working on it are representatives of Canadians with disabilities. That they are actively engaged in it and involved as actively as they can be throughout. Important to have as many voices heard as possible.”

“The law needs to ensure collaboration and communication between the various programs/departments/groups.”

“Need to eliminate the current silos; need a cross-governmental working group to coordinate what different departments are doing, needs resources, meshing activities, mutually beneficial and leveraging each other.”

“All federal departments must own accessibility; all should be required to report on accessibility planning.”

“Significant leadership from the top down, cross-department mandates to implement the Act.”

“They need to look at the impact to all groups and the implications of the impacts to all groups with every new policy/procedure/program developed,”

Stated one of 15 percent of respondents.

“I don’t think the answer is through the gender plus lens the government is promoting. They are trying to bring a gender lens across the board but it won’t be sufficient. The Act should contain a commitment to ensuring that the standard-setting processes are designed to bring an intersectional lens to the development of the standards.”

“Promote the introduction of a lens (based on this legislation and CRPD) to apply to cabinet and Treasury Board submissions. Policy analysts should be trained to use the lens.”

“Accessibility should be in the mandate letters of all federal government ministers. The government already performs a gender-based analysis when making policy decisions-expand it to be intersectional.”

“For children’s rights, we are promoting a tool called the Child’s Right Impact Assessment, that is looking at proposed programs and laws through a child rights lens before you adopt them. That process can also include racial consideration, racial difference and indigenous difference so it can include an element of intersectionality.”

“There is a current project funded by ODI that is considering intersectionality issues in the context of CRPD implementation that may be a good source of information and input for federal accessibility legislation.”

“Simon Fraser University is developing an intersectionality based policy analysis framework, perhaps having a requirement for the development of this type of tool or approach could work.”

“Go back to the Charter and the CRPD; people with disabilities are part of all the Charter groups. We need to draw attention to application of a gender lens as well to the legislation.”

“The Act should overlap with existing laws concerning other marginalized groups.”

“Indigeneity has to be in this Act,”

Affirmed one of 8.34 percent of respondents, who believed that intersectionality would follow if the Act truly respected the needs of Indigenous people with disabilities.

“One of the most marginalized communities is that of Indigenous people with disabilities, but with all the other resource issues, disability gets lost. It’s not one of the top priorities-‘If you can’t afford to give clean drinking water to people on the reserve, how are you going to afford to make sure they got accessible housing?’ It might be helpful to have another national disability organization of Indigenous peoples; right now only BCANDS exists. Then adding the other marginalized communities-not sure how to ensure the application of the intersectional lens.”

“Those most disadvantaged should be seen as a priority in addressing access and inclusion issues. For example Indigenous people living on reserve are the clear responsibility of the federal government and access and inclusion in this area should be a first priority.”

“There needs to be a concentrated strategy of how the Act will play out on reserves and with Indigenous peoples and their self-government across the country.”

“To me it's absolutely vital that somehow this act get at the situation of Indigenous people with disabilities in Canada because heretofore that group of people has been marginalized and excluded by both the indigenous community and the disability community. I don't know how you get at that from a legislation point of view first, but if we don't find a way to do that, then I think it would be a tremendous failing. I think if the accessibility legislation is bold and up front about the intersectional reality, then it places it on the agenda in ways that that intersectionality and the reality that is attached to it has not been addressed by the women's community or the Indigenous community and so on. So I guess maybe in some ways to me the most important thing that the legislation can do is acknowledge this intersectional reality and try to move forward with it.

There were some respondents, 8.2 percent, who did not agree that intersectionality belonged in the Act, and they made some compelling arguments for their point of view.

“I am not sure intersectionality is needed. Something has to be accessible period.”

“Think of how the legislation is going to mesh with the Charter-is the legislation charter friendly? Because the Charter is the law of the land and will always supersede all other laws. I wouldn't try to contort legislation to embrace intersectionality; it's not a legal concept.”

“I'm not certain intersectionality will actually help people with disabilities as the focus could be moved away from their needs.”

“I'm not convinced that it would help, in my theory, if you had set out very clearly what our national project is, the questions of

intersectionality would surely come up in stating a preamble or a purpose clause or an object clause. If the focus though is on access and a right to access and the legal mechanisms that ensure access, I'm not convinced that intersectionality adds much to that analysis. I may be wrong, I mean, intersectionality tends to be pressed by people who feel that their identity or how they define their life is defined on several accesses and that might not be as apparent to me as it is to them. I'm just not convinced that you want to make it a core concept in the legislation, but I'm willing to be persuaded."

"Too many targets; it's a distraction. If we focus on striving to include every subgroup imagined we're going to be thrown off-track, and there is always somebody who will be overlooked. It's a diversion; the Act should be designed for unrestricted, full accessibility and full inclusion with no one competing for attention. If anything, there should be a dignity and respect lens. There should be something to say, 'Okay, who is not fully living in a dignified way, and then how can we fix it? And are all opinions respected? Are we listening to people?' I think that's more important than trying to trisect, dissect and intersect society."

EXTENDING THE ACT'S REACH BEYOND FEDERAL JURISDICTION

This question -- How should the federal accessibility act influence provincial and local activities? Example: placing strings on federal money provided to organizations, provinces or cities/towns? -- received responses from 92.94 percent of participants. The given example was the most common discussion point, but it certainly was not the only method of influence suggested. Procurement as a means of leverage and influence figured in 13.92 percent of responses.

“Federal accessibility legislation could influence procurement, collection of data, accessibility in employment, enforcement, possibility of providing national strategies on inclusion in areas of provincial jurisdiction such as inclusive education, and accessibility in health care. Federal accessibility legislation can create a gold star standard for procurement that considers accessibility outright and can provide a model for provincial/territorial/municipal level governments to follow.”

“All funding of projects and grants to provincial governments, municipalities and the private sector should have a disability usability non-discretionary contractual obligation.”

In other words,

“Any contract with the government has to include accessibility provisions, with penalties for not fulfilling them. However, the contract compliance model needs monitoring if it is to work. The Act needs to empower the minister responsible to require funds to be given contingent with compliance with the federal legislation. ”

“The 1992 omnibus legislation required federal procurement to require accessibility but it was never enforced.”

“All the levers of power in the hands of the government need to promote accessibility: public money-infrastructure, capital programs and grants, transfer payments, program subsidies, research grants, business development grants, and procuring goods and services—all should have national accessibility strings attached.”

That sentiment was shared by 84.81 percent of respondents, and they made very convincing arguments.

“If someone wants money, they have to abide by federal accessibility legislation in order to get it.”

“There should be federal funding available to trickle down to local projects to cover costs of universal design-based upgrades or accessible projects, and if people are unwilling to comply then funding should be cut or taken away completely.”

Participants had very strong opinions about the federal-provincial transfer payments:

“All federal transfers should be conditional on an accessibility and inclusion commitment and plan. If a group wants money, they have to show that people with disabilities will benefit equally.”

“Federal-Provincial (F-P) transfer payments designated for disability matters such as MCSS in Ontario must be better controlled by the Feds. The federal government has full control of how the Provinces spend this money, the Act should ensure that Provinces enforce the Federal Act otherwise the F-P transfer funds might be in jeopardy.”

“The level of healthcare should be equal across the country and the federal funding should come with the requirement of compliance. Money has to be allocated where it is required and accessibility needs to be paramount if transfer payments are to continue.”

“I think that there should be strings placed on transfer payments through the Canada Health and Social Transfer and the labour market agreements for persons with disabilities to meet certain national standards that would be defined in the Act with respect to the employment and education and participation of people with disabilities in Canadian society, at least as far as it falls under federal role and jurisdiction. Funding should be provided to equalize similar programs across the country.”

Five participants pointed out two concerns for people with intellectual disabilities and how the new Act could make redress.

“Currently we know that service agreements between feds and provinces around employment that filter throughout each province and territory, that money is being used to run inappropriate vocational centres for people with intellectual disabilities. That law needs to change, act or no act, that needs to be changed. Any federal funding that goes to the provinces/territories has to guarantee at least the minimum accessibility set out in the relevant articles of the CRPD—example: housing funding must allow choice, not congregation or segregation, unless that is what the individual chooses.”

To be clear:

“Federal employment money must not be allowed to fund sheltered workshops; housing money must not fund institutions but must build accessible housing for individuals. The Act must guarantee that the CRPD standards are the minimum to be followed by the provincial and local governments and organizations if they are receiving federal funding.”

As one participant stated:

“Ensure that all federal money given shall not create or perpetuate a barrier.”

“Federal funds would not go towards any projects that were not either accessible already, or had a plan to become accessible. Priority could be given to projects that focus on improving accessibility. Proposed changes would have to pass a disability consultation process, before any proposed changes would be funded. Existing programs would need to meet accessibility requirements to continue to receive funding. Provincial projects like hospitals and schools would need to be FAA “Federal Access Act” compliant to continue to receive Federal funds. There should be a reasonable deadline to allow these programs to implement the necessary changes. For instance the AODA came into effect in 2005 with a 20 year deadline for the proposed changes to be implemented.”

“A disability lens could be put in place in reviewing any requests for funding or any new initiatives. Federal spending power should ensure

access, for example infrastructure funding should require accessibility standards or funding should be withheld.”

“Funding must have built-in requirements that accessibility result from the activities being funded, and there will be monitoring, evaluation and consequences for failure to comply.”

“The far north you live, the more rural remote areas of Canada you live the more inaccessible communities are there are no enforced initiatives to even challenge people to develop accessible barrier free communities. For the territories I would have a clause in place that 5 million dollars would be clawed back from the federal transfer dollars it provides to the territories if there was no demonstration on how they worked to create accessible barrier free communities, (essential 5 million dollars of all annual transfer dollars must go to building barrier free communities) The Yukon get over a billion dollars a year from the federal government so 5 million is quite minimal in my opinion. The number needs to be high anyway for this issue to be taken seriously.”

“The federal government should be responsible for using its various levers, the spending power, conditions attached to particular grants and contributions, to move towards gradually a model where federal standards for building codes, planning systems, are led by the federal government. I put forward the healthcare analogy where there is interlocking, overlapping jurisdiction and Canada has used its very leaders to set national priorities and I gave the example of a building code where resources could be expended to develop a national building code where provinces, territories and municipalities could opt-in and various federal sources of authorities primarily the spending power could be used to encourage the adoption of a higher more progressive standard.”

“Another way to call it maybe sometimes strings as well as incentives where the federal government would try to use a phrase sometimes people talk about incentivizing behaviour or nudging behaviour, so it’s the carrot again rather than maybe red tape or strings which sometimes people see as constraints or regulatory or coercive, call it incentives saying hey if you want to make your workplace more inclusive and accessible, you want to review the way you interact with

the public and provide service, you're outside of our jurisdiction, your municipality, your community group, we have a federal program." Participants also believed that any federal infrastructure funds must result in accessible spaces or the money isn't given to the project.

Two participants expressed caution:

"For now, more carrot than stick add to project proposals a question on how the initiative will increase accessibility."

"There is a possibility that Premiers might refuse to comply with the federal accessibility requirements just because the orders are coming from the federal government."

"The governments need to collaborate more because placing strings on federal transfer payments will likely strain relations with the provinces/territories."

Said one of 59.49 percent of respondents who made suggestions for other methods of influence.

"Hopefully there will be some common ground in terms of accessibility issues between the different levels of government."

"There will need to be more education and awareness for provincial and local municipalities. The Act needs to infiltrate all provincial and local activities otherwise it will create other barriers because they won't have the same standards. The federal government has to lead by example. It needs to collaborate with the provinces."

"Then there is the question of how federal legislation is harmonized with provincial access legislation to ensure that national entities that operate in a variety of jurisdictions do not have to comply with varying sets of access standards."

The Ontario and Manitoba Accessibility Legislation should be reviewed and as far as possible regulations and standards should be harmonized across the country.

Federal legislation should be seen as the model. It should set a significant progressive standard.”

“The federal government has to work with the provinces and municipalities to ensure that Canadians have equivalent standards across the country. Currently, some provinces and cities already have laws or are working on accessibility projects. The federal government could build on these initiatives and increase the standards that ensure maximum accessibility.”

“The Act could develop and create model national accessibility standards in areas of provincial jurisdiction and provinces could choose to opt in. This would help businesses that operate in more than one province as they would have one set of rules, and would help a smaller province like PEI which might not be able to create its own provincial accessibility act.”

“When the federal government brings out their act I think that they should give some consideration to encouraging, supporting the provincial and territorial governments that do not have accessibility acts to develop them and to bring them online in a complimentary fashion to what the federal government is doing as well. So usually that would involve resources, money, staffing, I know that New Brunswick would be very interested in that sort of opportunity if it was presented. Federal funding should go to support strategic outcomes not tactical projects. And what I mean by that is, and we have this problem in New Brunswick, when we do strategies for persons with disabilities we always get a shopping list from a bunch of non-profit agencies that are really wish lists that are kind of tactical. So we’ve got this program and we want more people to go through this particular program, and it will be a whole long list of these things, but we don’t pay attention to the strategic issues—professionalism of the groups, the level of collaboration, what the research says, professional development and communications. Working better together is probably the only thing that’s going to make sure that we can advance our cause.”

“It needs to be very holistic—problematic because of jurisdiction—but it needs to somehow work in unison with provincial and municipal legislation. Go back to the 1998 [In Unison](#) document that set out a

social services scheme for equitable treatment of persons with disabilities created by all the provinces/territories.”

“There could be requirements in the Act to increase accountability of any provincial accessibility acts, influence provincial programs such as ODSP to include people with episodic disabilities, and create a team in each province/territory to help move the accessibility act forward.”

“I feel that the federal access act first of all needs to be a minimum law that is imposed cross nation, that over rides all provincial law. This being said the provinces should be able to implement stronger enforcement or laws that complement the federal act. Alongside the legal aspects, the federal act should impose the ability to provide funding to multiple jurisdictions or entities that is meant to be used to improve access in their establishment, city, province, etc. This may be the implementation of accessible entrances, accessibility features for public transit systems and upgrading, or at a provincial level, the funds to be used to benefit the local organisations for disabilities, on top of imposing a portion into the disability funding through social assistance programs.”

Staying with social assistance, one participant noted that the Act should require a change in how CPP-D meshes with provincial supports; eligibility for CPP-D should guarantee eligibility for provincial programs and it should not be seen as just a top-up for the provincial benefits. If the federal government does not take over the provision of disability support funding then there should be monitoring of the provincial programs to ensure adequacy. These programs should be equalized so there is no disparity across the country, allowing people with disabilities to move from place to place and still receive their support.

“The fact that we have provincial laws and federal laws shouldn't be an excuse for a province not doing something that is fair and good for all people. Jurisdiction is a problem; it allows differences to exist from province to province.”

“The Act must align with the international convention because the provinces have signed on to it. If done it can set up outcomes and mechanisms with enough flexibility for provincial differences but still achieve the goals. ‘National standards’ doesn’t fly in Canada, provinces get their back up. The value of the CRPD is that it provides

a framework for equitable treatment but flexibility. Accessibility needs to become a condition of infrastructure and social programs.”

“The Act needs significant mechanisms for engaging the provinces and municipalities as opposed to project funding. It needs to be more directive-funding projects alone has not made a difference.”

“So in areas where the federal government has jurisdiction, airports, for example, let's make airports in this country, whether it's YVR or the airport in port Hawkesbury, Nova Scotia, let's make those airports shining examples of accessibility in every way, shape, and form, and let's make the federal government of Canada in all that it does a shining example of accessibility in every way, shape, or form.”

“Government must lead by example, demonstrating they can get their own house in order; surpass the current provincial legislation by having a really clear, well-resourced enforcement mechanism and moving beyond standard setting and planning for barrier removal to accountabilities for achieving outcomes. They can also show leadership and influence by embedding into the Act the requirements for an intersectional lens to be applied to a review of existing legislation and built into policy and legislative development going forward.”

Three participants suggested a means to bring everyone together:

“The minister of employment and social development and the minister of sport and disability could commit to convene, at least every year, a federal/provincial/territorial table, as part of the legislation, to share progress on meeting targets for accessibility and inclusion within different jurisdictions, and identify areas for collaboration and joint work to address outstanding issues.”

“The government should convene a meeting of provincial/territorial ministers to deliver the message that accessibility legislation is here and must be followed, it's a new era. It should be a shared priority.”

“The federal government needs to host a pan-Canadian table to develop strategy on accessibility, bring all the provinces/territories together to create one common strategy with common viewpoints on how the legislation should be applied.”

The federal government needs to begin working with municipalities to find talent to conduct the education and enforcement of the Act; it will require promotion, awareness, education and leadership. Compliance is better if volunteered.

“The federal act needs to take leadership and, by showing it is possible, this will influence the provinces/territories. The government should start working with civil society organizations within the provinces and territories so that they also use their connections and relationships to help facilitate provincial and territorial shifts in legislation.”

There needs to be a way for federal government to influence and encourage organizations under provincial jurisdiction to also achieve accessibility. The government needs to encourage the provinces to become more accessible and to buy into universal design.

“Increased accessibility will improve people's lives and encourage them to do more things, go more places; more workplaces with accessibility written into policy will mean more employees with disabilities able to be productive and protected.”

“The federal/provincial/regional ties must be strong if this is going to be effective.”

IMPLEMENT THE CRPD

The question -- How should the Act promote government meeting the standards set in the Convention on the Rights of Persons with Disabilities? -- was answered by 77.65 percent of participants. It allowed people to express their opinions on the Convention of the Rights of Persons with Disabilities, both positive and negative.

The grand majority, 87.88 percent, of participants were in favour of a relationship between the new Act and the CRPD.

“The CRPD needs to be a foundational part of the Act and thus drives the establishment and meeting of the standards. The government needs to set a precedent and turn the international instrument into something that is legal-incorporate it into domestic law.”

“The act needs to implement the relevant articles of the CRPD that apply in the Federal jurisdiction.”

“The Act should meet the standards of the CRPD-we are way behind now.”

“By referencing the CRPD in the purpose, in the sense of the CRPD informing the development of the standards and a commitment to ensure that the standards designed under the legislation would be consistent with the CRPD. Then the CRPD becomes an overarching interpretive lens for the work and also for the accountabilities established in the act.”

“The Act's preamble should reference the necessity of complying to the CRPD since Canada has signed it and has obligations to meet its standards, as with the Charter, and by doing so it will ensure growth in terms of participation and inclusion for people with disabilities.”

“The government needs to remind provincial and municipal governments through the new Act of Canada's obligations under the CRPD.”

“Hopefully Canada will sign the optional protocol when they implement the Act.”

“I guess what I want to say is, at its essence, the standard that the CRPD talks about, whether it's in the area employment or transportation or health care or whatever it is, when you take all of the UN gobbledegook away from what of the Convention says in any one of these areas, what they're saying is that people with disabilities have the same rights as does anyone else to that particular human right. So to me, the CRPD is a lot about equality and non-discrimination. And, yeah, it goes further than that and gets into some details around economic, cultural, and social rights and so on which are important. But I think that the way that the accessibility legislation can help inform and move Canada towards the implementation and realization of the standards set out by the CRPD is really by, first of all, making this a priority for the government of Canada and other jurisdictions in a way that it hasn't been up until now, despite having negotiated, signed, and ratified the convention. I think that our issues are still on the margin, so it gives focus to these issues, and I think that's important. And if it sets in place an effective enforcement mechanism, then I think that really probably it's the best bet that we have as Canadians with disabilities to advance our cause that we've had for a very long time.”

“The CRPD still hasn't been able to advance the domestic agenda on disability, but perhaps if the new Act focusses on specifics it can do that.”

“The Convention touches on all three strands, not just barrier removal, so the question is: what kind of act will it be—one that implements the Convention or one that remains as narrow as the existing provincial laws?”

“There must be mandatory reporting from all federal departments and agencies/corporations at arms-length on progress made in meeting CRPD articles. There must be mandatory application of inclusion/CRPD/disability lens or assessment (and publicly available information/results) for federally funded or approved projects – similar to gender impacts, environmental assessment. Decisions made by cabinet, prime minister or ministers need to have an inclusion or disability lens applied.”

“Shouldn't have to think about it-disability is still such an afterthought-accessibility options off by default in Word and Adobe-why? Buildings still not being constructed accessible from the get-go, CRPD should be part of the act.”

“It is an opportunity for Canada to be a leader in equity for persons with disabilities. The Act could go farther than the CRPD and really promote inclusion in all aspects of society.”

“It could also be promoted by explaining the challenge of persons with disabilities by sharing stories from the very young to the very old. There are very young people who have all kinds of problems.”

“The Act should mirror the best of the CRPD and other international statutes and eliminate the worst. We should strive for comparable levels of accessibility with the best countries.”

“The Act should require the CRPD be followed, that should be the starting point. Those areas of the CRPD that are not specific enough need to be seen as challenges to deal with.”

“Adherence to the Act should result in meeting the obligations of the CRPD.”

“The act should complement and support the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and Canada's accession to the United Nations Optional Protocol to the CRPD.”

“In the drafting of the CRPD there was lots of great work, and it involved the end users.”

“I am not sure promote is the right word. It's about enforcing. So it needs to punish non-compliance.”

“The Act should be linked to the CRPD by pulling from the language already developed, by referencing it as something Canada has already ratified and has obligations to, not doing anything contrary to it-not undermining any of it-the CRPD should be the minimum and our legislation should surpass it whenever possible.”

“If the Act establishes the Access Inclusion Commission that body could take the lead on monitoring and moving forward the commitments to the CRPD; if not the new commission then the CHRC, but we need a champion to move those commitments forward.”

“The federal/provincial/territorial working group that oversees the CRPD should be full participants in the drafting of the Act.”

“The CRPD has to be translated into the Canadian context in the Act; then it can be truly monitored.”

“The CRPD is the fallback document to measure if we are successful—we should be leading its implementation.” “The Act should be monitored and reviewed every five years against the goals of the CRPD.”

“The Act should reference the CRPD and be in accord with it but it is doubtful the federal government will succeed in meeting all of those standards-but we can aspire to them.”

There were 12.12 percent of respondents who were not completely convinced that the CRPD should form a part of the new Act.

“Why is that even a question? I mean, shouldn’t the government have already met them? And the fact that they haven’t is proving my point that there is lip service but then there isn’t a will to succeed.”

“The CRPD is very airy-fairy. I do not see the CRPD as having a lot of actionable items; therefore it is easy to comply with the CRPD but we need more actionable items than are contained in the CRPD.”

“It is more aspirational than litigable.”

“The CRPD like Charter Equality Rights will be interpreted over time. For the CRPD to be helpful governments need to create an action plan that is timely, of substance, monitored and engages the disability community. Access legislation can be one component of such a plan but the CRPD requires a broader initiative.”

“The Act needs to have clear goals and measurements; reporting to the UN requires more specific data collection.”

“Like in my field, Indigenous rights, Section 35 of the Constitution meets or beats anything that the United Nations Declaration on the Rights of Indigenous Peoples might provide, so I’d be really concerned about something that distracted from full compliance with the spirit and letter of Canadian law. So though I don’t think we should ignore the international conventions I think the greatest effort should be placed onto a clear progressive and practical statement of access obligations in Canadian domestic law.”

“I have no faith in the UN, how will it be enforced? No link is necessary.”

“People are frustrated because the rights guaranteed by the CRPD are still not being realized. We need more people with disabilities in positions of power to encourage people to take the steps to go after their rights.”

NO ONE LEFT BEHIND

This question -- "No one left behind" is an important principle of the disability rights movement. How could the Act help Canada achieve that principle? -- received thoughtful responses from 87.06 percent of participants. There were a few common themes, the first being the concept of inclusion, which figured in 41.89 percent of responses.

"Scream that idea even louder-doesn't matter the disability, accessibility is a right for all people!"

"Inclusion, accessibility, enforcement, penalties, good goals and objectives, good KPI's, clear definitions of who is included, the intersectional lens, education, awareness-build it all into the Act."

"No one left behind- can also be no tourist left behind (seniors walking with canes, strollers, in wheelchair that have money and want to visit Canada), and no parent left behind (parents pushing a stroller). There are direct links to the benefits of people of all abilities if everyone just worked together to build accessible, inclusive communities."

"No matter how hard you try to have no one left behind someone is always going to get left behind. Provisions of the act must spell out an impetus for departments and agencies to make sure they are doing everything they can do to try and make sure no one gets left behind. Provisions need to be specific, how things are going to be done, not just motherhood statements; stringent rules and regulations, clear disadvantages and penalties if rules not followed. Not good enough to try, need to show how will be inclusive."

"Ensuring that every person gets equal access and is included in activities just like the able-bodied peers."

"Making sure the Act is very inclusive so that people with invisible disabilities are not left out."

"By taking into account intersectionality the Act won't just focus on people who are privileged who have a disability, including a wide variety of people with disabilities as enforcers of and creators of the

Act, by making sure that our definitions and our thoughts on this are not so rigid that it can't allow for flexibility to ensure no one is left behind.”

“By living the values of inclusion, choice and control, but looking at the barriers and obstacles that prevent people with disabilities from these things. If we build an act based on the CRPD and then do everything we can to include people with the lived experience we will demonstrate it through how the Act is developed and complied with.”

“The Act should reflect the diverse population of Canada, include all facets of an individual's life, not just disability, and ensure that programming, legislation and access include that individual.”

“The ‘no child left behind’ program in the US didn't work well because programs were targeted to the most disadvantaged rather than being more universal in nature, so the Act has to be inclusive of everyone regardless of needs. The complaints process must be easy to access and navigate.”

“Flexibility and duty to accommodate remain the true challenge of making Canada more accessible and inclusive.”

“The Act needs to ensure that people with disabilities are heard and that they don't have to jump through hoops to prove they are eligible for inclusion-self-disclosure should be proof enough to receive support; any assessment must be respectful.”

“Those most likely left behind are people with intellectual and psycho-social disabilities. The emphasis placed on ‘accessibility’ by Carla Qualtrough shifted the focus, in many people’s minds, towards obvious accessibility issues, and therefore it may not capture enough of the issues faced by those feeling most left behind. The act needs to pay attention to those populations in the drafting and make sure they are included-it can’t be allowed to become just a physical and sensory disability accessibility Act.”

“Acknowledge the range of experiences of disability and recognize a growing proportion of people with disabilities in the Canadian population and the realities of complex challenging significant

multiple disabilities in our society. Those with more complex, significant disabilities, especially of a cognitive or mental health nature, are more challenging to include.”

“I believe inclusion needs to happen, but for that to occur we need to do away with the two totem poles of hierarchy and disability and move to one in which everyone is equal. For all this to occur, everyone has to be coming at it from the same direction.”

“So the Act could help Canada achieve the principles within the broadly speaking disability rights movement if it really is truly vigilant about the need for inclusion and participation and just kind of constantly reinforces the necessity of accountability for implementation. So to me the issue of ‘no one left behind’ and ‘nothing about us without us’, so to speak, both of these notions are ones that I think require annual demonstrations of not only a high level of compliance with standards but a blueprint to go further with the end of each public policy and budgetary year, a blueprint to say, well this is where we’ve been, these are the improvements we’ve made and these are the areas where somebody might have been left behind or where they weren’t adequately consulted and as part of the accountability audit that there be a plan going forward addressing any deficits.”

“If we focus on equality, there will be a clearer vision of inclusion and how to achieve it.”

“By requiring disability inclusive policies, strategies, development initiatives across the board.”

“By ensuring that Aboriginal peoples are definitely included, as well as those in rural communities.”

“The Act should contain a process or processes to enhance the demand for labour of Canadians with disabilities including, but not limited to, employer education for attitudinal change, benefits of employees with disabilities, and the low cost and effort of providing accommodation. Further, the Government could provide a subsidy or a tax incentive for this accommodation.”

“Who is defining the ‘no one left behind’ concept-is it people with disabilities, people who are Deaf and people with intersectionality or the powers that be? If we are at the table in a true inclusive way then we will have some power to ensure that the Act succeeds; we have to be there at all levels as full participants in the process.”

“Nothing about us without us’ is also an important principle. If the process is inclusive and if organizations of people with disabilities are leading it there still may be people left behind because some people don't realize they are living with a disability; the medical model still causes confusion. We need to encourage people to stop identifying themselves by their disease.”

“There might be some value in referencing universal design in physical spaces and in learning environments and in the workplace to make services and employment and education etc. inclusive for as many people in society, most particularly people with disabilities who might be left behind, but having a universal design approach doesn't mean there isn't a need for specialized supports and services and dedicated funding that relates to the additional and unique requirements that relate to accessibility and accommodation.”

“The Act could help achieve that principle by strongly influencing a movement toward acceptance and inclusion for persons who are disadvantaged and often viewed as only needing, rather than being seen as someone who has much to offer society.”

Another 14.86 percent of respondents tackled the theme of the value of the individual and his/her needs.

“The act could assist in achieving this principle, by the provision of protection and enforcement of the right to equality. To fully achieve the ideal, persons with disabilities will have to be seen as equals in all facets of the society. This means the ability to be seen as not the disabled, but a normal person.”

“How do you truly consider all those individuals who self-identify as having a disability? Yet they have the same rights to society as everyone else.”

“You know, it's so easy to focus on people who have mild and moderate disabilities and not think so much about people who have more severe disabilities. I guess that a lot of that stems from- what's the best way to put this? I don't want to say a business model approach to disability if you want, whereby some things are just too expensive and we can't do it so we just accept the fact that we're not going to be able to do it and some people are going to get left behind. I think that's the thing that you've got to fight against. And, you know, somehow we have to recognize that even if you have the most severe disability imaginable, you're still a human being and you still have a right to the same things that other human beings have. And the challenge becomes: how do we realize those rights? I'm just saying if we only conceive of accessibility and equality of opportunity in a business case business model sort of way, then it becomes very challenging to leave no one behind. So I think we need to adopt a wider view, and I think we also need to adopt a longer-term view. I'm kind of in my mind getting a picture of Ed Roberts and the whole beginning of the IL movement in the '60s and '70s in California. The idea in those days folks like Ed Roberts lived their life in an iron lung and that's what they did and no one expected any more from them. They have come a long way from the iron lung, but there are those people who have those same kinds of barriers. And I think that the challenge for us is to see in a much more holistic way what the potential of people is and how they can make contributions to their community and to their family and to their society.”

“I think it could help in the sense to outline how people with disabilities are often left out of the discussions and the circle by placing them in those spaces. So for ‘no one left behind’ we have to really understand that as I said earlier people with disabilities are everyone and how they are disappeared from discussions, so if the act truly has a very pronounced intersectional lens, not just around marginalized statuses but just in terms of being reflective of the diversity of Canadians period, then I think there will be an acknowledgement that people with disabilities first and foremost are often not part of the conversation or have been disappeared in conversations, that I think the act could help to balance that to bring them up to the level playing ground. It can't be seen as targeted for a specific population, that it is actually an act for all Canadians. And

especially with the increasingly aging population, it's a reality for everyone and it's becoming quantitatively a bigger issue, access."

However,

"Adequate supports must be provided to people with disabilities who are at the table for any of the processes-standards development, etc., to level the playing field with the industry/government sectors involved who are so well financed."

"Recognizing that there is a fundamental value in difference, and difference doesn't have to prove itself as having value but inherently has value, all life has value, we are all in some basic relationship with each other. There is a sliding scale of humanity that assigns greater value to certain human beings because of aspects of their being that are beyond their control and assigns lesser value to other human beings because of aspects of their being beyond their control. Begin from the perspective of some of the most marginalized people and their vantage points; think about this legislation in relation to them instead of in relation to those who already have the most power. We need to look beyond the white male in the wheelchair at the top of the hierarchy-start at the bottom."

"Everyone must be protected by as many programs as are required due to their individual needs, financial or otherwise. There is an inherent cost to disability, and a lot of individuals don't know that. They wonder why persons with disabilities are impoverished, and it's not because of their intelligence, their aptitude, or their willingness to work. It's because there is an inherent cost to disability. Financial security allows for opportunity, so programs have to work together to allow for opportunity so that no one is left behind."

"Relentless incrementalism is the name of the game. As we come to understand disability and barriers differently, different solutions will be required. Because of the evolving nature of disability some will be left behind in that at the present time we are not aware of who they are what their needs are. It will be amazing if we are able to address the barriers and needs of those who presently identify as a person with a disability. This is both the strength and weakness of the

disability movement. It is ever evolving and thus the needs will always be changing. ”

“I think that without adequate income, without adequate educational opportunities, without a recognition that we all have something to contribute, then we will continue to be left behind. And if you saw the output of people for the public hearings, among an oppressed group that output was nothing short of miraculous. Most of those activities show that people with disabilities have unmet needs or unrequited desires as citizens, that aren’t being met and need to be met, and that’s how you’re going to not leave us behind by giving us a sense of control over our own lives. We have to be given options, choices, and meaningful access to power, and that’s what people don’t want to give us-access to power. More people with disabilities appointed by the federal government; a requirement that all programs for persons with disabilities have 50% management and staff who are persons with disabilities. Abandon the merit principal as an ableism tool of oppression.”

“The Act needs to take a needs-based approach rather than a category-based approach-focus on the individual because everyone is different and everyone's needs are different.”

“Identify correctly the different groups and their needs-i.e. the needs of people who are deafblind.”

“Implementing and enforcing accessibility by design – can no longer be an afterthought; no longer an option. Needs/rights/protections of care givers should also be considered.”

“The community needs to be organized in order to give voice to needs.”

“People with intellectual disabilities are the left behind of the left behind. We have very very powerful eloquent professional people who have disabilities, who have master’s degrees, who have been very very successful in their lives and have had barriers put in front of them through it all and, and battled those barriers down, and we’re the left behind of the left behind. We’re the people who are still living in my province in an institution who nobody cares about. We’re the

people who are still going to work, like I said earlier five days a week, we have people in workshops who have been there for 27 years and never missed a day of work, because that's their social role and if they're lucky they're making \$35 a month. And nobody cares, why is that okay, I've asked this question over and over, why is that okay in Canada for the left behind of the left behind allowed to work for that, nobody else would be, it's called slave labour and it happens in Canada and it happens with the left behind of the left behind. Canada needs to be ashamed that that's happening and this Act needs to address that to ensure, and I don't care what it looks like, we know in rural municipalities there are 75 people going to a workshop that are being bused from all communities around them and the question becomes this, what happens if we close them, where are they all going to go, create a better option, don't make people go to work and do work and not pay them."

"At the core of a human rights framework is the notion of universality, which speaks to the duty to promote and protect all human rights and fundamental freedoms. All people are entitled to human rights without discrimination – these rights are interrelated, interdependent, and indivisible. Every person has the right to work, the right to health, the right to education, and the right to an adequate standard of living. A robust accessibility federal Act that is based in human rights and includes a claiming mechanism could help Canada ensure no one is left behind."

Most of the remaining responses concerned creation of and interaction with the Act itself.

"Education needs to happen on the various disabilities-deafblindness needs to be understood, for example."

"There needs to be education around the legislation, an increase in public awareness; it should start in elementary schools."

"Ensure the Act is crafted in a way that reflects the concerns that have been expressed, how certain disabilities get more traction than others, we need to do more education around those who are currently being left behind. Make sure we don't have any pieces in the Act that continue to discriminate such as continuing to allow for some of our

citizens to be considered as having no legal capacity-this cannot be allowed to happen.”

“The purpose of the Act would give effect to much of the human rights legislation passed by the UN and ratified in Canada, as well as breathe new life into s.15 of the Charter. By setting specific goals and parameters a Federal Accessibility Act (FAA) could put flesh on the skeletal bones of the constitution. The provisions of the Charter are a fundamental part of Canada, but they lack the specificity that a Federal Act to promote accessibility would be capable of providing. By listing specific steps, measures, and actions that need to be taken, and outlining what accessibility means, as well as how to achieve accessibility, a Federal Act could supply organizations with the information they need to create an accessible Canada. By creating and implementing a strong enforcement mechanism, Canadians could be ensured that everyone has access to goods, services, facilities, and employment opportunities. By ensuring this access a Federal Act would be ensuring that no one is left behind.”

“It would have legal significance but it also has moral resonance and I really think that a statement of purpose should inspire and guide people who look at a piece of legislation to think about what the ultimate goal and what the moral significance of that is. So I think that that principle is really important in thinking about the purpose, how the statement of purpose of the act might work.”

“The intersectional lens will help. I think the fact the Act will be cross-disability and again that would be something stated in the preamble and maybe purpose statement too and that this advisory council I’m talking about or suggesting would be voices for that as well. Because by definition in my mind an advisory body would be pretty broadly representative, so would make sure that whether its dealing with episodic or less visible disabilities, mental health issues, physical, some of the more contested ones, gender issues and women, issues around indigenous groups with disabilities on reserve, off reserve, there’s lots of possibilities for people being left behind. So having a body that tries to cover as many of these key issues around equity and fairness and making sure that the act really does pursue a notion of human rights and equality, I think words, equity and equality have to be, and maybe the phrase no one left behind is one of those things

that we define in the Act. But we certainly speak about it and say in the preamble and in the purpose statement, but I would think also we want to make sure we attend to it on an ongoing basis, so then again it might be one of the responsibilities that we include in describing, well what is the mandate of this new commissioner, what is she or he going to do. What do we expect them to do under the Act and part of their obligation; their accountability to the rest of us is that if they're doing their job well no one is being left behind. If they're doing their job well intersectionality is being addressed. If they're doing their job well the law has teeth and it's being enforced. If they're doing their job well, surveys are showing that there's greater public awareness that maybe reports of discrimination are waning, people are feeling better about their opportunities in the workplace or people are reporting better experiences with customer service or whatever."

"The Act definitely needs to be enforced; if more people with disabilities were hired they would be able to leave the system and participate more fully in society."

"There needs to be an application of a disability lens – assessment on all new programs, funding, infrastructure, etc. (similar to gender, environmental)."

"If disability is defined in the context of environment-physical, social—then emerging disabilities will not be left out. A broad definition will allow every new disability in."

"We need definitions broad enough to capture everyone, and broad consultations with various stakeholders and stakeholder groups."

"They must ensure that the group monitoring the law has the capacity to go into any department and look at how they are working with a cross-disability perspective, how they are ensuring access for persons with disabilities."

"The Act needs to be able to be amended as needed; disability and technology are moving targets, constantly changing when flaws are found."

“The principle can be achieved by giving plenty of opportunity for feedback and involvement during the process of establishing and writing the Act and through a five-year review process involving as many organizations of persons with disabilities as possible.”

Another participant suggested a shorter time period:

“At least once a year there needs to be a review, to see where things stand with the Act and if specific groups of people are still coming forward claiming they are being left behind. We need mechanisms in place to address those issues and make necessary changes to the legislation.”

“We need to be intentional about building feedback processes and reporting on the outcomes as we go through time, so that people who are left behind can actually articulate for them or we have a way to find them and speak on their behalf.”

“It’s a very under-used statement-saying it and doing it are two different things. People need to report problems constantly. Disability can no longer be an afterthought.”

“If the Act is written correctly, testing to make sure no one is being left behind needs to happen constantly.”

“The CRPD standards and recognition of intersectionality should help. Leaving it open to being a changing document, a document that is reviewed, so we aren’t leaving people behind, new things could happen that we don’t know about yet. People with intellectual disabilities consider themselves ‘the left behind of the left behind’.”

“Looking at the last mile home again because often government can point to people not being left behind from an aspirational point of view but if the stuff they do doesn’t make things accessible, all the work and money means nothing. If it’s not 100% accessible they can spend money all day and it won’t mean a thing.”

“Ensure equity, level the playing field and remove all barriers; change attitudes and think of the world differently-why build new buildings/housing with stairs in 2018?”

“It is very much a Canadian principle, not just for people with disabilities, and we've achieved the principle through our social programs, but in practice we have not fully succeeded. We need to profile the success of the impact of the Act and make sure everyone knows about it, also profile some failures as well to learn from.”

“We should be collecting data and reporting on it to find out how exactly people with disabilities are employed; looking at where we are-employment, health status, quality of life. We need to hold government accountable.”

“People being left behind is not 100% because of federal lack of legislation. There are municipal and provincial deficiencies as well. The Act should assist, and with ‘nothing about us without us’ as well.”

The final suggestion:

“Eliminate all the institutions; put more money into decent housing instead.”

There are always two sides to a story, and this question did not disappoint.

“I don't think the Act is the place as such for the slogan besides being part of the compliance of the Act/monitoring system.” “Disability rights issue, not applicable.”

“I prefer to use the phrase ‘nothing about us without us’. People with lived experience need to be part of the process and part of the monitoring. ‘No one left behind’ comes from the American education system.”

“I'm obviously familiar with the phrase ‘no one left behind’ from the Obama era approach to education policy, but its use in the disability discourse is new to me, so I just don't know, but I have kind of a personal allergy to catch words or phrases.”

“Many issues affecting participation and inclusion are programmatic and will not be addressed by accessibility legislation i.e. supports to

gain employment, independent living, home care supports and end of life decisions. Progress to date has depended not on well-meaning bureaucrats, but the community pushing us, their funding and voice is diminishing as new emphasis is placed on accessibility.”

“Actually, what does that mean? Sounds good but people are left behind all the time in this culture. I think until we as a society move away from our capitalist system based on profits, and give more thought to social capital and the social determinants of health, this act can’t get us there. The time is long past for tinkering to fix a fundamentally flawed system.”

FINAL THOUGHTS

The question--Is there anything else you would like to add?--, to which 61.18 percent of participants responded, was a fitting end to the interview. People expressed some very serious concerns. In fact, one of the experts commented on the lack of an Indigenous presence among the groups forming the Alliance for an Inclusive and Accessible Canada, and the lack of an Indigenous expert in our "Experts Panel", and how this called into question just how successful we were in being "inclusive" ourselves. He conceded that being fully inclusive was, in fact, not easy, but that perhaps we needed to admit that we were not fully inclusive. Three participants thanked us for conducting the interviews and for seeking their participation. All other comments are reproduced below.

"When the process started there was a lot of hope and high expectation but it has turned into resignation and very low expectation, will probably be 'nothing for us by us', rather 'everything for us by others'. Inclusion is more than money. It is acceptance too. The Government of Canada must stop victimizing people with disabilities by lack of leadership and start walking the talk. Government departments empire building, all due to secretiveness of consultation results, What We Heard report didn't jive with anything I had read. There is a reason why federal and Ontario and all other human rights bunches have complaints from people with disabilities primarily because we are the group that for whatever reason everyone thinks they can decide for us, whether we are mentally disabled or blind, or whatever, or a person in a wheelchair who they can pat on the head. People find it easier to do things for us for the medical charitable model than they do letting us have self-determination, self-reliance, dignity of risk and the opportunity to fail."

"And this I think is a central tension in the development of this kind of legislation because on the one hand I think there's a tendency with accessibility to conceive of it in a fairly narrow scope, thinking about things that are very much related to physical access or to print access or these kinds of things. But the preference from the disability community that I've been made aware of is to conceive of accessibility in a much broader way in terms of enabling full participation and inclusion in the community, so it casts a much wider net, if you will, than just looking at very specific programmatic kinds of things. But when I think about the rights of people with disabilities and where we are in our struggle for equality, I always look at the women's movement. And I rewind about 50 years and I think about where women were in our society 50 years ago, and where women were was not in the workplace, where women were was not on TV, where women were not leading universities, not teaching, not doing all of the things that we take for granted that women do now. 50 years ago, that was not common at all. So I think that if you look at that and then you look at the situation of women today in our society, I think that very few people would argue that the advancement of women has not been the advancement of society as a whole."

“And I think that the argument holds for people with disabilities. As people with disabilities advance and become more integrated into society and as our families do the same thing, then the whole society prospers, the whole society advances. And I think that we just need to cast out that kind of wide view on things and if we do that, then we will see that these things are important and it should provide a motivation for things to happen. But it takes a very long view and a very big picture to see that. There's going to be a push back from government, there's going to be a push back from business, and there's going to be a push back from other jurisdictions. So I think we need to be mindful of that and get ready for that push back and be ready to push back ourselves on that. Because if we don't get this right this time around, then I think it's going to be a long time before we get up to the plate again. I think for me, this whole exercise is an exercise in finding a way to ingrain disability rights and the human rights of people with disabilities into Canadian life in a positive, pro-active kind of way. Certainly disability rights get talked about in Canadian law, but it gets talked about mostly in human rights tribunals and in courtrooms across the country in terms of violations of human rights. But I think that we really have an opportunity here to be pro-active.”

“The Act needs to affect change but people with disabilities have to have the supports to be able to take advantage of them. I find that learning and hearing are not included in this Act. It is so hard when someone like myself struggles with her learning and still have not completed her education. People that are losing their hearing are always struggling to find funds to pay for hearing aids or other.”

“Very important to be involved in the process, we need to help move this forward. Make sure the different groups that are going to construct, be consulted in and review this Act are made up of the community. We need to be ready to get involved, even with our differing opinions, we all want inclusion, involvement, participation and quality of life, all things we have the right to have, whether it's a disability issue, a poverty issue or ethnic origin issue, everyone has that right, especially in a first-world country like Canada.”

“The government of Canada should pull together a gathering of top business leaders, labour leaders and members of organizations of disabled people (consumer disability rights organizations) for two or three days together and try to forge a new social contract, whereby these employers would commit to improving our employment prospects. There are those for whom employment will never be an option, given the nature of work. I believe for blind people that our employment prospects are getting worse and not better. So a specific recommendation here is that the government of Canada should be working with consumer organisations to discuss ways of cushioning the disabled community against what I call the disproportionately negative effects of the reality of precarious working (short-term contracts usually without benefits) in Canada today and the worsening situations that are likely as precarious work becomes even more a reality in this country.”

“Carla Qualtrough should have been allowed to finish what she started, had much more confidence in her ability to do a good job, she understood the

issues.”
<p>“Government must retain control of funding, should not allow RHF to become the custodian of funds. Accessibility means thinking about how you can reach all your constituents and be creative, not just physical accessibility. RHF is requesting significant federal funding to support its role in promoting accessibility. I am concerned that his high profile may lead to federal funds (i.e.: Enabling Accessibility grants) being distributed through his organization as an intermediary. I am also concerned that the accessibility certification program offers only one piece of the accessibility picture – infrastructure, not communications (his Christmas greeting was inaccessible). IDRC project creates a fuller dialogue among users and business through the promotion of apps that help users measure accessibility. One of the best things is including children with disabilities in schools, Include people with disabilities in your life, in your circle and you will be aware.”</p>
<p>“If the issue around disability has become the issue of diversity, we have more diversity in the disability community than there is in the regular population. It’s hard to find consensus.”</p>
<p>“We do not need initiatives such as NAAW; or award programs! We need to focus on hard-hitting human rights. No more awareness training, please. No third parties that are not consumer controlled and have a cross disability focus. Any aspect of promoting, implementing or enforcing the new Act should not be contracted or divested out to a third party that is not consumer controlled and has a strong disability focus. Access and inclusion just can’t be only about wheelchair users or other folks with mobility issues. It has to be everyone.”</p>
<p>“A more accessible Canada will accelerate the growth of prosperity, by increased efficiency, productivity, and creation of new intellectual property enhancing our global competitiveness. That is, shifting disability from segregation to integration, from institutionalization to mainstreaming, from the medical model viewed as a condition to be treated to the social model of removing disabling barriers in the environment, will have a positive economic impact on Canadian prosperity for all Canadians. For more details please Read my Canadian Disability Act Communication and Information Round Table Consultation Feedback.”</p>
<p>“The Act should establish protocols for consultation and making programs, services, and facilities accessible. Prior to new construction builders should be required to consult with an organization qualified to comment on the design of the building. To achieve this purpose the Ministry should set up an approved agency, or list of approved agencies for proposed constructors to consult with. This should not just be left to building codes, as there are still many examples of recent construction that is not accessible, despite modern building codes. Older buildings should not be allowed to hide behind grandfather clauses, accessibility can be worked in with old design to preserve heritage in a way that does not perpetuate barriers of a bygone era. The legislation should be expansive, and responsive. It must create mechanisms for the ongoing implementation of increased accessibility. As technology changes there will likely be changes that create barriers to individuals. The legislation needs to recognize that and allow</p>

for a collaborative process where an organization or other entity put on notice of a barrier has the time to respond and make the necessary changes. However, this cannot become an excuse to deny access, and the amount of time must be rationally connected to other factors such as the need of the individual making the request and the difficulty of implementing the changes. Therefore, one of the agencies mentioned above could be used in assessing a reasonable amount of time. For this reason, and others, it is important that such agencies operate at arm's length from any of the businesses they would be advising, and also that these agencies have a clear mandate to promote the rights of persons with a disability. There should be guidelines for digital information; however, prior to release or posting of information there should be consultation with a similar agency to the one described above, for similar reasons. Digital information technologies change rapidly, and expecting legislation to stay on top of the changes in data transmission would be unrealistic. Setting up an agency with the expertise to ensure products are accessible would be the most reliable way to ensure accessibility standards are being upheld.”

“The Act will only work if federal government, Treasury Board and Finance realize that this is an act that will reach all Canadians, doing the right thing makes Canada a better place but it needs to be resourced properly, adequate manpower needs to continue to be available to ensure the Act continues and is properly enforced; negligible damages won't make large companies change, minimum fines need to be high enough. It needs to be specific on what is meant by inclusion and how it's going to make employers want to be inclusive, but it can't pit disability communities against each other, all disabilities need to be included, employers can't just hire people with one disability and be seen as being inclusive.”

“A huge focus of mine is the protection of those with service animals, from the discrimination we face on a daily basis, and the right to be seen as regular functioning people of the community. This alone has been a major contribution to a form of depression and fear that many disabled people face on a daily basis. The protection from discrimination, and equal rights is something that everybody says is great about Canada, but if you are a person with a disability, you are not seen as equal to the rest, and you face discrimination on a regular basis. Local human rights commissions are overwhelmed by numbers of service dog denial of access claims, which is not something that we should be seeing. In 2018 we should be seeing a massive decline, as many more disabilities have service dog support, the awareness should be there. Some may say a uniform identification on the dogs should be there, some say that not; however, I feel that there should be a uniform education about what service dogs are, not what they wear. Identification of the school of training should be enough proof of legitimacy.”

“One area is the need to respect heritage when proposing upgrades. It is important to have full support and involvement of the community to minimize problems/concerns. Disabilities affect not just individuals but families, friends, communities and, if the Act is enacted, all of us. Therefore the optics of such an Act are critical. For this reason the Act should not refer to persons with

<p>disabilities alone but be directed to all of us.”</p>
<p>“Up till now legislation has not considered the whole realm of how we function and live in society. The new Act needs to take a holistic approach. Personal theory based on the five-star awards program from National Access Awareness Week back in the 1990's: THERE I C A PATHH: T – Transportation (access to regular transportation systems, but with full consideration of parallel and alternative forms of transportation); H – Housing; E – Employment; R – Recreation, leisure and sports; E – Education; I – Income security; C – Communications (alternate formats and means of equitable and accessible communications/supports); A – Access to built and natural environments; P – Personal care (not only including personal hygiene and care in the home, but ways of managing one’s home and basic shopping needs such as acquiring clothing and shopping for groceries etc.); A – Arts, sciences, culture and faith full participation and involvement; T – Technological access and adaptive equipment supports; H – Health and wellness; H – Human rights, personal safety/crime prevention and access to justice. I emphasize all 13 of these ‘dimensions’ are very mutually dependent and influential, with holistic, complex, organic, dynamic and very fluid forms of mutual interaction. If even one of these 13 dimensions fall (like a domino), there are often other dimensional ‘dominoes’ that will fall as a direct consequence.”</p>
<p>“If the Act increases the independence of people with disabilities then social program costs will decrease. If we can get legislation that reflects Canadian society, for organizations, to whom they employ and how they employ, and force them to have a good hard look and be hopefully surprised by the quality of contributions and work people with disabilities can do in the workplace, because the more independent and the more self-reliant we can make people with disabilities or convert them to, the less costly the social programs that are out there now, that are insufficient anyways. I would like to not have to fight as hard just to deal with daily living, book travel, everything.”</p>
<p>“Looking forward to the day when there is a group who can help deafblind people.”</p>
<p>“The new Act has to have a model of support—programs have to be available and people have to be aware of what is available, what their rights are, how to access needed supports, so they can take full advantage of opportunities, networks need to be created so everyone can get the supports and access the programs and services they need.”</p>
<p>“It needs to get out there, be tested and then any problems found and solutions found, needs reality to figure out what is working and what is not. Legislation needs to be used, tested and evolve as we learn the best practices of putting it together. Refreshes should be built into the legislation.”</p>
<p>“And we need a stop to the misuse of the wheelchair sign. There are many wheelchair signs on washrooms where the washroom so obviously is not accessible. Indeed the inflationary use of the wheelchair sign led to the development that people think that disabled people have more access to sanitation for example than other marginalized groups in Canada such as Indigenous people. Wolbring, Gregor, Leopatra Verlyn (my student) (2012)</p>

Climate change, water, sanitation and energy insecurity: Invisibility of people with disabilities in Canadian Journal of Disability Studies Vol 1 Issue 3 page 66-90”
“Legislation is important but legislation alone does not create societal change. For example, business sees legislation as complying to the lowest possible common denominator whereas inclusion and accessibility has to be viewed as a best practice and the highest standard of excellence. Legislation however is critical in that it's a starting point for tough conversations and places the subject squarely in the cross hairs. It leads to much greater awareness. Sadly awareness of inclusion and accessibility is still required. I do get angry about this because we have had years of "awareness" and little has changed. The biggest barrier people with disabilities face in life isn't poor access, lack of Braille menus or Deaf people living in a hearing world, its attitude plain and simple and attitude cannot be changed with legislation. It is an exciting time. If the Feds get this right we are off to the races. If they screw it up my work will continue for a long time!”
“Listen to the Activists, not all disabilities are visible.”
“I think it's easier to talk about, in some ways, what should be done in terms of policy and practice. I think it's more difficult to think about the question of what is disability and what is a human being in a way that forces us to not accept certain ideas that we might have about where the problem is and what the problem is and therefore that kind of forecloses potential solutions. What is the conception of subjectivity that underpins the law and what is the conception of embodiment that underpins the law? Is this law going to simply take those conceptions that are already existing, already presuppose a certain kind of citizen and simply apply them to disability rather than rethinking what the normative human is and having the law flow from there?”
“It’s not just people with disabilities that benefit from accessible environments and accessible programs, business services and technologies. It’s all of us. It just makes for a better Canada ultimately when things are accessible.”
“We’ve been working with the Public Policy Forum, trying to figure out how to build a business case for employers to take a different view of this themselves, because they look at the cost of the accommodations or benefits, but they don’t necessarily figure out how to internalize the cost of not doing something: people having to leave the workforce because there aren’t those accommodations, the way the short-term disability programs work, as you know, doesn’t work well for those with episodic conditions. So I think there is great opportunity for this legislation to help create the imperative for businesses to do what they may not realize is actually in their financial interest to do.”
“The Act is a great first step. We need a federal/provincial/municipal instrument to address disability issues. Social programs need to be harmonized across the country to allow people with disabilities to move freely and not have to fight to move their supports.”
“The real challenge of federal access legislation is the limited reach of the federal government. Things that truly affect persons with disabilities’ everyday lives reside within provincial jurisdiction – education, health, social services, local transportation, housing, employment, etc. I worry that access legislation is

<p>being seen as a panacea; frankly it may over time make a substantive contribution in removing barriers. However, programmatic changes must also occur at the same time. Programs to address poverty, increase employment, provide expanded disability related supports must work hand in hand with new access legislation. I fear all energies are going into the new legislation and little is being done to improve the programs and services that Canadians with disabilities rely upon. Real programs require real dollar allocations. At present the access legislation remains a promise with no allocation of resources.”</p>
<p>“We are long past the time when we’re still fighting for accessible sidewalks, and we have people who can’t access online programs due to lack of universal design so that everyone can access them equally. It must be comprehensive, enforced and that people need to stand by.”</p>
<p>“I think the Trudeau liberals are doing a great job!”</p>
<p>“All federal government documents should be available in plain language, should be available in alternate formats to allow everyone to get the information. The Act itself should be written in plain language so the janitor on the street can understand it, because then everyone can understand it.”</p>
<p>“Perhaps a new mechanism could be created whereby Canadians could pay into a fund that would then be used to support people with disabilities, perhaps something like the school tax.”</p>
<p>“So going beyond the list that I referred to before which talked about access to buildings, access to travel and so on and access to employment, to addressing complex attitudinal barriers, complex discrimination forms and economic exclusion that orientation towards total inclusion has to be a real focus of the new federal legislation. I hope so, because otherwise what you get is then the government just patting itself on the back, oh we’ve done something about accessibility because we’ve addressed the following domains, but not addressing the fundamental ones of exclusion economically and exclusion of people socially because of their mental health difficulties or intellectual disabilities just cause it’s harder to observe them even though they’re kind of pervasive and pernicious. So I think the legislation should go as far as possible to bring as many people into the big tent of inclusion.”</p>
<p>“The most important thing that needs to be tackled is poverty. It’s amazing, when you have disposable income, how you can make some barriers go away. We need a comprehensive strategy to reduce poverty of persons with disabilities, and I know there are others out there who experience poverty, but I think the poverty level of persons with disabilities is so extreme and so severe that we really need a specific initiative. Putting all our eggs in the employment basket isn’t going to work. People have the right to live meaningful and productive lives and earn an income, but perhaps they can live meaningful and productive lives without employment. If we don’t tackle the poverty issue, barriers will continue. We must address the issues of indigenous people with disabilities, part of our history we have to correct, they get caught in the jurisdictional battles and don’t get their needs met. We really need that pan-Canadian discussion and strategy development.”</p>
<p>“I’ve become increasingly aware that access is becoming not a minority issue</p>

<p>but a majority issue, for a variety of reasons this is going to be one of the major national challenges for Canada in the next couple of decades and I think that the process of debating and developing national legislation could play a very big role in ensuring that these issues assume their rightful priority. I think as a final comment you'll want to think of kind of an engagement strategy not just with representatives of disability groups but an engagement strategy that captures the imagination and interest of all Canadians. So there are a variety of ways you can do that, but I think if it's going to work you need to work at mainstream buy-in as well."</p>
<p>"Based on the information we have thus far, we are concerned that the framework of the Act appears narrowly focused on accessibility and is missing a broader rights based approach to inclusion for Canadians with disabilities."</p>
<p>"I'm hopeful that the government decides to not only implement the legislation, but implement strong, effective legislation."</p>
<p>"I think part of the struggle for the government is going to be there's going to be some expectations on the disability community that this is going to be effective legislation and not just nice words and so how do we create something that as I said at the beginning is designed to have real impact and I think that would be the telling tale of whether this will be worth the while of creating this and so it's not about managing expectations but I think it's going to be part about how government can live up to expectations that this potentially could be a game changer for people with a disability in Canada and so we need to make sure it's done right."</p>
<p>"There needs to be money involved to make this happen, need to have medium and long-term plans. The government can't just dump more on the provinces and municipalities without funds, many rural areas are already weaker due to ageing population and people with disabilities and fewer resources."</p>
<p>"It is important—what is good for inclusion is usually good for everyone; do it right; the proper leadership needs to be in place; make sure the timing is right so it can be successful; make sure we can resource it so it can be effective over time and that it will last over time. More than physical accessibility has to be achieved."</p>
<p>"There are many programs like the direct funding program which do not cover all disabilities-blind people don't need personal care but they may need some other supports, everyone should have access. Look at laws where we have been excluded and make sure we are all included in this one. Don't set us up to fail."</p>
<p>"It is important to have diverse voices involved and a really clear message to the Canadian government that we want this act to take leadership."</p>
<p>"If a person does not have transportation that they themselves can decide when to use then true accessibility is impossible and why are we even bothering talking about it? Transportation, employment, housing and poverty are the most important areas requiring strong legislation."</p>
<p>I am so thrilled that this legislation is actually coming into fruition after years in the making! I am particularly passionate about advancing the opportunities for persons living with mental health conditions to more freely access inclusive and meaningful roles in society where they can speak openly about their needs</p>

without the fear of stigma.”
“Hopefully there will be more consultations with the community once the Act is drafted, to get input.”
“Historically, the focus has been on physical disabilities that are visible and may lend themselves to accommodations that may not be appropriate for someone living with a mental impairment. There are also concerns with co-morbidities of mental impairments and physical disabilities. For example, an individual who has lost the ability to walk because of an accident may also be overwhelmed because of depression and require specialized health care services and accommodations. Addictions are another disabling condition that is not well understood and prevents individuals from participating in our society on an equal basis with others. Nevertheless, there is considerable evidence of a co-morbidity between mental illness and addictions as some people attempt to self-medicate with alcohol and narcotics. People living with mental impairments must have the same rights to medical care as others living with life threatening illnesses. And yet, they continue to have great difficulty accessing health care services due to shortages of mental health practitioners and acute care hospital beds. People living with addictions have added to the enormous costs in our society, adding to our homeless and prison population. Individuals living with mental impairments are the most vulnerable as far as income security supports because the legal language to determine eligibility does not always incorporate adequately the disabling effects of a mental disorder. For example, some of the language of the eligibility criteria of the federal Disability Tax Credit is discriminatory because it is not appropriate for people living with invisible disabilities where the disabling effects of their impairments cannot be measured with a simple mathematical formula.”
“It would be helpful if it was really a federal/provincial/territorial process, to remove the inequities in access to services that exist across the country. We need to ensure we never go backwards.”
“We need increased accessibility, the longer we wait, the harder it will be, and we're talking about people's lives, at the end of the day.”
“People with disabilities have to be part of the drafting process for the Act”
“I've been involved in this business for over 30 years and I think that we're moving in a fairly positive direction on a lot of different fronts and I'm seeing that, and some of this has to do with advances in technology which level the playing field and provide, for example, in our community for students who are blind or visually impaired when it used to be four-track tape recorders people were using in their studies, now they have access to computers and speech recognition software and all that, and technology is becoming more affordable and I mean there's still all sorts of problems with accessibility of websites and even social media where Facebook changes things and it affects accessibility for example. There's more of a feeling that education for example is a right of our citizens and that it is something that the state, the federal government, provincial governments have a responsibility to their citizens to support, particularly for groups that are marginalized and under-represented and that includes for reasons of disability and also reasons of socioeconomic status which can

include oftentimes a greater proportion of people with disabilities. That it's a social responsibility of the state to ensure through taxpayer's dollars that in the same way elementary and secondary school education is funded, that higher education is essential to success in life and labour market participation and a fulfilling life. So we're seeing lots more examples of that right across the country where minimum basic income programs are being implemented, provinces are now offering for students who come from families making less than a certain amount of money free tuition as in the example of Ontario or in Newfoundland where they don't have a loans program anymore as part of the provincial portion of financial student aid, it's all grants. So those types of programs and those types of supports I think along with a very strong federal disability Act that ensures that we have national standards and no matter where somebody lives they shouldn't be disadvantaged because of their disability at least with respect to federal services and supports and programs."