

Consulting Canadians about the New Federal Accessibility Law



Final Report 2018 Consulter les Canadiens sur la nouvelle loi fédérale sur l'accessibilité

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Prepared for:

Social Development Participation Program – Disability

This project is funded by the Government of Canada's Social Development Partnerships Program - Disability Component.

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EXECUTIVE SUMMARY

The Alliance for an Inclusive and Accessible Canada (the Alliance) consists of 12 member organizations and four partner organizations from Canada's disability community. With the funding from the Government of Canada, the Alliance consulted over 1000 Canadians about the proposed federal accessibility law. The new law aims to help remove and prevent barriers that people with disabilities face. The Alliance undertook cross-country face to face and telephone consultations with Canadians about their accessibility priorities. It commissioned the review of federal legislation, regulations and policies, organized a disability expert conference, and conducted individual interviews with experts and persons with lived experience.

During the consultations Canadians spoke about their key accessibility barriers and priorities. Participants spoke about people who are going to be affected by the new accessibility law, places that must be made accessible, societal perspectives, procedures and policies that are needed for an inclusive and accessible Canada.

Participants expect that the new federal accessibility law recognizes people with disabilities as a diverse group of individuals with diverse abilities, needs, interests, and aspirations. They expect it to be people centred and rights based taking into consideration multiple discrimination that some groups of persons with disabilities face. The new law should ensure that all virtual and physical places are accessible, that societal perspectives are disability inclusive, and procedures for accessing the government programs and services are simple and user friendly. Above anything else, participants in consultations expect the new accessibility law to be enforceable and have transparent enforcement mechanisms. It should be a basis for implementation of the Convention on the Rights of Persons with Disabilities (CRPD). It should also be a basis for empowering policies and regulations that address key priorities identified by participants in consultations: eradication of poverty; equal, standardized, and barrier-free access to services, programs, places and opportunities across Canada. Following priorities emerged from the consultations conducted by the Alliance for an Inclusive and Accessible Canada. The new federal accessibility law should:

- Recognize diversity of people with disabilities and existence of multiple discrimination and marginalization due to the intersection of disability with other marginalized identities
- Target priority groups within the disability community that face multiple discrimination and marginalization
- Include measures that would eradicate poverty among persons with disabilities
- Introduce a standardized and inclusive definition of disability that is aligned with CRPD, standardized eligibility criteria, and standardized programs, services and benefits

- Be enforceable in legislation and regulations and have enforceable accessibility standards to be used across the country, including mandatory use of universal design
- Facilitate inter-jurisdictional collaboration, between federal, provincial and territorial, and municipal governments, to simplify procedures for persons with disabilities
- Ensure that persons with disabilities have equal and equitable coverage in all media
- Give authority to Ministers and Government agencies to order, issue orders and impose monetary penalties for non-compliance
- Ensure monitoring and reporting on the number and nature of accessibility complaints
- Ensure that federal elections are inclusive and accessible to all
- Ensure that immigration policy is not discriminatory
- Provide support for federal inclusion of visual languages in federal jurisdiction by declaring American Sign Language (ASL) and Langue des Signes Quebécoise (LSQ) as official languages

The Government of Canada should:

- Use an inclusive and comprehensive approach and a lens of diversity, accessibility, inclusion and intersectionality
- Use the whole-of-government approach to make accessibility part of responsibilities of every department and a requirement for procurement, infrastructure spending, and grants
- Ensure that the new accessibility law is understood among various stakeholders by providing awareness-raising and training sessions on the new law, disability and human rights that are designed and led by persons with disabilities and DPOs
- Manage assistance programs to ensure equality and fairness across the country and create a single point of entry for all programs
- Ensure that persons with disabilities and DPOs are included in planning, implementation and monitoring of all policies, programs and services that are relevant for persons with disabilities including training and awareness sessions on the new federal accessibility law.

ALLIANCE FOR AN INCLUSIVE AND ACCESSIBLE CANADA

The Alliance for an Inclusive and Accessible Canada (the Alliance) consists of 12 member organizations and four partner organizations from Canada's disability community. We consulted Canadians living in communities from coast to coast to coast about the proposed federal accessibility law. This law will help remove and prevent barriers that people with disabilities face. The Government of Canada met with Canadians to get input about this law. It funded the Alliance to consult Canadians about their accessibility priorities. We gathered input from Canadians with disabilities and their families. We also spoke with other stakeholders such as service providers, unions, industry representatives, and associations. The Government of Canada's Social Development Partnerships Program - Disability Component funded this project.

Our Member Organizations:

- Alliance for Equality of Blind Canadians
- Alzheimer Society of Canada
- Canadian Association of Community Living
- Canadian Autism Spectrum Disorders Alliance
- Council of Canadians with Disabilities
- Canadian Mental Health Association
- Canadian National Institute for the Blind
- DisAbled Women's Network Canada
- March of Dimes Canada
- National Network for Mental Health
- People First of Canada
- Realize/Canadian Working Group on HIV and Rehabilitation

Our Partner Organizations:

- DeafBlind Ontario Services
- Muscular Dystrophy Canada
- NEADS – National Educational Association of Disabled Students
- Spina Bifida and Hydrocephalus Association Canada

WORDS MATTER

In this report to refer to disability we use two popular choices among disabled persons' organizations (DPOs): "people with disabilities" and "disabled people". We use these terms interchangeably throughout the report to acknowledge both preferences.

The Alliance defines barriers as anything that prevents a person with a disability from:

- Being fully included in society, and
- Accessing available services, goods and opportunities.

Barriers can be architectural, technological, or attitudinal. Stairs, inaccessible websites, stereotypes or discrimination are barriers to participation of persons with disabilities.

BACKGROUND: CROSS-COUNTRY CONSULTATIONS ON THE NEW ACCESSIBILITY LAW

One in seven Canadians aged 15 years or older reported having a disability that limited their daily activities. This number is expected to grow in the future because of demographic changes, which include a rise of chronic disease and population aging. The Government of Canada aims to adopt a strong federal accessibility law to remove barriers for Canadians with disabilities. The new accessibility law aims to remove and prevent barriers facing people with disabilities in areas of federal jurisdiction:

- Poverty
- Media and cultural representation
- Communication including broadcasting and telecommunications
- Travel and built environment
- Employment
- Post-secondary education
- Housing
- Justice and human rights
- Banks
- Postal services
- Elections
- Immigration
- Sport and leisure
- Education and social services in Indigenous communities
- Health in northern and Indigenous communities

This new law will not address areas that are under the power of provinces: health care, education, municipal transportation, and guardianship and property rights.

The Alliance for an Inclusive and Accessible Canada undertook cross-country consultations with Canadians about their accessibility priorities. The Alliance also commissioned the review of federal legislation, regulations and policies. The review covered five key areas: transportation, communication, employment, elections and immigration. The Alliance organized a disability expert conference, interviewed experts and persons with lived experience.

PURPOSE

The purpose of the Alliance consultations was to capture the views of Canadians about the new federal accessibility law. It also aimed to identify the disability community's accessibility and inclusion priorities. Consultations targeted the regions and the groups that did not participate in the Government's consultations. This synthesis report has two objectives:

1. To report on key findings of the Alliance-led consultations with Canadians
2. To inform the development of the new federal accessibility law.

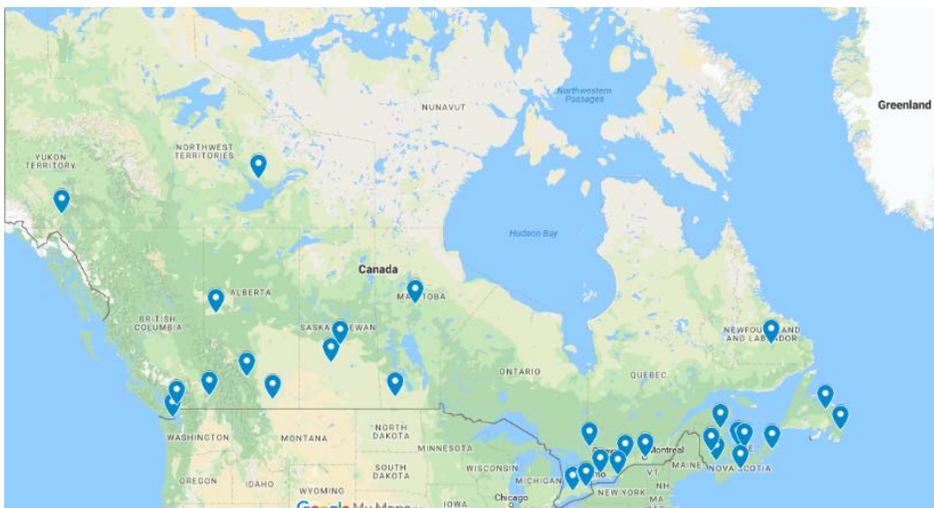
WHAT IS INCLUDED IN THIS REPORT

The synthesis report summarizes the findings of the Alliance's extensive consultations. It provides an overview of experiences of persons with disabilities and barriers they face in their everyday lives. The synthesis report identifies accessibility and inclusion priorities of Canadians who participated in cross-country consultations. The report has three sections. The Background describes the context, the approach taken, and the sources of information in the report. The Key Messages section is an overview of the main issues that have emerged in the consultations covering key findings as they relate to people, places, perspectives, procedures, and policies. The final section identifies accessibility and inclusion priorities to be considered by the Government of Canada.

APPROACH

The Alliance undertook cross-country consultations with Canadians in two phases. Phase 1 included an online survey of 214 Canadians. The Alliance organized six in-person regional consultations with 103 participants in Saint John, NB, North Bay, ON, and Brandon, MB.

The findings from Phase 1 informed Phase 2. The Alliance reached out to the groups and regions excluded from previous consultations. It focused on priority areas identified in Phase 1. The Alliance hosted 25 public consultations and 12 discussion groups in 30 communities across Canada.



Communities ranged from small, rural and remote communities to major urban centres. Consultations were held in: Whitehorse, YK; Yellowknife, NWT; Burnaby, BC; Kelowna, BC; Victoria, BC; Banff, AB; Grand Prairie, AB; Lethbridge, AB; Prince Albert, SK; Saskatoon, SK; Brandon, MB; Thompson, MB; Burlington, ON; Hamilton, ON; Kingston, ON; London, ON; North Bay, ON; Ottawa, ON; Montreal, QC; Peterborough, ON; Bathurst, NB; Fredericton, NB; Saint John, NB; Halifax, NS; Sydney, NS; Summerside, PE; Charlottetown, PE; Conception Bay, NL; Goose Bay, NL; and Gander, NL.

There were 11 telephone discussion groups. In-person and telephone consultations focused either on a specific priority group within the disability community or a specific priority area. Priority groups were: Indigenous communities, impairment type & frequency, multiple or 'complex' impairments, language, gender and sexuality, relationship to disability, level of segregation and criminalization, racial identity, citizenship status, and age. Priority areas were: poverty, housing, access to transportation and the built environment, communication and access to information, healthcare in northern and Indigenous communities, education and social services in northern and Indigenous communities, cultural attitudes, post-secondary education, immigration, leisure, electoral participation and political representation, justice, and employment.

The Alliance conducted 85 interviews with individuals who either have lived experience or expertise in disability. It hosted a disability expert conference in partnership with the Inclusive Design Research Centre at OCAD University. The conference "What Should Canada's Promised National Accessibility Law Include? Cutting-edge Ideas from Experts from Around the World" brought together 14 international experts to share their views on national accessibility laws. In total over 1000 Canadians took part in consultations. They attended public meetings and discussions, participated in the telephone consultations, or shared their views in two online surveys. The Alliance produced five reports:

1. Phase 1 Report
2. Phase 2 Report Canadians Speak Up: Consultation Results on Proposed Accessibility Legislation in Canada
3. Promoting Accessibility Through Legislative Reform: A review of Disability Law in Canada
4. Report on Interviews Conducted for the Alliance for an Inclusive and Accessible Canada
5. Consulting Canadians about the New Federal Accessibility Law: Final Report

The [Alliance website](#) has the links to [all reports](#) as well as the video recording and the CART transcript of the [disability expert conference](#).

This report compiles views of individuals from all provinces and territories, and views of representatives of Canadian disabled people's organizations who took part in consultations. It is recognized that this report does not reflect views of all persons with disabilities. Participants' feedback has been the basis for these reports. The statements

expressed in the report are personal views of participants which have not been substantiated by research. They do not reflect the views of the Alliance.

KEY MESSAGES

During the consultations Canadians spoke about their key accessibility barriers and priorities. Key messages are grouped under five key themes: people, places, perspectives, procedures, and policies. Participants expect that the new federal accessibility law recognizes people with disabilities as a diverse group of individuals with diverse abilities, needs, interests, and aspirations. They expect it to be people centred and rights based taking into consideration multiple discrimination that some groups of persons with disabilities face. The new law should ensure that all virtual and physical places are accessible, that societal perspectives are disability inclusive, and procedures for accessing the government programs and services are simple and user friendly. Above anything else, participants in consultations expect the new accessibility law to be enforceable and have transparent enforcement mechanisms. It should be a basis for implementation of the Convention on the Rights of Persons with Disabilities. It should also be a basis for empowering policies and regulations that address key priorities: eradication of poverty, equal, standardized, and barrier-free access to services, programs, places and opportunities across Canada.

KEY FINDING 1: PEOPLE

People with disabilities are a diverse group of individuals with diverse abilities, needs, interests, and aspirations. Participants in consultations urge the Government of Canada to recognize this diversity and take it into consideration along with individualized response when developing the new legislation.

“There is assumption that we all do the same, but we don’t. It is about choice. Not everyone needs the same and prefers the same.”

Participant in phone consultation

Existing policy and legislative frameworks have multiple negative effects on some groups of persons with disabilities. For example, women, Indigenous and racialized persons with disabilities face multiple discrimination. Indigenous persons with disabilities experience multiple discrimination as individuals with disabilities and as members of marginalized Indigenous communities. This multiple discrimination results in high poverty rates, homelessness, isolation, high suicide rates, poor mental health, addictions, and Fetal Alcohol Spectrum Disorder (FASD). Historic trauma, abuse and violence further marginalize Indigenous people with disabilities. Discriminatory jurisdictional issues limit their access to social services, health and education both on and off the reserves.

“For me, as a woman and part Native, I find work to be a four- letter word that hurts, because of all the harm done to me. Some of it includes false or unknown race matters, yes, the “N” word has been

used against me, slurs against Natives and mostly slurs against women.”

Participant in consultation

The intersection of disability and other marginalized identities creates additional barriers. Sex, age, race, nature of disability, multiple disabilities, sexual orientation, and immigration status can intensify discrimination and marginalization of persons with disabilities. Marginalization also extends to people associated with persons with disabilities. It affects family members and support staff whose work is unrecognized, unpaid or underpaid.

“[The new law] 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.”

Participant in individual interview

Participants in consultations gave examples of different barriers they face. Participants spoke about blind persons, partially sighted, deafblind, and deaf persons who experienced problems accessing information. They also faced barriers when using communication programs and services because they were not always accessible or available. It is rare to have live feed transcripts, good quality of closed captioning, descriptive videos, signage and documentation in Braille either in English or French.

People representing the Deaf community spoke about barriers they faced because of a lack of interpreters. They pointed out limited availability of courses to train people in American Sign Language (ASL) and Langue des Signes Quebecoise (LSQ). They urge the Government of Canada to designate ASL and LSQ as official languages of Canada.

People with mobility issues often face barriers in built environment. They have problems to access community mail boxes, use transportation or participate in elections. Indigenous people with mobility disabilities and people with disabilities living in rural and remote areas are particularly affected. Small airports and small aircrafts are not accessible. Disability support services are not provided in a gender and culturally sensitive way.

“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). Yukon gets 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.”

Participant in individual interview

People with disabilities face attitudinal barriers. The society sees persons with disabilities as a burden and their disabilities as a problem. However, people with invisible and episodic disabilities face attitudinal barriers because they are not “disabled enough”. Their disabilities are not immediately apparent. The public sees people with invisible disabilities as somebody who abuses disability identity for false claims and personal gain.

“I feel that the programs are built for persons whose disability is extremely visible, and not to deal with a whole spectrum of people who identify as having a disability.”

Participant in telephone consultation

Another example of attitudinal barriers are the public views of the ability of women with disabilities to mother children. They are considered incapable of being mothers. These negative attitudes often force women with disabilities to live in abusive relationships because of fear that they will lose the custody of their children if they divorce. Women with episodic disabilities have similar experiences. They must fight to keep their children when they are going through the episodes of illness as they are considered unfit to look after their children.

Attitudinal barriers are also a cause of discrimination against people with intellectual disabilities. They face discrimination because the society does not see them as full citizens. Their capacity and right to self-determination are undermined or removed. They live in institutions, when employed they receive subminimum wages, and have higher poverty rates.

“People with intellectual disabilities are amongst the most marginalized. People with intellectual disabilities are devalued. They are in poverty. Most have to live with 2 or 3 other people.”

Participant from Brandon, MB

Participants recommend that the Government of Canada prioritize groups who face multiple marginalizations:

- Indigenous people with disabilities
- People with intellectual disabilities
- People with invisible, episodic and unrecognized disabilities
- People who are blind, partially sighted
- People who are hard of hearing, Deaf and deafblind people
- Women with disabilities
- Migrants and refugees with disabilities
- LGBTQ2S people with disabilities

Giving priority to these groups means that the Government of Canada ensures their inclusion from the beginning of the law development process. It also calls for the Government to consider the needs of these groups to eliminate their further marginalization.

“[The new law] 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.”

Participant in individual interview

Poverty disproportionately affects Canadians with disabilities. In 2014 one fifth of the overall population aged 25 to 64 reported a disability. Of these, one in four were low income according to Statistics Canada¹ Poverty was the most talked about topic in Phase 2 of consultations.

“We need more money because we want to live like others, not to become rich but not to think about our life. Government needs to be aware of the fact that lots of us live just above or below poverty line.”

Participant in phone consultation

Many people with disabilities live below the poverty line. Employment opportunities for persons with disabilities are few and flexible work arrangements lacking. Some people with disabilities cannot work full time because of their disability. Persons with disabilities lose their health benefits when they get a job. This happens even when the employment is without health benefits that are necessary for maintaining health. Many people with disabilities depend on social assistance programs that are insufficient. Assistance

¹ Wall, Kathrine. Insights on Canadian Society Low income among persons with a disability in Canada. Statistics Canada= Statistique Canada, 2017.

clawbacks discourage their return to work. Participants pointed out that existing income and social assistance programs are inconsistent and vary across Canada. This impedes freedom of movement and interprovincial mobility of persons with disabilities. Participants urge the Government of Canada to treat all Canadians with disabilities equally and standardize income and social assistance programs across the country.

Intermittent, irregular and part-time work precludes persons with disabilities from benefiting from Canada Pension Plan (CPP) and Employment Insurance (EI). Participants have reported inadequate compensation from the Workers Safety and Insurance Board (WSIB). The existing Disability Tax Credit does not benefit them. The disability related expenses are much higher than the non-refundable tax credit they can claim. The definition of disability in the Disability Tax Credit is limited. Disability must be severe and prolonged to qualify; therefore, excluding episodic disabilities. If one is not eligible for Disability Tax Credit, then that person is not eligible for Registered Disability Savings Program.

“Considering that a power wheelchair can cost upwards of \$25,000 and attendant services can be in thousands of dollars annually, not to mention homemaking and other essential services for quality of life. To say that we can only claim a non-refundable credit of just over \$8,000, taking these facts into account, is laughable.”

Survey respondent

Assistive devices, technology, support services, medicines, nutritious food, dietary supplements, orthosis are essential for everyday lives of persons with disabilities. Their costs are prohibitive and funding opportunities almost non-existent. These costs contribute to poverty and prevent people with disabilities from participation in everyday activities. Participants advised that the cause of poverty for people with disabilities stems from:

- low income (part-time and intermittent jobs, substandard wages, insufficient social assistance, insufficient WSIB compensation, etc.)
- ineffective disability social assistance programs managed by provinces and territories
- ineffective system of tax credits
- high costs linked to disability

Poverty prevents people with disabilities from enjoying existing accessibility provisions and participating in their communities. It forces them to rely on family members increasing their risk of being in coercive or abusive situations.

Poverty overlaps with other categories and reinforces marginalization and discrimination; therefore, the new federal law should address it. “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.”

Participant in individual interviews

To address poverty among persons with disabilities participants called for:

- guaranteed annual income
- refundable tax credit
- change of eligibility criteria for CPP and other benefits
- expansion of benefits to include respite for relatives providing support

Participants call the Government of Canada to use an intersectional lens for the new law. Barriers that persons with disabilities face are interrelated. The intersectionality reflects social and economic factors that create additional marginalization and discrimination, and negatively impact lives of persons with disabilities.

Leadership on disability issues must come from people with disabilities and disabled people’s organization. DPOs must create space for multicultural communities to participate in their work and to promote multicultural disability organizations. With their direct engagement of DPOs and disabled people policies will be more effective, and programs, places, and services more accessible. Participants caution the Government of Canada about relying on disability organizations that are run by non-disabled people and urge it to work closely with disability organizations that are run by people with disabilities.

Key points: People

- Diversity
- Multiple barriers
 - Physical
 - Technological
 - Attitudinal

- Multiple discrimination
- Multiple marginalization
- Intersectionality
- Poverty

Action points

The Government of Canada should:

- Take diversity and intersectionality lens
- Take accessibility and inclusion lens
- Recognize ASL and LSQ
- Prioritize groups who face multiple marginalization
- Equalize programs
- Address poverty by introducing:
 - Guaranteed annual income
 - Refundable tax credit
 - Change in eligibility criteria for CPP and other benefits
 - Expansion of benefits to include respite for relatives providing support

KEY FINDING 2: PLACES

Participants in consultations spoke about their experiences in using inaccessible physical and virtual places. They spoke about barriers that prevented them from participating in various activities. These ranged from accessing information online and in government offices, enjoying freedom of movement, having an accessible place to live, to voting in elections, and safely navigating public places. They also spoke about policies that prevented persons with disabilities from immigrating to Canada or moving to different locations within Canada as places of their choice to visit, live, work or study.

Depending on the place of residence, availability of programs and services varies. Persons with disabilities living on the reserves and in the rural and remote areas have limited access to services and programs. Accessibility of physical and virtual places is essential for ensuring safety, dignity, and equality of rights of people with disabilities. Participants emphasized the need for inclusive communication and accessible information. Use of plain language is important for participants with various disabilities. Some government websites, forms and documents are inaccessible. Many websites are incompatible with assistive technologies. Audio, visual, and written formats including large print and Braille should be available at government offices and public places.

Participants experience barriers in communication with government offices when services are provided only by telephone and do not include an email option. Recognizing diversity of needs of persons with disabilities, the government must provide

information in multiple formats. It must ensure multiple modes of communication both in physical and virtual places.

Transportation is essential for ability of persons with disabilities to reach places where they can participate in activities. It is a key to their mobility.

“There are many barriers for Deaf persons in transportation. For example, with air travel, if there is a delay or an important message, it is only heard on the radio or on the airport’s audio system. Nothing is broadcasted visually so as a Deaf person you are not aware. Same thing for fire alarms if you are in a bathroom – there is no visual alarm, just an audio one. I remember that with air travel, there are often messages as to where to go or whether a flight has changed or is delayed, however as a Deaf person you are unaware of this.”

Participant from Montreal, QC

Participants described numerous barriers they faced when travelling by plane, train or ferry including:

- Limited number of accessible spots on trains and airplanes
- Inaccessible washrooms and corridors
- Inappropriate equipment for transfer in planes
- Mishandling of assistive devices by transit staff
- Inappropriate boarding and disembarking procedures
- Inaccessible small planes and ferries
- Inappropriate treatment of service animals
- Inaccessible train stations and small airports
- Inaccessible announcements and signage
- Inappropriately located and/or inaccessible ticket kiosks
- Lack of transit staff willing and capable of providing necessary accommodations
- Lack of transit staff capable of providing safe, gender and culturally sensitive support
- Changes in transit schedule
- Cancellation of some regular lines particularly affecting smaller communities

Participants pointed out that inaccessible transportation and workplaces were the biggest barriers impacting employment. These barriers prevent persons with disabilities from attending interviews, pursuing employment opportunities, and getting jobs.

Many persons with disabilities do not have affordable, accessible, safe, age appropriate and dignified places to live. Participants emphasized that accessible housing is not always affordable for persons with disabilities. People with disabilities who receive social assistance cannot afford monthly rent. That forces persons with disabilities to live in affordable places that are away from support services, family and friends. Availability of accessible housing is of concern in Indigenous communities and First Nations reserves. There is a lack of accessible and safe housing for women with disabilities who are leaving abusive relationships.

“We’ve noted many barriers, particularly with respect to second-stage housing used by female victims of spousal abuse. Take for example a woman that has been a victim of abuse and has spent time in a shelter for women. When we support her and her children and assist them in finding housing afterwards, we’ve observed that women with disabilities encounter many problems. Out of a hundred affordable housing units that serve second-stage housing, we observe that only one is accessible.”

Participant from Montreal, QC

Housing is rarely built using principles of universal design. Persons with disabilities face barriers such as stairs, narrow hallways, and sinks of inappropriate height. Existing building codes are inconsistent. Compliance is always geared to the absolute minimum required. Participants mentioned that some buildings meet the provincial codes but are not functional or accessible for all people with disabilities.

Participants welcome the Government of Canada’s renewed role in social housing. They urge the Government to target people with disabilities through these initiatives. They also urge the Government of Canada to adopt universal design standards. New federal building codes should set higher standards than those that currently exist. They should also address the shortage of accessible and affordable units. The number of accessible units in new buildings should be higher. Persons with disabilities must be included in planning and development of housing.

“There is not enough housing for those in wheelchairs. We need things like elevators and possible housing that accommodates the wheelchair without having to make special arrangements.”

Participant from North Bay, ON

Participants are outraged at the existence of institutions for people with intellectual disabilities. Provincial governments still fund congregate care facilities for persons with intellectual disabilities. They urge the Government of Canada to provide leadership in deinstitutionalization and provision of safe and dignified housing.

Persons with disabilities face many barriers in banks. Information about some banking services is available in alternative formats. However, information about saving accounts, investment and mortgages are often inaccessible. Blind people must ask for assistance to read documents. This raises the issue of confidentiality, privacy and trust. Some banks introduced low counters with chairs for customers who cannot stand. However, they cannot take the full advantage of this accessibility feature because banks have a first-come-first-served policy. Persons with disabilities still have to stand and wait with everybody else. Banks are the places which should have information available in multiple formats. They should also have basic assistive technology, such as the LOOP system for people who are hard of hearing. These will ensure privacy and confidentiality for people with disabilities when banking.

Canada Post provides essential service for keeping citizens connected. Many participants mentioned service reductions and changes to community mailboxes as barriers. Door to door mail delivery is an important service for people with disabilities. Some community mailboxes are not accessible, or they are poorly maintained during winter. Parcels and oversized envelopes with Braille text that do not fit into community boxes must be picked up. Picking up mail in the office is a barrier for persons with disabilities. In cases like these, people with disabilities must depend upon others to retrieve their mail.

“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 apps for smart phones and web sites should be usable by people who cannot see.”

Participant in individual interview

During elections persons with disabilities face barriers at polling stations. Polling stations are places where citizens exercise their right to vote. Some polling stations are inaccessible and person with mobility disabilities had to make alternative arrangements. People who are Deaf do not have access to interpreters to communicate with election staff. Privacy for people who are blind, partially-sighted or deafblind are breached because they must ask for assistance to vote. Participants urge the Government of Canada to make polling stations accessible and ensure multiple accessible modes of voting.

“I can’t mark my own ballot. This violates my right to privacy while voting.”

Participant from St John, NB

Privacy of people with mental health and psychosocial disabilities is breached because the Government of Canada releases information about suicide attempts to the US Government. This is a problem because people have been banned from entering USA on this ground jeopardizing their jobs and restricting their freedom of movement.

Recreational facilities are seen by participants as places that should be accessible to all. However, they are not accessible for persons with disabilities because of environmental barriers and for fear of liability by facility managers. Inaccessibility of recreational places impacts not only persons with disabilities but also their families as it limits their choices and often forces them to stay at home.

Many places do not adhere to the principles of universal design. Universal design standards help ensure equitable access and the inclusion of people with disabilities from the design phase. These principles include measures such as using texture and colour-coding on curbs and placing Braille and high-contrast print on signs.

During the disability expert conference, it was pointed out that in there was no real equality in the built environment for people with disabilities. There is no training for the design and construction professions that addresses people with disabilities as people first. Built environment is designed primarily for able-bodied people; people with disabilities are an afterthought and add-ons.

Participants urge the Government of Canada to make use of universal design mandatory, and to hire persons with disabilities to oversee its planning and implementation. They will ensure that future ramps are not too narrow, elevators are not poorly located, and electric door openers are accessible. Participants recommend funding for small businesses to improve accessibility of public places.

Multiple solutions are needed to make places accessible as the needs of different people with disabilities sometimes conflict. However, DPOs and people with disabilities are well positioned to address these differences.

“Accessibility is not only physical accessibility, it is more than just curbs and ramps it is also views and attitudes.”

Participant in telephone conversation

Participants insist that the Government of Canada takes a comprehensive approach to accessibility encompassing environment free of physical, attitudinal, technological, sensory, and systemic barriers. For example, this expands accessibility to include a scent-free environment. It also includes calm (quiet) spaces to accommodate environmental sensitivities and ensure safe access to public places for persons with disabilities.

Key points: Places

- Information about places should be in plain language, multiple formats, and multiple modes of communication
- Places to live should be accessible, affordable, available
- Places are accessible if:
 - Environmental barriers are removed
 - Information available in plain language, multiple formats and modes
 - Choices of ways to engage are available
 - Staff is supportive
 - Basic assistive technology available
 - Privacy, confidentiality and dignity are ensured
 - Environment is scent-free and has calm (quiet) spaces

Action points

The Government of Canada should ensure:

- Mandatory use of universal design
- Participation of persons with disabilities in universal design work
- Comprehensive approach
- Enforcement of accessibility standards and codes
- More accessible and affordable housing
- Deinstitutionalization and dignified housing for people with intellectual disabilities

KEY FINDING 3: PERSPECTIVES

Societal perspectives on disability shape experiences of persons with disabilities and have profound impact on their lives. Negative attitudes, prejudices, and stigma are barriers that persons with disabilities face resulting in discrimination, denied services, denied opportunities, and violated rights. Experiences of persons with disabilities range from unhelpful staff in trains, planes, or banks, discriminatory hiring and employment practices, substandard wages, to barriers in accessing justice system, not being treated as full and equal citizens before the law, involuntary medical treatment, and forced segregation and isolation.

“I am employed and the biggest barrier I face in staying healthy and employed is the stigma. I can feel very ostracized at time due to time off needed for my disabilities.”

Survey respondent

The stigmatization of people with disabilities is demoralizing and further complicated by intersectional discrimination that people with disabilities face. People with disabilities face difficult decision about whether to disclose their disability or not. They feel that

because of stigma the negative consequences of the disclosure may outweigh the benefits of access to programs and services.

The media have the big influence on public perspectives about persons with disabilities. Television, radio and printed media rarely portray people with disabilities, but when they do, it is often unfavorable coverage that perpetuates their invisibility and stereotypes. People with disabilities are underrepresented or misrepresented in media. Even in the process of organizing these consultations, it was hard to get coverage for the public sessions. Local media was not interested in disability making it difficult to inform people about the events. A similar lack of coverage is with any other topic that affects daily lives of people with disabilities.

A lack of data on persons with disabilities contributes to invisibility of persons with disabilities. Participants in consultations would like to have data on issues affecting persons with disabilities in order to be able to measure the progress and impact of new legislation.

“We would like to be positive in this regard, but we have neither data nor proof regarding this. We want to know the true state of affairs, to see if the objectives are attainable and how to attain them. Yes, verifiable data and proof!”

Participant from Montreal, QC

Persons with disabilities and their families are deeply concerned with their employment situation. They face discrimination in hiring. There are also expectations that persons with disabilities should volunteer or work for less than minimum wage. They feel that employers do not want to hire people with disabilities. Participants felt that employers fear the costs of accommodation. In addition, employers are not aware of programs that fund employment accommodations. The funding programs do not fund repairs and maintenance of equipment.

“No one wants to pay people with disabilities. They expect people with disabilities to volunteer or work for less than minimum wage. That’s sophisticated slavery.”

Survey respondent

A lack of education is seen as a barrier to employment. However, qualified and experienced persons with disabilities also find it difficult to compete with non-disabled people. They need additional support to enter the labour market. Employment opportunities are linked to educational opportunities and availability of disability supports. Participants explained that the Canada Student Grant for Services and Equipment for Students with Disabilities is insufficient to address the key needs. It covers neither the cost of many assistive technologies nor support workers fees.

Persons with disabilities spoke about stigma that affects their employment and career advancement opportunities. Multiple discrimination particularly affecting Indigenous women with disabilities. Participants recommend that the Government of Canada address practices that violate the rights of people with disabilities that are rooted in societal perspectives of disabled people as dependent and deserving charity. These practices include sheltered workshops that target people with intellectual disabilities.

Many people with disabilities experience injustice and unfair treatment. There is a widespread assumption that people with disabilities are 'dangerous'. This perception along with a lack of knowledge about issues related to mental health and FASD result in higher rates of incarceration of persons with mental disabilities and FASD. However, people with disabilities are disproportionately the victims of crimes. People with psychiatric labels are subjected to involuntary medical treatment without their consent or against their expressed wishes.

Participants described human rights violations and practices that support unjust and harmful treatment. They explained that many people with disabilities face barriers in accessing legal remedies and legal supports. People with disabilities are not treated as full citizens before the law. For example, testimonies of people with psychiatric labels are discounted by the justice system while many people with intellectual disabilities are assumed to be incompetent. The cases of abuse of people with intellectual disabilities do not proceed to the criminal court because intellectually disabled and some elderly in nursing homes are not considered competent witnesses, unless there is other evidence. This makes people with intellectual disability particularly vulnerable to abuse, and perpetrators of the crime often move between jobs without any consequences. Because of this assumed incompetence, persons with intellectual disabilities are often placed under the authority of a substitute decision maker who controls their financial and medical decisions.

According to participants, many people with intellectual disabilities are forcibly restrained, segregated, and isolated. The human rights of people with intellectual disabilities are frequently violated.

“People with intellectual disabilities lack control in their own lives. The accessibility legislation should deliver control to people with intellectual disabilities.”

Participant from Brandon, MB

The assumed incompetence is also affecting other people with disabilities. Participants spoke about many negative experiences with bank employees and gave examples of situations when the bank employees addressed persons who accompanied them although they were perfectly capable to answer the questions independently.

Canadian immigration laws that have medical inadmissibility criteria, see persons with disabilities as burden to the system. Therefore, they are not allowed to immigrate to Canada resulting in families been separated. Participants shared concern around

practices of asking disabled immigrants to agree to pay out of pocket for their own services and support. International students with disabilities face similar problems when they try to stay in Canada after they complete their education. Participants urge the Government of Canada to stop discrimination of persons with disabilities under the immigration law.

Participants see a lack of knowledge about disability among general population as one of the reasons for negative stereotyping, prejudices and stigmatization of persons with disabilities. They urge the Government of Canada to introduce mandatory training to improve awareness about people with disabilities and their rights.

“Implementing legislation and quotas do not change everything. We must also ensure that there is a culture change; for example, conduct continuous training while making sure that employers understand the realities of employment. As for the federal legislation, yes, there will need to be some concrete elements in place, but we must also discuss how we will change the surrounding culture.”

Participant from Montreal, QC

Participants urge the Government of Canada to take a comprehensive, accessibility and inclusion perspective.

“With the new Act a person shouldn’t have to be declared disabled to benefit from accommodations because it should take an 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.

Participant in individual interview

Persons with disabilities are a diverse group of people. A fragmented approach cannot effectively address diversity, intersectionality, and inter-relatedness of disability issues.

“It is nice to have these six areas, but for Indigenous people, if you want to be comprehensive and effective you need to look at poverty, health and education. Because if we look at employment, if a person does not have a place to live it is hard to go and look for work. It is hard to be comprehensive if we limit to only six areas. We should not confine ourselves to six areas.”

Participant in telephone consultations

Key points: Perspectives

Societal perspectives of disability include:

- Negative attitudes
- Prejudices
- Stigma
- Underrepresentation
- Misrepresentation
- Assumed incompetence
- Considered dangerous or not disabled enough
- Being burden
- Fear of cost and liability
- Expected to volunteer or work for substandard wages

These result in:

- Discrimination and marginalization
- Unjust or harmful treatment
- High rates of incarceration
- Involuntary medical treatment
- Forced restraint, segregation and isolation

Action points

The Government of Canada should ensure:

- Comprehensive approach to address disability issues
- Training for all government employees
- Public awareness sessions on disability and human rights
- Equal and equitable coverage in all media

KEY FINDING 4: PROCEDURES

Persons with disabilities must navigate complex systems of programs divided between federal and provincial/territorial jurisdictions. Procedures to qualify for assistance programs are complicated and onerous. It is difficult, frustrating, and time consuming to find out what program one can qualify for. A participant in the telephone consultations stated that he heard many stories of procedural nightmares.

“There are just so many hoops to jump through to gain access to services for Autism.”

Participant from North Bay, ON

The eligibility requirements vary dramatically across programs and regions. The same people can qualify for a program in one region and be considered not “disabled enough” in another region. Some programs have clawbacks while all have income testing. Participants noted that historically Canada has separated the deserving poor from the undeserving in the name of accountability. This makes many people with disabilities fall through the cracks because they just do not qualify anywhere but need temporary financial assistance. Many community agencies that used to help persons with disabilities navigate these complex procedures and systems had their funding cut. Persons with disabilities have been left without needed community support and safety net.

There is a lack of standardized definition of disability as it relates to program eligibility requirements. Several participants and experts commented on a definition of disability. They cautioned that a narrow definition of disability can prevent some persons with disabilities from qualifying for programs. For example, the currently used definition does not include episodic disabilities. On the other hand, a definition of disability that is too broad could be unhelpful in terms of its use for programs, services and benefits. It is suggested during the disability expert conference that the characterization of disability from CRPD could be used in the new accessibility law. The CRPD defines disability as a result of the interaction between persons with impairments and attitudinal and environmental barriers that may hinder their full and effective participation in society on an equal basis with others. Conceptualizing disability as an interaction between an individual and his or her environment shifts the focus from an individual to environment. It also focuses on accessibility as a primary vehicle for ensuring full, effective, and equal participation

In addition to different definitions of disability used by various programs, to qualify some persons with disabilities must prove on an annual basis that they have a permanent disability. Eligibility reassessments cause difficulties and create additional costs. Participants believe that all assistance programs should be federally managed to ensure equality and fairness. They recommend having a single accessible point of entry for all programs to ensure ease of access.

“I have been informed that many Government programs use various definitions of disabilities. Having spent the last 10 years fighting WSIB for fair and just compensation, I have a feeling it’ll take this long with CPPD.”

Survey respondent

Persons with disabilities are often excluded from the planning, implementation and monitoring of the services, programs and policies that have impact on their lives. The lack of participation results in inappropriate or inadequate solutions and persisting negative attitudes towards disabilities. Participants urge the Government of Canada to ensure participation of persons with disabilities in the development, implementation, and monitoring of programs and policies. They insist that persons with disabilities should design and lead awareness and training programs for various stakeholders and the public. Leadership by disabled people’s organizations is essential. Participants recommend the Government of Canada increase funding for DPOs.

In the employment arena, procedures that are inflexible prevent persons with disabilities from getting and keeping their jobs. Flexible work schedules, reduced hours and ability to work from home would facilitate employment of persons with disabilities. Flexible work schedules and paid medical leave would allow many people with disabilities to remain fully employed. Many people with disabilities have been penalized for taking time off work for health-related reasons.

“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.”

Participant in individual interview

Participants recommend that people with disabilities be placed in management roles that allow them to shape workplace policies, procedures and culture. They urge the Government of Canada to legislate employment protection and paid leave for people

with disabilities. Employment protection and paid leave should be extended to parents and spouses of persons with disabilities. Their work is unrecognized and currently they are penalized by employers.

Participants saw the Canadian justice system as inaccessible as it had barriers that prevent people with disabilities from appearing in court and participating in judicial processes. People with disabilities also experience barriers in accessing legal supports. Participants reported an absence of adequate legal aid services in the disability community. Representatives of the Deaf community pointed out that arrests of Deaf people without the ability to communicate are inhumane. They recommended that interpreters be readily available, or officers trained in sign language, or some way to communicate person's rights upon arrest as it required by the Charter.

“All Canadian legislation should live up to the standards set in the CRPD.”

Participant from Brandon, MB

Persons with disabilities face numerous inaccessible procedures in the banking sector that is regulated by the federal Government. Persons with disabilities who cannot sign but need to open a bank account face many barriers. Caregivers described the difficulties they have because the need to bring the account holder to the bank to be physically present even though they have legally authorized a trusted individual to sign on their behalf.

“She’s registered with ODSP and now she needs a bank account and they said that she can’t set up a bank account because she can’t sign her name. So, we’ve been having such a hard time with this because I am Deaf as well and so I’m going there, and I want to sign for her, but they say that I have a disability, so I can’t sign for her.”

Participant from Burlington, ON

Participants spoke about their difficulties in picking up passports at the post office. They had to produce valid identification. The problem some people faced was that they did not have driver's licence; their health card was not valid as it was provincial, their old passport was expired, and the blind people could not use their Canadian National Institute for Blind identification.

Persons with disabilities face a similar problem with identification requirements that exclude them from political participation. Participants described situations when they could not vote in federal elections due to the identification requirement. They felt that persons with disabilities were unfairly excluded because most of them did not have a driver's licence that was used for identification.

Key points: Procedures

- Complexity of programs and jurisdictions
- No standardized definition of disability for programs
- Inconsistent availability of programs across the country
- Inconsistent eligibility criteria across the country and annual reassessments
- Lack of funding
- Lack of participation of persons with disabilities and DPOs
- Inflexible employment conditions
- Lack of employment protection
- Lack of disability knowledge
- Lack of legal aid
- Complaint driven enforcement mechanism
- Inaccessible banking procedures
- Problems with identification documents

Action points

Government of Canada should:

- Manage disability program
- Establish a single accessible point of entry for all programs
- Ensure participation of persons with disabilities and DPOs
- Increase funding for DPOs
- Legislate employment protection and paid leave
- Improve access to legal aid
- Train law enforcement officers
- End complaint-driven enforcement mechanism

KEY FINDING 5: POLICIES

This section presents key findings of the review of the Government of Canada's policies, regulations and legislation. The review covers five areas: communications, transportation, employment, elections and immigration. Insights from consultations and the disability expert conference are used in this section to illustrate findings of the review and anchor them into participants' and experts' experiences.

The Government of Canada's proposed accessibility legislation should create the policy environment in the whole country that will ensure meeting its obligations under the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act and the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

“The new law should ensure that Canada is compliant with CRPD, and that the reservation is withdrawn.”

Participant in telephone consultations

The new federal accessibility law was seen by participants as a great opportunity for the Government of Canada to be an accessibility champion and lead the way. This is consistent with Canada’s role in the world. They emphasized the importance of the Government leadership. First, leadership must come from the Minister responsible for accessibility. Second, the Government leadership must be demonstrated by using the whole government approach. Accessibility must be part of the portfolio of every Minister, every department, and every deputy Minister. A participant in the disability expert conference suggested including accessibility direction in the mandate letters of all Ministers. It was emphasized that the Government of Canada should use its purchasing power through procurement, infrastructure spending and grants to ensure accessibility.

Participants in consultations gave examples of discriminatory policies, regulations, and legislation at all levels of government that were in contravention with the Charter, the Canadian Human Rights Act and the CRPD. Participants agreed that marginalization of persons with disabilities by governing bodies perpetuates the stigma and influences the wider social attitudes towards people with disabilities.

“There is a guiding principle: we have to work hardest for the most marginalized. The legislation needs to bend over backwards to ensure that people with intellectual disabilities are represented at every level in ways that makes a difference.”

Participant from Brandon, MB

Participants pointed out that accessibility standards, programs and services, and their eligibility criteria vary significantly between provinces and territories. Jurisdictional issues represent barriers for persons with disabilities. Participants spoke about prolonged fights with government agencies to fulfill their rights because of a lack of enforcement mechanisms. Participants in the disability expert conference and consultations recommended the development of transparent enforcement mechanisms that were a combination of public and private enforcement.

“Transparency is also very important. Yes, governments can enact legislation, but we need also to be able to ensure that follow-through has taken place and that we have proof of its implementation.”

Participant from Montreal, QC

Experiences of introducing accessibility standards and their enforcement in Ontario, United States and Israel were shared during the disability expert conference. In Ontario, implementation of the Accessibility for Ontarians with Disabilities Act (AODA) was slow. There was a feeling among both persons with disabilities and organizations obliged to

implement the AODA that different organizations did not know what they were supposed to do despite their commitment. The standards were very general and very vague. Organizations were spending resources trying to figure out just basic requirements and distracting from the broader goal of pushing accessibility beyond the minimum standards.

It was recognized that setting standards is a complex and balancing act. Standards must be general enough to be applicable to a wide variety of situations and environments. On the other hand, they must be specific enough to provide sufficient guidance for organizations on how to meet them. All standards must be harmonized to be effective.

Communications

The legal and regulatory framework for broadcasting and telecommunications in Canada is inaccessible due to its complexity. No single document contains all the accessibility requirements in these areas. These requirements are buried in CRTC decisions, policies, regulations, notices and conditions of licence and service. This patchwork of rules should be synthesized into two sets of accessibility regulations: one for broadcasting and one for telecommunications. The CRTC should increase its monitoring and enforcement of existing accessibility requirements. The CRTC should also be given the authority to issue penalties for broadcasters' non-compliance with these requirements.

Participants in consultations expressed their concern about the absence of closed captioning and descriptive video available. The ability to receive accessible channels by satellite and cable are governed by the CRTC. All customers must buy the same package although only few channels are accessible. Participants feel that they are treated unfairly because accessible channels are marketed as add-ons and cost extra money.

Unbundling the packages and allowing people with disabilities to purchase only services they can use will be important step forward. This also applies to mobile phone packages. The new law should make CRTC responsible for implementation and regulation of accessibility standards for broadcast and telecommunications.

“I have a 6 GB plan, but I pay for that like everyone else, there are no plans tailored for Deaf persons. For example, I am required to pay for voice service in my plan, even though I don’t use it. Some businesses like Telus can specifically remove the voice option for Deaf persons, but I don’t get any accessibility discounts with Vidéotron. Only these themselves can decide whether to be accessible or not.”

Participant from Montreal, QC

Transportation

Accessible transportation is essential to ensure that people with disabilities have equal opportunities to participate in all aspects of Canadian society. Canada is lagging behind other jurisdictions by relying on voluntary accessibility standards for transportation by air, rail and sea.

“I took a boat last year to go to Gaspé, it wasn’t adapted. I cried all the way to Magdalen Islands.”

Participant from Montreal, QU

To ensure a fully accessible transportation system, Canada must adopt accessibility standards in enforceable legislation or regulations. Instead of relying on complaints to address accessibility issues, the Canadian Transportation Agency should have the authority to initiate investigations and issue general orders. Transportation providers should be required to annually report on the number and nature of the accessibility complaints they receive.

Employment

Canadians with disabilities experience ongoing discrimination in recruitment, hiring, promotions and training. The Employment Equity Act should require the Canadian Human Rights Commission to publish detailed reports on its compliance audits. People with disabilities should be able to file human rights complaints based on information obtained through these audits. Employers covered by the Federal Contractors Program should be subject to the same reporting requirements as the public and the federally-regulated private sectors. The Minister should be able to impose monetary penalties on public-sector employers who breach their reporting requirements.

“The government of Canada is the largest employer in Canada, but it has no focus on hiring people with disabilities. A dedicated hiring program would be really important.”

Participant from St John, NB

Participants in consultations urge the Government of Canada to hire more people with disabilities by developing a hiring process that target people with disabilities for jobs in the civil service. Participants expect the Government to lead by example in inclusive policies and practices. This means going beyond a quota system to address diversity of the federal civil service. The Government should develop inclusive hiring policies and ensure meaningful jobs that reflect person’s credentials and skills, including jobs for people with intellectual disabilities. Participants also commented on procurement policies that are problematic because there is little or no stipulation for vendors to hire persons with disabilities.

“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.”

Participant in individual interview

Elections

Voters with disabilities continue to face countless architectural, communicational and legal barriers in Canada’s electoral process. The accessibility requirements in the Canada Elections Act should be broadened to require all polling stations to be barrier-free. Polling stations should be equipped with an array of accessibility tools. Voting assistance should be available to all people with disabilities. Voters with disabilities who are assigned to inaccessible polling stations should have the option of voting from home. Election officers should be required to report on the use of accessibility tools and voting assistance in each election. They should also report on the measures taken to remove and prevent barriers in each district.

Immigration

People with disabilities are routinely deemed inadmissible to Canada under the “excessive demand” clause of the Immigration and Refugee Protection Act. The government’s implementation of this clause makes it virtually impossible for people with disabilities and their families to immigrate to Canada.

“Eliminate blatant discrimination from immigration laws.”

Participant from St John, NB

This discriminatory clause should be repealed. As an interim measure, the Minister should be required to publicly report on the number of people with disabilities and their relatives who apply for, who obtain and who are refused permanent resident status each year.

Key points: Policies, regulations, legislation

Standards and policies – barriers

- Voluntary accessibility standards
- No standards that are enforceable in legislation or regulations
- Complaints driven system
- Limited monitoring of existing accessibility requirements
- Persons with disabilities are routinely deemed inadmissible to Canada
- No opportunity to file human rights complaints based on information from compliance audits
- Limited authority of responsible federal agencies and Minister
- No authority to initiate investigations of compliance and issue general orders
- No authority to issue penalties for non-compliance with existing accessibility requirements
- No authority of the Minister to impose monetary penalties on public-sector employers for breach of reporting requirements

Reporting

- No reporting on the number and nature of the accessibility complaints, use of accessibility tools and assistance, and measures taken to remove barriers
- No publicly available reports on compliance audits
- No requirement for federal contractors to report like public and federally regulated private sectors
- No reporting on the number of people with disabilities and families who apply for, who obtain and who are refused permanent resident status each year

Accessibility

- Complexity of CRTC system
- No requirement that all polling stations be barrier-free, provide an array of accessibility tools and options, including voting assistance and voting from home

Action points: Policies, regulations, legislation

The Government of Canada should:

- Adopt accessibility standards in enforceable legislation and regulations
- Give authority to the Government agencies to investigate accessibility issues and issue orders
- Abolish the complaint system as a mechanism to address accessibility issues
- Ensure annual reporting on the number and nature of accessibility complaints
- The Employment Equity Act should require the Canadian Human Rights Commission to publish detailed reports on compliance audits
- People with disabilities should be able to file human rights complaints based on the information from these audits
- Federal contractors should be subject to the same reporting rules as the public and federally regulated private sectors
- Minister should be able to impose monetary penalties on public sector employers who breach reporting requirements
- Broaden the accessibility requirement in the Canada Elections Act to require all polling stations to be barrier-free, equipped with accessibility tools, have voting assistance, and provide option to vote from home
- Election officers should report on the use of accessibility tools and measures taken to remove and prevent barriers in each district
- Repeal “excessive demand clause” of the Immigration and Refugee Protection Act
- Require the Minister to publicly report on the number of people with disabilities and their relatives who apply for, who obtain and who are refused permanent resident status each year in the interim period
- Ensure that the new law enables the Government to meet its obligation under CRPD, the Charter, and the Canadian Human Rights Act

PRIORITIES: NOTHING ABOUT US WITHOUT US

Following priorities emerged from the consultations conducted by the Alliance for an Inclusive and Accessible Canada.

The new federal accessibility law should:

- Recognize diversity of people with disabilities and existence of multiple discrimination and marginalization due to the intersection of disability with other marginalized identities.
- Target priority groups within the disability community that face multiple discrimination and marginalization.
- Include measures that would eradicate poverty among persons with disabilities such as guaranteed income, refundable tax credit, changes in eligibility for various federal programs, employment security, expansion of benefits to include respite care and paid leave, and funding for assistive devices.
- Be people centred and rights based to ensure that:
 - Access to information in plain language, multiple formats and modes of communication is a right not a privilege
 - Accessible information in multiple formats and multiple modes of communication (including interpreters) is available consistently in federally regulated physical and virtual places
 - Accessible and affordable housing is made available for persons with disabilities
 - Privacy, confidentiality and dignity are ensured for persons with disabilities when accessing federally regulated physical and virtual places and services
 - Persons with intellectual disabilities are deinstitutionalized
- Introduce a standardized and inclusive definition of disability that is aligned with CRPD, standardized eligibility criteria, and standardized programs, services and benefits.
- Introduce enforceable accessibility standards to be used across the country, including mandatory use of universal design.
- Be enforceable in legislation and regulations; it should not rely on voluntary compliance and complaints-based enforcement mechanisms.
- Facilitate inter-jurisdictional collaboration, between federal, provincial and territorial, and municipal governments, to simplify procedures for persons with disabilities.
- Ensure that persons with disabilities have equal and equitable coverage in all media.

- Give authority to Ministers and Government agencies to order, issue orders and impose monetary penalties for non-compliance.
- Ensure monitoring and reporting on the number and nature of accessibility complaints.
- Ensure that the Canadian Human Rights Commission publishes detailed reports on the Employment Equity Act compliance audits; and that persons with disabilities could use information from audits to file human rights complaints.
- Ensure that federal contractors are subject to the same reporting requirements as the public and federally regulated private sectors.
- Ensure that the accessibility requirement in the Canada Elections Act requires all polling stations to be barrier-free, equipped with accessibility tools, have voting assistance, and provide the option to vote from home; and require election officers to report on the use of accessibility tools and measures taken to remove or prevent barriers.
- Ensure that the “excessive demand” clause of the Immigration and Refugee Protection Act is repealed; and in the interim period require the Minister to publicly report on the number of persons with disabilities who apply for, who obtain and who are refused permanent resident status.
- Provide support for federal inclusion of visual languages in federal jurisdiction by declaring American Sign Language (ASL) and Langue des Signes Quebécoise (LSQ) as official languages.

The Government of Canada should:

- Use an inclusive and comprehensive approach, and a lens of diversity, accessibility, inclusion and intersectionality.
- Use the whole – of - government approach to make accessibility part of responsibilities of every department and a requirement for procurement, infrastructure spending, and grants.
- Ensure that the new accessibility law is understood among various stakeholders by providing awareness-raising and training sessions on the new law, disability and human rights that are designed and led by persons with disabilities and DPOs.
- Sessions should be organized for all government employees, law enforcement officers, bank and transit staff, media, employers, etc.
- Manage assistance programs to ensure equality and fairness across the country and create a single point of entry for all programs.
- Ensure that persons with disabilities and DPOs are included in planning, implementation and monitoring of all policies, programs and services that are

relevant for persons with disabilities including training and awareness sessions on the new federal accessibility law.

ACKNOWLEDGEMENTS

This report is the result of months of collaboration among partner and member organizations of the Alliance for an Inclusive and Accessible Canada. The organizing partners would like to thank everyone who participated in public sessions, discussion groups, interviews, the disability expert conference and surveys in Phase 1 and Phase 2 of the project. Our gratitude goes to Steven Estey, our Project Manager who took responsibility for completing the project.

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