

CAIP Lawyers' Panel LEGISLATION RECOMMENDATIONS

August 2017



Canadian Access and Inclusion Project  Projet canadien sur l'accès et l'inclusion

An Initiative Led By:



Spinal Cord Injury Canada

Lesions Médullaires Canada

Did you know?

32 organizations have partnered with the Canadian Access and Inclusion Project to help make Canada more accessible

62 access and inclusion consultations have been held across our country

660 people participated in the consultations and workshops

10 workshops were held within First Nations communities

CAIP Lawyers' Panel LEGISLATION RECOMMENDATIONS

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“I am excited to start hearing from Canadians on how we can better address accessibility issues. This is a big step in helping to ensure our communities become more inclusive for all Canadians. From the beginning, it has been our goal to do things differently; to involve Canadians in the matters that affect them. The feedback we hear through this process will help shape the new legislation.”

– The Honourable Carla Qualtrough, Minister of Sport and Persons with Disabilities

EXECUTIVE SUMMARY

In the following pages, you will find the recommendations of CAIP's Lawyers' Panel. Consisting of a group of experts in the field of disability rights from across the country, this panel was convened to provide expertise and legal knowledge about the barriers that persons with disabilities face in Canada and how to eradicate them. Ultimately, their guidance will shape the new federal accessibility legislation to be tabled in late 2017.

The panel looked at 2016 data collected from consultations that CAIP's partners conducted nationwide with persons with disabilities (PWD) and their families and caregivers. The lawyers evaluated existing legislation to understand where weaknesses and gaps exist across these categories: the built environment, employment and education, transportation, economic self-sufficiency, health care, housing and lodging, communications and media, and citizenship and justice. They suggested amendments to address these limitations and proposed new legislation. Specific and practical recommendations for change are outlined for each category.

In the built environment, participants emphasize that all buildings, places of business, and public spaces should be accessible and PWD able to manage independently therein. Principles of universal design should be enacted, and financial incentives provided to business and building owners to make their facilities accessible.

In the realms of employment and education, quotas, wage subsidies, incentives to return to work, and vocational programs will improve outcomes for PWD. Funding for every level of education (including for educational staff) should be increased, with extra care given to the special circumstances of First Nations.

In transportation, the main areas of concern are public transit (including lengthy wait times), air travel, and vehicle modifications.

In terms of economic self-sufficiency, more robust living grants need to be provided so that PWD do not continue to experience disproportionate and unacceptably high levels of poverty. Funding also must be enhanced such that PWD can thrive, not merely survive.

In the area of health care, our respondents told us that increased funding is a necessity, including, for instance, enhanced home care, services for dual diagnoses, rehabilitation services, and pharmacare; for First Nations, the need for holistic healing options was highlighted.

In housing and lodging, more funding is needed for people to modify their homes and built new homes that are accessible. Incentives and strict laws for building accessible housing should be enacted with accessible units for renting.

For First Nations respondents, an overall lack of housing was a major concern, and accessible and long-term-care options are direly needed.

In the areas of communications and media, respondents call for positive portrayals of persons with disabilities and demand that all forms of information should be in a format accessible to each individual.

In our largest category, citizenship and justice, the required changes are wide-ranging:

- Consistency across the accessibility policy landscape,
- Enforced compliance with existing and new legislation,
- Enhanced involvement of PWD in politics and accessibility planning,
- Mandatory disability awareness education,
- Standardized definitions and terminology,

CAIP's MISSION is to improve access and inclusion for people with disabilities in all aspects of Canadian society. We aim to do this by providing a diverse representation of relevant disability stakeholders to co-create key elements that will inform the development of relevant and behaviour-changing federal accessibility legislation.

- Streamlining of services and funding,
- First Nations-specific concerns are critical, such as streamlined and enhanced funding as well as an enhanced public voice for Aboriginal people with disabilities, and
- Societal participation of PWD in recreational and community life should be increased through funding for social, cultural, and recreational participation.

The standards outlined herein should be met within 12 months. If they are not met, the offending body must answer to the new agency or commission that will be created out of the new legislation.

Ultimately, the legislation should adhere to the following key principles:

- It cannot act alone and should be supported by the tapestry of other bodies within the federal government, including human rights bodies, which can support a barrier-free and pro-inclusion objective.
- It should be administered and/or directed by individuals with a disability.
- It should include public education and programs that promote attitude changes.
- Data retrieval, publication, and dissemination should be undertaken in a transparent manner. No cloaked reports, decisions, or settlements.
- Financial incentives are critical to enforcement. Procurement policies must include financial incentives and disincentives to ensure compliance.

INTRODUCTION

It is a very exciting era for accessibility and inclusion in Canada. The document you are reading has been drafted to support the Minister of Sport and Persons with Disabilities in efforts to craft new federal accessibility legislation. The Canadian Access and Inclusion Project, or CAIP, represents 31 well-established Canadian disability organizations; together, we held nationwide community-based consultations. We used existing networks of organizations that represented different disability communities to talk to nearly seven hundred Canadians about their experiences with disability. We wanted to learn about the barriers that prevent Canada from being a fully accessible and inclusive society. A summary of the results [is available here](#).

BACKGROUND

People with disabilities (PWD) experience persistent and unacceptable socio-economic disadvantage and discrimination in Canadian society and worldwide. Throughout human history, they have been viewed as “subjects of charity” and denied opportunities for participation and rights afforded to other members of society (Quinn 2009).

Disability must be considered within its societal context; it is not the individual whose impairments present a barrier, rather the prejudices of other community members that can isolate and stigmatize those who have a disability (*Federal Disability Reference Guide*, 2013). This approach examines disability through an analysis of societal inequalities. From this perspective—one that CAIP strongly advocates—being “disabled” is not a medical condition but a consequence of society’s structural and attitudinal barriers that can isolate and marginalize PWD (Harpur 2012).

It is critical for the government of Canada to lead the way. Our country is dedicated to providing full participation and the rights and obligations of citizenship. Although Canada has disability rights enshrined in our constitution (*CCD Online*, 2012), we do not have national disability legislation—unlike the United States, Britain, and Australia. Canada’s legislation is good, but it must be stronger. When there are barriers to people being involved in the participation of our country, we miss great knowledge and gifts that people can bring to us.

THIS REPORT

This document makes use of the [A Review of Federal Disability Policy in Canada \(3rd edition\)](#), which documents all policies at the federal level that explicitly address disability and the issues facing PWD. This document was created by the Canadian Disability Policy Alliance (CDPA), a national collaboration of disability researchers, community disability organizations, and federal and provincial policy-makers, aimed at creating and mobilizing knowledge to enhance disability policy in Canada, and to promote equity and opportunity for persons with disabilities (PWD).

Canada has a sophisticated human rights complaints mechanism that this legislation will complement. We are conscious that key areas of barriers and failure to accommodate can be referred to these human rights bodies. Indeed, these partnerships are critical for the disability community and all equality seekers. The standards outlined herein should be met within 12 months, and if the party cannot meet appropriate standards of inclusion, then they must provide an explanation for their failure. That would mean answering to the new agency or commission that will be created out of the new legislation.

A panel of lawyers from across the country was convened to leverage their expertise towards:

1. Evaluating existing federal legislation to understand where and how “gaps” are manifesting (locate where the problems in our existing policy environment lie);
2. Making recommendations for amendments or for new legislation.

The data from our consultations have been divided into the following categories for analysis:

1. The Built Environment
2. Employment & Education
3. Transportation
4. Economic Self-sufficiency
5. Health Care
6. Housing & Lodging
7. Communications & Media
8. Citizenship & Justice

Ultimately, the legislation should adhere to the following key principles:

- It cannot act alone and should be supported by the tapestry of other bodies within the federal government, including human rights bodies, which can support a barrier-free and pro-inclusion objective.
- It should be administered and/or directed by individuals with a disability.
- It should include public education and programs that promote attitude changes.
- Data retrieval, publication, and dissemination should be undertaken in a transparent manner. No cloaked reports, decisions, or settlements.
- Financial incentives are critical to enforcement. Procurement policies must include financial incentives and disincentives to ensure compliance.

LEGISLATIVE AND POLICY TOOLS

We agreed that we have the following tools at our disposal:

- Amend existing legislation: Put forward an omnibus bill to amend existing federal statutes to include specific clauses that better address the situation of people with disabilities;
- New legislation: Propose new federal legislation to set standards for accessibility and inclusion in Canada;
- FPT Process: Convene a Federal-Provincial-Territorial process to work with the provincial governments to address issues under provincial and municipal jurisdictions;
- Procurement policy: Amend the existing federal procurement and contracting policies to promote compliance with accessibility standards;
- Human rights approach: Recommend changes to existing human rights legislation and procedures to take a proactive approach rather than a corrective approach; that is, to affect systemic change rather than individual redress.
- Enforcement: Shore up enforcement provisions to ensure that existing laws and policies are upheld. These are beyond the scope of our committee, but we can make recommendations to the CCD/CAD group working on enforcement, to ensure that they are aware of all the areas where improved enforcement is required.

On the following pages, you will find our findings and recommendations. Each area of analysis is analyzed using the above legislative and policy tools and presented first in summary form. This is followed by the full results in Appendix I and the biographies of our Lawyers' Panel members in Appendix II.

BUILT ENVIRONMENT

Participants emphasized that all buildings, places of business, and public spaces should be accessible. Specifically, people with disabilities should be able to manage independently in all buildings, which requires addressing issues such as heavy doors and inaccessible washrooms. Enforcement of existing laws should be stepped up with penalties for non-compliance. All old infrastructure should be updated and universal design principles enacted in new construction. Financial incentives such as funding and tax relief should be provided to encourage building and business owners to make their structures and grounds accessible. Crucially, people with disabilities should be involved in every step of the design and planning process, working in collaboration with engineers, architects, and design experts.

RECOMMENDATIONS

AMENDMENTS:

- Federal building code.
- Heritage buildings:
 - A more radical approach than what is articulated in [Standards and Guidelines for the Conservation of Historic Places in Canada](#) may be necessary.
- Tax credits for accessibility improvements.
- Canada Mortgage & Housing Act.

NEW LEGISLATION:

- Built environment standard.

FPT PROCESS:

- Provincial building codes.
- Licensing for businesses, hospitality, and buildings.
- Municipal street, sidewalk, lighting standards.
- Municipal parking standards.
- Each province should have a document similar to [The Ontario Historical Society's Accessible Heritage Toolkit](#), enforceable by law.

PROCUREMENT POLICY:

- All businesses doing business for the federal government must be accessible.
- Federal contracts may include cost of modifications for access.
- Federal government should mandate that compliance with accessibility regulations for heritage sites is a condition for receiving funding.

HUMAN RIGHTS APPROACH:

- Funding for proactive monitoring of physical accessibility.
- Canada Human Rights Act: Duty to Accommodate.

ENFORCEMENT GROUP:

- Building inspectors.
- [Standards and Guidelines for the Conservation of Historic Places in Canada](#):
 - Must be enforceable by law.

IN THEIR OWN WORDS:

“Lack of wheelchair accessibility of accommodations in national parks.”

“Look to other nations (e.g. Scandinavia) for physical accessibility standards.”

“All three levels of government must commit to consistently applying national building code standards.”

“Incorporating accessibility throughout an entire organization and not just restricted to a small space (e.g. just the first floor of a building).”

EMPLOYMENT & EDUCATION

Across the country, participants emphasized the need for more and better opportunities for employment for PWDs. Quotas, wage subsidies, incentives to return to work, and vocational programs were some of the suggestions that we heard. In the realm of education, some changes that were called for included extra learning support for persons with disabilities, enhanced vocational skills offerings, and funding for every level of education (including for educational staff). First Nations respondents, especially, stated that educational assistance, adult education opportunities, and alternative learning needs for First Nations children with learning and behavioural issues were necessary.

RECOMMENDATIONS

Employment

AMENDMENTS:

- Department of Employment and Social Development Act's Opportunities Fund for Persons with Disabilities:
 - Increase funding and number of grants made.

NEW FEDERAL LEGISLATION:

- New federal accessibility legislation should define discrimination in employment to set the same consistent standards throughout the country.
- Incentives for individuals include funding for supplies, income assistance, and continuing supports in initial stages of employment.
- Requirements for physical access according to universal access standards.

FPT PROCESS:

- Set political agreement regarding conditions for funding of provinces.
- Ensure provincial and territorial employment legislation mandates against job discrimination in private or public sector employers with 15 or more people.
- A federally funded health care plan to remove the concerns of employers who may be reticent to employ PWDs because of insurance cost concerns.
- Federal support for provinces and territories would provide incentives in the form of financial contributions, like transfer payments along the lines of the federal health care act.
- Incentives for employers or potential employers:
 - financial subsidies
 - financial incentives in other federal legislation, e.g. Income Tax Act.

PROCUREMENT POLICY:

- Federal contracts may include cost of modifications for access.

HUMAN RIGHTS APPROACH:

- None.

ENFORCEMENT GROUP:

- Create an equal employment opportunity council/board that would have primary enforcement responsibility.
- Enforce existing Employment Equity Act in all employment practices.

IN THEIR OWN WORDS:

"All federal government departments need to diversify [their] workforce of people with disabilities."

"Individuals receiving CPPD should not be penalized for making extra money."

"Set clear goals and targets for employment rate of persons with disabilities."

"Vocational funding and incentives [needed]."

Education

AMENDMENTS:

- Across provinces and territories, ensure provincial education legislation addresses:
 - Individual Education Plans (IEPs)
 - Include and legislate definitions (for instance, of diverse disabilities) and terms.
 - Provide similar student support services currently available across Canadian community colleges and universities.
- Canada Student Financial Assistance Act's Canada Student Grant for Students with Permanent Disabilities:
 - Increase funding from present \$2000 per academic year.
- Canada Student Financial Assistance Act's Canada Student Grant for Services and Equipment for Students with Permanent Disabilities:
 - Increase funding from present \$2000 per academic year.

NEW FEDERAL LEGISLATION:

- New federal children with disabilities education act similar to US model.
- Caseworkers to be assigned per student for liaison and guidance.
- Supplementary aids and technology when feasible.
- Need for legislation, regulations, policies, implementation, support, monitoring, and enforcement, to require all provinces and territories to enact, implement, support, and maintain vocational rehabilitation programs for people with disabilities.
 - Include funding and support for university and degree programs, as well as technical and skills training programs.

FPT PROCESS:

- Set political agreement regarding conditions for funding of provinces.
- Federal legislation framework should focus on supporting children with disabilities across Canada similarly.

PROCUREMENT POLICY

- None.

HUMAN RIGHTS APPROACH:

- None.

REFER TO ENFORCEMENT GROUP:

- Include a due process clause that guarantees a special education appeal board, an impartial hearing to resolve conflicts between the parents of children with disabilities and the school system.
 - Seek judicial review to a tribunal of the administration's decision if unresolved at school level.
- Identification and placement review committee annually across country.

TRANSPORTATION

Our participants told us that, at present, transportation options are limited and unaffordable. Some areas of concern were public transit, air travel, and vehicle modifications. Lengthy wait times for accessible public transportation should be ameliorated.

RECOMMENDATIONS

AMENDMENTS:

- Canada Transportation Act:
 - Include a definition of disability.
 - Voluntary codes should be converted to regulations.
 - Creation of more accessible parking places.

NEW LEGISLATION:

- Canada Transportation Act should produce “score cards” for transportation providers that evaluate their accessibility and compliance every two years.

FPT PROCESS:

- Model akin to Canada Health Act.

PROCUREMENT POLICY:

- Could use model of the Federal Contractors Program in areas such as employment equity.
- Grants for public transit projects should only be provided for projects that are sufficiently accessible.
- Federal subsidies for private enterprises that produce vehicles for common transportation (e.g. Bombardier) should be contingent on adherence to principles of universal design.

HUMAN RIGHTS APPROACH:

- Implementation of the UN Convention on the Rights of Persons with Disabilities into the Canada Transportation Act.
- Any expansions of jurisdiction of the Canada Transportation Agency should be accordingly funded.

ENFORCEMENT GROUP:

- Canadian Transportation Agency.
- Canadian Human Rights Commission.
- Enforcement of parking provisions in the Government Property Traffic Act: Government Property Traffic Regulations, Airport Traffic Regulations, Traffic on the Land Side of Airports.

IN THEIR OWN WORDS:

“Public and private transportation needs to be accessible—readily available at a reasonable cost.”

“Transit integration—improve wait areas and system integration between accessible transit services (e.g., TTC and Viva).”

“Improvements to transportation in rural or First Nations communities.”

“People need to understand the actual purpose of accessible parking spaces. They are meant for extra space in order to get out of the vehicle with enough room, not necessarily for a shorter walking distance.”

ECONOMIC SELF-SUFFICIENCY

Throughout our consultations, we learned that people with disabilities often struggle to cover the basic costs of living, let alone the “extras” that would allow them to really thrive, not just survive. More robust living grants provided by the provinces must be negotiated, such that, combined with the acts/grants/bonds listed below, people with disabilities can live free from poverty. In 2009, 41.3% of women with a disability and 40.6% of men with a disability had low-income status (see Canadian Human Rights Commission’s 2012 [Report on Equality Rights of People with Disabilities](#)).

RECOMMENDATIONS

AMENDMENTS:

- Canada Pension Plan Disability Benefit:
 - Increase amount allocated per person.
 - Add vocational, rehabilitation services, and pharmacare.
 - Government should include the child-rearing and disability drop-out provisions.
- Canada Disability Savings Grant, Canada Disability Savings Bond, Canadian Forces Members & Veterans Re-establishment and Compensation Act, Civilian War-Related Benefits Act, Excise Tax Act, Pooled Registered Pensions Plan Act, War Veterans Allowance Act, Veterans Review & Appeal Board Act:
 - Increase amount allocated per person, by a percentage or amount to be determined by the terms of the act, grant, or bond.
- Income Tax Act
 - Increase amount of tax credits available for those with disabilities or their caregivers.
 - Fewer restrictions on what can be claimed as a deduction or a credit.

NEW LEGISLATION:

- Western Economic Diversification Act’s Entrepreneurs with Disabilities Program:
 - Enact a similar program in the remainder of the country.

FPT PROCESS:

- None.

PROCUREMENT POLICY:

- None.

HUMAN RIGHTS APPROACH:

- None.

ENFORCEMENT GROUP:

- None.

IN THEIR OWN WORDS:

“Raise people with disabilities out of poverty.”

“Funding needs to be available for persons with disabilities to have their equipment needs met.”

HEALTHCARE

Throughout the consultations, the need for increased funding for healthcare-related expenses, as well as access to services and treatments, was a consistent theme. Participants called for enhanced home care, services for dual diagnoses, rehabilitation services, day programs, weekend support services, occupational therapy, pharmacare, and trained service animals, amongst other requests. For First Nations respondents, holistic healing centres and more funding for better staffing of service providers were priorities.

RECOMMENDATIONS

AMENDMENTS:

- Canada Health Act:
 - Increase funding for home support, pharmaceuticals, and therapy programs.
 - Improve access to appropriate health care and services, and improve their quality.
- Health Canada: First Nations and Inuit Health Branch
 - More financial resources for staffing required.

NEW LEGISLATION:

- Creation of local holistic healing centres for First Nations communities.

FPT PROCESS:

- Establishment of health care standards nationwide.
- Direct federal funding for First Nations issues.
- Criteria for provincial funding: must meet independent living or human rights standards.
- Prescription coverage.

HUMAN RIGHTS APPROACH:

- United Nations Declaration on the Rights of Indigenous Peoples: Affirms indigenous peoples' rights to traditional medicines and their traditional health practices.

ENFORCEMENT GROUP:

- Department of Veterans Affairs Act: three- or five-year review.

IN THEIR OWN WORDS:

"[Need for] more health care dollars associated with therapies and medically-related travel."

"Lack of respite and support services for families/parents/caregivers with children/adults with autism."

"Everyone's medical needs should be met federally or provincially as a standard that all provinces must meet. Prescription coverage needs to be offered."

HOUSING & LODGING

Participants pointed out that some buildings currently deemed accessible are still problematic; many “accessible” hotel rooms have too-heavy doors, beds that are incompatible with certain types of lifts, and too-little space around the bed. Lack of or insufficient subsidies to purchase or rent housing, as well as too-little subsidies for social housing, were reported. There should be more funding available for persons with disabilities to modify their homes to meet accessibility standards. Incentives, tax breaks, and strict laws for building accessible housing should be enacted with special care taken to provide accessible units for renting. For First Nations respondents, an overall lack of housing was a major concern, and accessible and long-term-care options are direly needed.

RECOMMENDATIONS

AMENDMENTS:

- National Building Code of Canada
- Heritage buildings
- Increase funding for modifying existing dwellings through programs such as:
 - Canadian Mortgage and Housing Corporation’s Residential Rehabilitation Assistance Program for Persons with Disabilities (RRAP-Disabilities) on Reserve
 - Canadian Mortgage and Housing Corporation’s Accessible Housing Program

NEW LEGISLATION:

- Built environment standards.

FPT PROCESS:

- Provincial building codes.
- Licensing for businesses, buildings.
- Accessibility legislation in every province.
- Municipal street, sidewalk, lighting standards.
- Municipal parking standards.

PROCUREMENT POLICY:

- All housing doing business for and with federal government must be accessible.
- Federal contracts may include cost of modifications for access.

HUMAN RIGHTS APPROACH:

- Funding for proactive monitoring of physical accessibility, as well as invisible and sensory accessibility.

ENFORCEMENT GROUP:

- Building inspectors needed to enforce existing and new built environment standards.

IN THEIR OWN WORDS:

“Assisted living facilities are not all currently fully wheelchair accessible.”

“Affordable, safe, accessible housing, supportive housing options [needed].”

COMMUNICATIONS & MEDIA

Respondents told us that positive media portrayals of persons with disabilities and their families should be prioritized, and that all forms of information should be in a format accessible to each individual. All CRTC programming should be, at a minimum, close-captioned. There should be severe consequences for open bigotry against disabilities in media, whether in fictional representations or in newscaster commentary.

RECOMMENDATIONS

AMENDMENTS:

- Privacy Act
- Broadcasting Act
 - All streaming through CRTC-funded news websites (e.g. CBC) needs to have closed-captioning.
 - All streaming and all television broadcasts of CRTC-funded channels need described video.

NEW LEGISLATION:

- Institute severe consequences for open bigotry against disabilities in media.

FTP PROCESS:

- None.

PROCUREMENT POLICY:

- Develop a disability strategy for positive portrayal of disability within broadcasting media.
- Refuse to grant licences to broadcasting bodies that do not have an inclusion plan.

HUMAN RIGHTS APPROACH:

- None.

ENFORCEMENT GROUP:

- Enforcement of Broadcasting Act.

IN THEIR OWN WORDS:

“PWDs need to be portrayed as people.”

“CBC to highlight coverage of people with disabilities, including in sport.”

CITIZENSHIP & JUSTICE

Throughout our consultations, one of the broadest-ranging themes that emerged was the critical need for citizenship and justice, for opportunities for full participation in Canadian society and for having a voice. Although this category is somewhat intangible, we received scores of suggestions that broadly fell into these categories:

- Consistency across the accessibility policy landscape from local to provincial to federal level is essential,
- Compliance with existing and new legislation must be strictly enforced,
- Enhanced involvement of PWD in politics and accessibility planning is necessary,
- Ideological/attitudinal barriers are damaging and lead to devaluation of PWDs; disability awareness education should be mandated,
- Standardized definitions and terminology should be enacted, while at the same time avoiding a “medical” approach,
- Service and funding coordination needs to be streamlined to minimize bureaucratic issues; a “one-stop shop” was suggested,
- First Nations-specific concerns are critical, such as streamlined and enhanced funding as well as an enhanced public voice for Aboriginal people with disabilities, and
- Societal participation of PWD in recreational and community life should be increased through funding for social, cultural, and recreational participation.

RECOMMENDATIONS

AMENDMENTS:

- Canadian Charter of Rights and Freedoms
- Canadian Human Rights Act
- Canada Elections Act
- Corrections & Conditional Release Act
- Canadian Victims Bill of Rights
- Canada Evidence Act
- Indian Act

NEW FEDERAL LEGISLATION:

- Canada Elections Act:
 - Develop policies that allow for new technology for voting and accommodation for transportation barriers.
- Indian Act:
 - New regulations that pay special attention to PWD and accessibility issues.

FPT PROCESS:

- Incorporate the spirit of the UN-Convention of the Rights of Persons with Disabilities (CRPD) within FPT processes.
- Awareness at FPT levels of the social model of disability.
- Regulations ensuring governments can enter into bi-lateral agreements to meet certain requirements on cost-shared programs.

PROCUREMENT POLICY:

- Taxation measures can be legislated or regulated to create funding.

IN THEIR OWN WORDS:

“What needs to change is the ideology of disability. Assessing disability by what you see and excluding those who are visibly ‘disabled’ ... this is no different than excluding people by race or gender.”

“Assure the active involvement of people with disabilities in setting standards for achieving an inclusive and barrier free society through policies, legislation and regulations. Assure the active involvement of people with disabilities in developing plans for implementation, supporting implementation strategies and holding senior leadership roles.”

“[The] focus needs to be on education and awareness: If people truly believe that persons with disabilities should have the same rights as every other Canadian citizen, all barriers will begin to fall.”

“Look beyond changing only the physical environment by providing opportunities and activities for PWDs to participate in the space.”

HUMAN RIGHTS APPROACH:

- Canadian Human Rights Act:
 - Expand human rights to include health care, rehabilitation, and participation in political, civil and cultural life per the CRPD.
- Canada Elections Act:
 - Hidden barriers: having to go there, literacy barriers, voting privately when you need an attendant, etc. must be addressed through policy.
- Incorporate *Jury Recommendations* of the *Ashley Smith Inquest* when sentencing/placing offenders.

ENFORCEMENT GROUP:

- Creation of a federal ombudsman, much like the one for Victims of Crime.
- Court Challenges Program (CCP).
- Enforcement of CRPD.

APPENDIX I: FULL RESULTS

BUILT ENVIRONMENT

TOOL TYPE	CATEGORY
Amendments to Existing Legislation	<ul style="list-style-type: none"> • Federal building code. • Heritage buildings. See <i>Standards and Guidelines for the Conservation of Historic Places in Canada</i>. Accessibility is made a priority, but a more radical approach may be necessary. Although one can strive for “the most appropriate solution to accessibility issues with the least impact on the character-defining elements and overall heritage value of the historic building” (pg. 165), PWD should not be forced to use a back entrance or a porch as this can be degrading. • Tax credits for accessibility improvements. • Canada Mortgage & Housing Act.
New Legislation	<ul style="list-style-type: none"> • Built environment standard.
FPT Process	<ul style="list-style-type: none"> • Provincial building codes. • Licensing for businesses, hospitality, building. • Accessibility legislation in every province. • Municipal street, sidewalk, lighting standards. • Municipal parking standards. • Each province should have a document similar to <i>The Ontario Historical Society’s Accessible Heritage Tool Kit</i> (which outlines how the AODA should be implemented in the heritage sector) that is enforceable by law and available at no cost to historic sites.
Procurement Policy	<ul style="list-style-type: none"> • All businesses doing business for federal government must be accessible. • Federal contracts may include cost of modifications for access. • Federal government should mandate that compliance with accessibility regulations for heritage sites is a condition for receiving funding. For example, British Columbia’s statement that government-owned and leased customer service building stock be made fully accessible by 2020 “where possible given heritage constraints,” is unacceptable.
Human Rights Approach	<ul style="list-style-type: none"> • Funding for proactive monitoring of physical accessibility. • Canada Human Rights’ Act: Duty to Accommodate.
Refer to Enforcement Group	<ul style="list-style-type: none"> • Building inspectors. • <i>Standards and Guidelines for the Conservation of Historic Places in Canada</i>: Must be enforceable by law.

Legislation that was evaluated but deemed to be in line with current best practices or to not be of direct application to the data received from the consultations:

- Customs Act

EMPLOYMENT & EDUCATION

TOOL TYPE	CATEGORY
Employment	
Amendments to Existing Legislation	<ul style="list-style-type: none"> • Department of Employment and Social Development Act's Opportunities Fund for Persons with Disabilities: Increase funding and number of grants made.
New Legislation	<ul style="list-style-type: none"> • New federal accessibility legislation should define discrimination in employment to set the same consistent standards throughout the country. • Caseworkers to be assigned per individual for liaison and guidance in order to support the process from assessment, education/training to successful job placement. • Health care plan—see next column*** • Incentives for individuals include financial support for tuition, books, computers, mobility equipment, etc., plus income assistance, plus continuing supports in initial stages of employment, e.g. drug benefits, housing subsidies, transportation subsidies or support. • Requirements for physical access according to universal access standards. Examples: Access wall mounted door openers should be 3 feet from the ground and 3 feet back from the door to be opened. Entrance doors must be ramped. Airplanes should be accessible for wheelchairs, both power and manual. All passenger trains must be accessible. All stations equipped to disembark and accommodate PWD.
FPT Process	<ul style="list-style-type: none"> • Model akin to Canada Health Act. • Set political agreement regarding conditions for funding of provinces. • For across provinces and territories, ensure provincial employment legislation mandates job discrimination against people with disabilities is illegal if practiced by private employers, provincial and local governments, employment agencies, labour organizations with 15 or more employees. • Set similar standards of job requirement descriptions and interviewing standards, both of which should focus on employer's requirements for the job, such as education, employment experience, skills or degrees or licenses. Second, define job performance as ability to perform essential functions of the job with or without reasonable accommodations. • A health care plan to remove the concerns of employers who may be reticent to employ PWDs because of the concern that there would be excessive claims which would, in turn, increase the cost of the medical insurance to the business. • The health care plan should also include Aclasta and Prolia infusions/shots to increase or maintain bone density in both male and female paraplegics and quadriplegics as well as post-menopausal women and aging PWD. • Federal support for provinces and territories would provide incentive in the form of financial contributions, like transfer payments along the lines of the federal health care act. • Incentives for employers or potential employers would include financial subsidies, perhaps for fixed terms of time, plus financial incentives in other federal legislation, e.g., Income Tax Act.

Procurement Policy	<ul style="list-style-type: none"> • Federal contracts may include cost of modifications for access.
Human Rights Approach	<ul style="list-style-type: none"> • N/A
Refer to Enforcement Group	<ul style="list-style-type: none"> • Create an equal employment opportunity council/board that would have primary enforcement responsibility. Enforce law (Employment Equity Act) in all employment practices starting with and including application process, recruitment, interviewing, hiring, training, job assignments, promotions, pay, benefits, lay off/firing, leave, AND other employment-related activities.
Education	
Amendments to Existing Legislation	<p>CHILDREN:</p> <ul style="list-style-type: none"> • For across provinces and territories, ensure provincial education legislation addresses: <ul style="list-style-type: none"> • Individual education plans (IEP), as known in Ontario, or also known as “Independent individual work plans,” are legislated and address exceptional students’ learning expectations and are in the best interests of the student and that IEPs consider diverse methods of evaluation. • Include parents/guardians and youth 16 and over as part of IEP team. Include definitions of diverse disabilities: learning challenges from processing (as in reading challenges), ADHD, autism and Asperger’s as well as deaf, blind children, children with emotional challenges. • Legislate definitions and terms: Student with Special Needs; Special Education Plans (IEP or Independent Individual Work Plans). • Provide similar student support services currently available across Canadian community colleges and universities (e.g. peer support, note takers, tutors available for each course, accessible classrooms, technology, accommodations re: testing and evaluations...etc.) and implement these services at high school level in order for children to “graduate” and get ahead. <p>ADULTS:</p> <ul style="list-style-type: none"> • Canada Student Financial Assistance Act’s Canada Student Grant for Students with Permanent Disabilities: Increase funding from present \$2,000 per academic year. • Canada Student Financial Assistance Act’s Canada Student Grant for Services and Equipment for Students with Permanent Disabilities: Increase funding from present \$2,000 per academic year.
New Legislation	<p>CHILDREN:</p> <ul style="list-style-type: none"> • New federal children with disabilities education act similar to US model. • No child from across Canada should be left out of same services and supports as available in other provinces and territories. • Caseworkers to be assigned per student for liaison and guidance in order to support the process from assessment to resources to accommodations to graduation, i.e. ensuring students with disabilities are provided with public education that is tailored to their individual needs. • Supplementary aids and technology when feasible.

	<p>ADULTS:</p> <p>Need for federal legislation, regulations, policies, implementation, support, monitoring and enforcement, to require all provinces and territories to enact, implement, support and maintain vocational rehabilitation programs for PWD. Need to define minimum level of disability to determine eligibility for individuals for such programs.</p> <p>Such programs need to include funding and support for university and degree programs, as well as technical and skills training programs that are shorter in duration.</p>
FPT Process	<p>CHILDREN:</p> <ul style="list-style-type: none"> • Set political agreement regarding conditions for funding of provinces. • Students with disabilities within federal legislation framework should focus on supporting children with disabilities across Canada similarly. Model akin to Canada Health Act.
Procurement Policy	<ul style="list-style-type: none"> • N/A
Human Rights Approach	<ul style="list-style-type: none"> • N/A
Refer to Enforcement Group	<p>CHILDREN:</p> <ul style="list-style-type: none"> • Include a due process clause that guarantees a special education appeal board, an impartial hearing to resolve conflicts between the parents of children with disabilities and the school system. • Seek judicial review to a tribunal of the administration's decision if unresolved at school level. IPRC annually across country (identification and placement review committee).

Legislation that was evaluated but deemed to be in line with current best practices or to not be of direct application to the data received from the consultations:

- Canada Shipping Act
- Severe Permanent Disability Benefit
- Canada Student Loans Act

TRANSPORTATION

TOOL TYPE	CATEGORY
Amendments to Existing Legislation	<ul style="list-style-type: none"> • Canada Transportation Act (+Regulations). • Include a definition of disability in the Transportation Act. • Existing voluntary codes should be converted to regulations within the Canada Transportation Act. • Creation of more accessible parking places.
New Legislation	<ul style="list-style-type: none"> • Canada Transportation Act should produce “score cards” for transportation providers (that evaluate their accessibility and compliance) as recommended by the 2014-5 review of the Canada Transportation Act, but every two years instead of the suggested three-year interval.
FPT Process	<ul style="list-style-type: none"> • Model akin to Canada Health Act.
Procurement Policy	<ul style="list-style-type: none"> • Could use model of the Federal Contractors Program in areas such as employment equity. • Grants for public transit projects should only be provided for projects that are sufficiently accessible. • Federal subsidies for private enterprises that produce vehicles for common transportation (e.g. Bombardier) should be contingent on adherence to principles of universal design (CCD recommendation).
Human Rights Approach	<ul style="list-style-type: none"> • Implementation of the UN Convention on the Rights of Persons with Disabilities into the Canada Transportation Act. • Any expansions of jurisdiction of the Canada Transportation Agency should be accordingly funded.
Refer to Enforcement Group	<ul style="list-style-type: none"> • Canadian Transportation Agency. • Canadian Human Rights Commission. • Government Property Traffic Act: Government Property Traffic Regulations, Airport Traffic Regulations, Traffic on the Land Side of Airports Regulations: <ul style="list-style-type: none"> • Better enforcement of designated parking areas for PWD. • Increased penalties for offenses.

Legislation that was evaluated but deemed to be in line with current best practices or to not be of direct application to the data received from the consultations:

- Canada Transportation Act: Personnel Training for the Assistance of Persons with Disabilities Regulations
 - Air Transportation Regulations
 - Railway Traffic and Tariffs Regulations
- Motor Vehicle Safety Act

ECONOMIC SELF-SUFFICIENCY

TOOL TYPE	CATEGORY
Amendments to Existing Legislation	<ul style="list-style-type: none"> • Western Economic Diversification Act’s Entrepreneurs with Disabilities Program: <ul style="list-style-type: none"> • Currently meets best practices. • Canada Pension Plan Disability Benefit: <ul style="list-style-type: none"> • Increase amount allocated per person. For instance, in 2016 the average monthly disability benefit was \$933.82 • Government should include the child-rearing and disability dropout provisions (in the current CPP benefit) to the new benefit, per CCD recommendations and the Canadian Centre for Policy Alternative’s <i>Alternative Federal Budget 2017</i>. • Pooled Registered Pensions Plan Act/War Veterans Allowance Act/Civilian War-Related Benefits Act/Veterans Review & Appeal Board Act/Canada Disability Savings Grant/Canada Disability Savings Bond/Excise Tax Act/Canadian Forces Members & Veterans Re-Establishment and Compensation Act: <ul style="list-style-type: none"> • Increase amount allocated per person, by a percentage or amount to be determined by the terms of the act, grant, or bond. The amount needs to be determined to “level the playing field” to live a life free from poverty, and the type of disability needs to be taken into account, as different disabilities require more financial resources. • Income Tax Act: <ul style="list-style-type: none"> • Increase amount of Act tax credits available for PWD or their caregivers. Fewer restrictions on what can be claimed as a deduction or a credit. For instance, allow tax credits for alternative programs for PWD and caregivers/parents—not just sports, but skills training and education, as well as treatment and support groups.
New Legislation	<ul style="list-style-type: none"> • Western Economic Diversification Act’s Entrepreneurs with Disabilities Program: Enact a similar program in the remainder of the country.
FPT Process	<ul style="list-style-type: none"> • Negotiate more robust living grants provided by the provinces, such that, combined with the acts/grants/bonds listed below, PWD can live free from poverty. In 2009, 41.3% of women with a disability and 40.6% of men with a disability had low-income status (see Canadian Human Rights Commission’s 2012 Report on Equality Rights of People with Disabilities).
Procurement Policy	<ul style="list-style-type: none"> • N/A
Human Rights Approach	<ul style="list-style-type: none"> • N/A
Refer to Enforcement Group	<ul style="list-style-type: none"> • N/A

Legislation that was evaluated but deemed to be in line with current best practices or to not be of direct application to the data received from the consultations:

- Trust and Loan Company Act
- Insurance Company Act
- Bank Act
- Registered Disability Savings Plan

HEALTHCARE

TOOL TYPE	CATEGORY
Amendments to Existing Legislation	<ul style="list-style-type: none"> • Department of Veterans Affairs Act: <ul style="list-style-type: none"> • Currently meets best practices. • Canada Health Act: <ul style="list-style-type: none"> • Increase funding for programs and services: home support; pharmaceuticals; occupational, physiotherapy, exercise, and rehab programs; nursing; trained service animals. • Improve access to appropriate health care and services, and improve their quality. This includes: assessments, medical treatment, services for dual diagnoses, rehabilitation, home care, day programs, and provision of equipment. • Health Canada First Nations and Inuit Health Branch <ul style="list-style-type: none"> • More financial resources for staffing required.
New Legislation	<ul style="list-style-type: none"> • Health Canada First Nations and Inuit Health Branch <ul style="list-style-type: none"> • Creation of local holistic healing centres for First Nations communities.
FPT Process	<ul style="list-style-type: none"> • Canada Health Act <ul style="list-style-type: none"> • Establishment of health care standards nationwide, with respect to the full continuum: acute care, long term care, and community-based health care services. • Direct federal funding for First Nations issues that have been articulated. Criteria for provincial funding: <ul style="list-style-type: none"> • must meet independent living or human rights standards: Social model of disability lens, e.g. community based (non-hospital) care. • Prescription coverage.
Procurement Policy	<ul style="list-style-type: none"> • N/A
Human Rights Approach	<ul style="list-style-type: none"> • Health Canada First Nations and Inuit Health Branch: <ul style="list-style-type: none"> • United Nations Declaration on the Rights of Indigenous Peoples: Regarding the development of local holistic healing centres, Articles 23 and 24 affirm indigenous peoples' rights to traditional medicines and to maintain their health practices.
Refer to Enforcement Group	<ul style="list-style-type: none"> • Department of Veterans Affairs Act: <ul style="list-style-type: none"> • Should consider the jurisprudence to assess whether the outcomes are meeting the intention/purpose of legislation. Review at three or five year point (a qualitative assessment). • Canada Health Act <ul style="list-style-type: none"> • Should consider the jurisprudence to assess whether the outcomes are meeting the intention/purpose of legislation. • Review at three or five year point (a qualitative assessment).

Legislation that was evaluated but deemed to be in line with current best practices or to not be of direct application to the data received from the consultations: None.

HOUSING & LODGING

TOOL TYPE	CATEGORY
Amendments to Existing Legislation	<ul style="list-style-type: none"> • National Building Code of Canada. • Heritage buildings. • Tax credits for accessibility improvements. • Architectural acoustic accessibility. • Canadian Mortgage and Housing Corporation (CMHC) policy. • CMHC's Residential Rehabilitation Assistance Program for Persons with Disabilities (RRAP-Disabilities) On Reserve: <ul style="list-style-type: none"> • Increase amount allocated for modifying dwellings • CMHC's Accessible Housing Program: <ul style="list-style-type: none"> • Include funding for modifying existing residences, not only for new construction.
New Legislation	<ul style="list-style-type: none"> • Built environment standard.
FPT Process	<ul style="list-style-type: none"> • Provincial building codes. • Licensing for businesses, buildings. • Accessibility legislation in every province. • Municipal street, sidewalk, lighting standards. • Municipal parking standards.
Procurement Policy	<ul style="list-style-type: none"> • All housing doing business for and with federal government must be accessible. • Federal contracts may include cost of modifications for access.
Human Rights Approach	<ul style="list-style-type: none"> • Funding for proactive monitoring of physical accessibility, as well as invisible and sensory accessibility (visual fire alarms, wayfinding).
Refer to Enforcement Group	<ul style="list-style-type: none"> • Building inspectors needed.

Legislation that was evaluated but deemed to be in line with current best practices or to not be of direct application to the data received from the consultations: None.

CITIZENSHIP & JUSTICE

TOOL TYPE	CATEGORY
<p>Amendments to Existing Legislation (Includes both suggested amendments and pinpointing of provisions that mention PWD)</p>	<ul style="list-style-type: none"> • Canadian Charter of Rights and Freedoms (Constitution Act, 1982): <ul style="list-style-type: none"> • Mental and physical disability already an enumerated ground (s.15). Interpreters are guaranteed to be provided in legal proceedings (s. 14). Otherwise, amending the constitution is a complex process. • Possible amendment: Expand the spirit of s.14 beyond legal proceedings; perhaps administrative proceedings as well. • Canadian Human Rights Act: <ul style="list-style-type: none"> • Sections 2 and 3(1) list “disability” as an enumerated ground. Both sections could include “mental” or “intellectually vulnerable” terms to broaden the definition of “disability.” • s. 25 offers definition of “disability.” • Accommodation provisions are: 5(a), 6(a), 15(1)(g), 15(2), 17(3). • s. 24 outline accessibility standards. • Canada Elections Act: <ul style="list-style-type: none"> • Some provisions include: “cannot read;” should that be changed to the following: “those with visual impairment?” Those provisions are: 154(1), 243(1), 243.1(1), 259(1) • s. 23.2 (9)(a) Removal from office, field liaison officer. Delete “physical or mental disability.” • s. 24(7)(a) Removal from office, returning officer. Delete “physical or mental disability.” • Overall, s.154-157 provide for special voting procedures to assist PWD. Also, s.159 allows a PWD to vote at a different polling station if it is not accessible. • Criminal Code: <ul style="list-style-type: none"> • s.153.1 (sexual exploitation of person with disability), s.486.1 (support person - witnesses who have a disability), s.486.2 (testimony outside court room - witnesses who have a disability), s.627 (support for juror with physical disability), s.715.2 (evidence of victim or witness who has a disability). • s.718.2(a)(i) (other sentencing principles). This provision increases sentences where it is motivated by bias, prejudice, or hate based on various enumerated grounds. The other purpose of 718.2 is to reduce or find alternatives to incarceration based on factors that may have brought the offender before the court (i.e.718.2(e)). 718.2(e) could be expanded to include the unique circumstances of PWD as a factor to find alternatives to incarceration. See Ashley Smith case. Medically assisted dying s. 241.2(1) - must meet all conditions thereunder. • s.241.2(2) defines a grievous and irremediable medical condition, particularly subs (a) and (c).

	<ul style="list-style-type: none"> • Corrections & Conditional Release Act: <ul style="list-style-type: none"> • Adopt the <i>Jury Recommendations</i> from the <i>Ashley Smith Inquest</i>, particularly the recommendations regarding mental health and analogous physical disability concerns. • Canadian Victims Bill of Rights <ul style="list-style-type: none"> • s. 2 (under definitions) victim is defined as an individual who has suffered physical harm; this could be expanded to include: “resulting in a disability.” • Canada Evidence Act s.6(1) and (2) accommodates an individual with a physical and mental disability to provide oral evidence. It does not explicitly address accessible accommodation (although this may be covered under infrastructure of public buildings). • Indian Act <ul style="list-style-type: none"> • s.34(1) Roads and Bridges under the care of a Band; under direction of superintendent. • s.51(1) Property of Mentally Incompetent Indians. • s.64(1)(b) and (g) Expenditures of capital moneys with consent. • s.73(1)(g) Minister responsible for medical treatment and health services (no particular mention of PWD and accessible services). • s.74 Elections – currently no mention of accessible means to vote (although it is possible for individual Bands to have created by-laws to that affect). • s.81(1) Powers of Council, making by-laws. (s.81(1)(a) only mentions health in relation to disease control.) • s.114(2) Schools under Minister control. • s.115(1) Regulations in relation to schools. • Cree-Naskapi (of Quebec) Act <ul style="list-style-type: none"> • Note 1: This Act only applies to the land of the Cree and Naskapi bands located in Quebec. • Note 2: The Act affirms land ownership to the province but administration and management is given to the Cree and Naskapi. However, s.5 indicates that the Indian Act does not apply to these lands and must be administered and managed through this Act. • Certain provincial and federal responsibilities remain (which are not addressed in the Act) because of the two larger Agreements signed in 1975 and 1978.
New Federal Legislation	<ul style="list-style-type: none"> • Canada Elections Act <ul style="list-style-type: none"> • Develop policies that allow for new technology for voting, and accommodation for transportation barriers. • Indian Act <ul style="list-style-type: none"> • New regulations to be drafted that pay special attention to PWDs and accessibility issues; creating a national standard for accessibility (as some Bands may already have met basic requirements but others are lacking); with additional special attention for funding for capital investments (e.g. renovations and improvements) and funding for access to services including access to accessible services.

FPT Process	<ul style="list-style-type: none"> • Canadian Charter of Rights and Freedoms (Constitution Act, 1982): <ul style="list-style-type: none"> • Awareness of the UN Convention on the Rights of Persons with Disabilities and a commitment to incorporate the spirit of the convention within FPT processes (Convention on the Rights of Persons with Disabilities - CRPD). • Canada Human Rights Act: <ul style="list-style-type: none"> • Regulations can be made to ensure governments can enter into bi-lateral agreements to meet certain requirements on cost-shared programs. • Awareness at FPT levels of the “social model of disability” as per Quebec (CDPJ) v Montreal (City) [2000] 1 SCR 665, pp. 76-77, 79-84. • Indian Act: <ul style="list-style-type: none"> • s.88 All laws of general application apply on reserve. If a PT law exists that does not contravene Federal jurisdiction, Treaty, or Indian Act, then that PT law applies on reserve.
Procurement Policy	<ul style="list-style-type: none"> • Canada Human Rights Act: <ul style="list-style-type: none"> • Taxation measures can be legislated or regulated to create funding for, for instance, accommodation (e.g. tax on lumber or building/construction equipment to provide accommodation relief to landlords or small business owners.) • Cree-Naskapi (of Quebec) Act <ul style="list-style-type: none"> • Further research needs to be done on the Agreements* to determine whether additional policy recommendations can be made to ensure funding is available for improvement of economic and social conditions of PWD. • * James Bay and Northern Quebec Agreement (1975) Northeastern Quebec Agreement (1978)
Human Rights Approach	<ul style="list-style-type: none"> • Canadian Charter of Rights and Freedoms (Constitution Act, 1982): <ul style="list-style-type: none"> • Same as FPT process. • Canada Human Rights Act: <ul style="list-style-type: none"> • Expand human rights to include health care, rehabilitation, and participation in political, civil and cultural life (CRPD, Article 25, 26, 29, and 30). • Federal case law relevant to human rights to be monitored. • Canada Elections Act: <ul style="list-style-type: none"> • Hidden barriers are hard to address but must be. The questions are: having to go there, literacy barriers, voting privately when you need an attendant, etc. • The hidden barriers have to be addressed through policy. • Criminal Code <ul style="list-style-type: none"> • The Federal Ombudsman for Victims of Crime offers help for victims of crime; however, there is no specific mention of PWDs. If s.718.2(e) cannot be amended because an individual’s disability (whether it be physical or mental) is not a contributing factor that has led an individual into the criminal justice system, then the HR processes need to consider the Jury Recommendations of the Ashley Smith Inquest when sentencing/placing an individual with either a physical or mental disability.

	<ul style="list-style-type: none"> • Corrections & Conditional Release Act <ul style="list-style-type: none"> • The Federal Ombudsman for Victims of Crime offers help for victims of crime; however, there is no specific mention of PWD. • Canadian Victims Bill of Rights <ul style="list-style-type: none"> • The Federal Ombudsman for Victims of Crime offers help for victims of crime; however, there is no specific mention of PWD. • Indian Act <ul style="list-style-type: none"> • CHRA applies to Bands; the HR process is reactive rather than proactive. • Awareness of Article 21 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which addresses the improvement of economic and social conditions of PWD. • Cree-Naskapi (of Quebec) Act <ul style="list-style-type: none"> • Full awareness of HR case law. CHRA applies to Bands; the HR process is reactive rather than proactive. • Awareness of Article 21 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which addresses the improvement of economic and social conditions of PWD. • Expand human rights to include health care, rehabilitation, and participation in political, civil, and cultural life as per international law (CRPD, Article 25, 26, 29, and 30).
Refer to Enforcement Group	<ul style="list-style-type: none"> • Canadian Charter of Rights and Freedoms (Constitution Act, 1982): <ul style="list-style-type: none"> • Creation of a Federal Ombudsman; much like the one for Victims of Crime (Canadian Victims Bill of Rights, SOR/2007-54, Public Service Employment Act). • Court Challenges Program (CCP) is restarting this fall (2017) and has expanded beyond language and human rights. CCP funds test cases of national significance. • Canada Human Rights Act: <ul style="list-style-type: none"> • Creation of a Federal Ombudsman; much like the one for Victims of Crime (Canadian Victims Bill of Rights, SOR/2007-54, Public Service Employment Act). • Indian Act • Court Challenges Program (CCP) is restarting this fall (2017) and has expanded beyond language and human rights. CCP funds test cases of national significance. According to various Annual Reports, Aboriginal cases comprise a large percentage of funded test cases.

Other examples of national legislation: Australia’s Disability Discrimination Act (1992) and UK’s Disability Discrimination Act (1995).

* Legislation that was evaluated but deemed to be in line with current best practices or to not be of direct application to the data received from the consultations:

- Centennial Flame Research Award

Appendix II: Lawyers' Panel Member Biographies

David Shannon, Chair

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David is a graduate of Lakehead University, Dalhousie University and the London School of Economics and Political Science. The common theme throughout his work involves advocacy and empowerment for disenfranchised individuals and communities. He has a private law practice in Thunder Bay that centres primarily on legal advocacy for persons who need their rights and freedoms protected at what may be the most vulnerable times in their lives. As a result, he frequently appears before the Consent and Capacity Board and Trial or Appellate level Courts in mental health or child protection matters.

David is the author of *Six Degrees of Dignity: Disability in an Age of Freedom*, a past CEO of the Nova Scotia Human Rights Commission, former part-time member of the Ontario Human Rights Tribunal, special advisor to Spinal Cord Injury Ontario, and in 2009 he became the first quadriplegic to reach the North Pole.

As public speaker, Chair of the Accessibility Advisory Council of Ontario and lecturer at the Aboriginal Law and Advocacy program at Negahnewin College and Lakehead University, David has exerted a positive influence on hundreds of lives. As legal counsel to the Aboriginal Affairs Portfolio, Department of Justice Canada he has advised on the Administration of Justice components of Self-Government negotiations and many community based justice agreements and treaties.

For his tireless efforts on behalf of others David has received the Queen's Diamond Jubilee Medal, the Order of Ontario and the Order of Canada.

Joanne Silkauskas, Vice-Chair

Reach Canada
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Having a Masters and a Bachelor of Social Work degree (University of Toronto and McGill University respectively) and being called to the Ontario Bar (law degree from the University of Ottawa), Joanne has worked as a lawyer, family mediator, course instructor and social worker. She has spent most of her career working in Ottawa and in social justice including Child Protection for many years. She has worked at the Children's Aid Society, Legal Aid Ontario, the Family Court Clinic, and has worked in human resources recruiting, interviewing, supervising, and developing training sessions for law students in both the private and university sectors.

Joanne first joined REACH *Equality and Justice for People with Disabilities, an Ottawa charitable and self-funded organization as the Coordinator of the Lawyer Referral Services and Education and is currently the Executive Director.

Melanie Benard

Disability Rights Lawyer, Consultant
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Melanie is a disability rights lawyer and consultant based in Montreal. She obtained her law degree from McGill University in 2012. In 2015, she co-founded Québec Accessible, a grassroots initiative advocating for a stronger provincial accessibility law. Melanie has served on the Boards of the Council of Canadians with Disabilities (CCD) and the Regroupement des activistes pour l'inclusion au Québec (RAPLIQ). She also has extensive experience in project management, editing and research. Melanie has presented her disability law research at numerous conferences and in the media.

Glenda Best

Member of Board of Directors, SCI Newfoundland and Labrador
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Glenda was called to the Bar in the Province of Newfoundland and Labrador in April 1986. She was appointed Queen's Counsel in March 2006. She was appointed as a Master of the Supreme Court of Newfoundland and Labrador in 2010. She has been an adjudicator with the Newfoundland and Labrador Human Rights Commission since 1998. She is a member of the Law Society of Newfoundland and Labrador, the Canadian Bar Association, the Atlantic Provinces Trial Lawyers and the American Association for Justice. She sits as a member of the Education Committee and the Discipline Panel of the Law Society of Newfoundland and Labrador. She has a long history of volunteering and presently is:

- Director of Spinal Cord Injury (NL);
- Director of Spinal Cord Injury (Canada);
- Director & honorary counsel for the Duke of Edinburgh's Award program in Newfoundland and Labrador;
- Patron of Perchance Theatre, a Shakespearian Theatre company operating from an outdoor theatre modeled on the original Globe Theatre.

Peter Engelmann

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Peter has practiced labour and human rights law for over 25 years. He is a senior partner of the firm Goldblatt Partners, a firm with offices in Toronto and Ottawa. Peter practises in the Ottawa office. Peter's practice focuses on all aspects of labour law, human rights, pay and employment equity law, Charter litigation and professional discipline. He has appeared at all levels of court, including the Supreme Court of Canada, and appears regularly before arbitrators, human rights tribunals, and other administrative tribunals. Peter has also served as Commission counsel to a public inquiry.

Peter is the co-author of *Trade Union Law in Canada* and speaks regularly at legal seminars on labour and human rights topics. He also provides educational seminars to unions and other groups. He has been selected by his peers to be named in the Canadian Legal Lexpert Directory as a leading practitioner in labour law and workplace human rights law.

Peter received his law degree from the University of Alberta in 1981 and was called to the Alberta Bar in 1982 and to the Ontario Bar in 1988. He is a member of the Canadian Association of Labour Lawyers, the Advocates' Society, and the Canadian Bar Association.

Alexandra Giancarlo, Researcher and Coordinator

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Alexandra graduated with honours from the University of Guelph with a bachelor's degree in international development and history in 2008. During her undergraduate degree, Giancarlo mentored international students and served on the boards of numerous student organizations.

After volunteering along the United States' Gulf Coast in 2006 with post-Hurricane Katrina reconstruction efforts, Alexandra became inspired to pursue graduate studies in Louisiana. She was accepted into the Master's program at Louisiana State University's Department of Geography and Anthropology in 2009 with an Evelyn Pruitt Assistantship. After graduating from LSU, Alexandra enrolled at Queen's University to pursue her PhD in cultural-historical geography and graduated in June of 2017. She researches anti-racism, human rights, and disability rights and has published with David Shannon, Mary Ann McColl, and Audrey Kobayashi on access to the electoral process for those with disabilities and how the passage of the CRPD can enhance inclusion for Canadians with disabilities, particularly those marginalized by the systemic actions of a majority population.

Highlights of her academic achievements include numerous research assistant positions, paper awards, and research grants, as well as receiving SSHRC's Joseph-Armand Bombardier CGS Doctoral Scholarship and the Ontario Confederation of University Faculty Associations' Henry Mandelbaum Award. She lives in Ottawa, Ontario, with her equally nerdy husband, Michael, and their furry companion, Jingles.

Ken Kramer

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Ken is the founder and principal of KMK Law Corporation, a boutique law firm in downtown Vancouver providing Estates, Trusts, Elder Law, Litigation and Mediation services. His firm and he have recently associated with Sabey Rule LLP in Kelowna, British Columbia.

He has a unique understanding of the disability community and this combined with his expertise in the area of estates and trusts law has enabled him to serve families with disabilities. He has also had the pleasure of Chairing the Province of BC's Emergency Medical Assistants Licensing Board since 2012, which oversees licensing and discipline for over 11,000 First Responders in British Columbia.

Ken is extremely passionate and a strong advocate for both the disability and seniors communities and appreciate greatly the opportunity to give back to these important groups. In this regard, he has served on numerous boards and committees over the past 25 years with a focus on disability and seniors issues. He is currently the Chair of the Board for the BC Centre for Elder Advocacy & Supports and Co-Chair of BC's Elder Law section of the Canadian Bar Association. However, one of his biggest passions over the past several years has been in the area of home care supports and specifically, the Choices for Support In Independent Living program ("CSIL"). In this regard, he has led the community negotiation with government as it relates to the two recent rate increases for the CSIL program culminating in over \$25 million being allocated to community home care in British Columbia.

Barbara LeGay

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Barbara was born with leber's congenital amirois, a condition which results in the onset of blindness in very young children. She has been an advocate for the rights of people with disabilities throughout her personal and professional life. She is now retired after a 34-year career with the Federal Public Service.

She began work as a human resources officer where much of her work was in the area of employment equity. In 1990 she took a leave of absence to complete a law degree. The majority of her practice has been with the Bureau of Pensions Advocates, Department of Veterans Affairs where she provided representation for veterans who were presenting disability pension claims before the Veterans Review and Appeal board. She is continuing to keep very busy with her volunteer activities as a patient council member with the Kidney Foundation and as a member of the Bill 59 Community Alliance which represents a number of persons with disabilities in negotiations with our current provincial government in the development of its proposed Accessibility Act.

Barbara lives in Halifax with her husband, a German shepherd named Kim and two cats. She enjoys music, reading and travelling, and she likes technology and gadgets.

Lorin MacDonald

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For over two decades, human rights lawyer Lorin has demonstrated her leadership, passion, and commitment to accessibility and inclusion in her volunteer and professional activities, all informed by her experience as a woman born with a profound hearing loss.

Lorin garners much respect for her advocacy work due to her cross-disability approach. The YouTube video *Day in the Life of Lorin* has received nearly 6,000 individual views due to its positive message highlighting that accessibility is good for everyone.

Recognized as one of Canada's top voices in accessibility and disability issues, Lorin's approach is grounded in evidence-based research and a desire to challenge communities to be inclusive and accessible. With unending optimism, she perseveres against unfavourable odds to create a more inclusive country for Canadians living with disabilities. Through education, Lorin continually strives to ensure those who may be uninformed or unconscious of the accessibility barriers are equipped with the tools necessary to create inclusive communities for all.

Lorin lives in Toronto and has her own human rights law practice focusing on disability discrimination.

Mary Ann McColl

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In addition to her roles as a Professor at Queen's University, Dr. Mary Ann McColl is Associate Director at the Centre for Health Services & Policy Research at Queen's University.

She is the Academic Lead for the Canadian Disability Policy Alliance, an association of academic, community and policy partners committed to understanding and enhancing disability policy in Canada.

Dr. McColl is the author of numerous peer-reviewed publications in the area of disability policy, occupational therapy, spirituality & disability, long-term health in spinal cord injury, disability in primary care. She has also written numerous books, including *Introduction to Disability; Disability & Social Policy in Canada; Theoretical basis of occupational therapy; Interventions, effects and outcomes in Occupational Therapy; Spirituality and occupational therapy; Canadian Occupational Performance Measure; Research on the COPM*, and *Interprofessional Primary Health Care*.

Frank McNally

McNally Gervan LLP
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Frank is a litigation lawyer with the firm McNally Gervan LLP, specializing in personal injury law. He was called to the Ontario Bar in 2004 after receiving his LL.B. from University of Ottawa. He has appeared before various levels of courts and tribunals including the Ontario Superior Court of Justice, Ontario Court of Appeal, Financial Service Commission of Ontario and Canadian Pension Plan Review Tribunal. He is the past chair of Reach's Education Committee. In addition to Reach, he is also an enthusiastic volunteer for other community organizations, including the Canadian Hard of Hearing Association (National Capital Region) where he served as President.

Harley Nott

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Harley grew up on Vancouver Island, was expelled from school at 16, and worked in construction, forestry and logging until age 18 in 1980. That's when he broke his neck diving into a river, severing his spinal cord, and thereby becoming a quadriplegic logger with a grade 9 education.

Shrewdly discerning his limited career prospects, he enrolled as a mature student in first year university. After physical rehab, university, law school, bar exams, etc., a decade later he was a busy trial lawyer in downtown Toronto. Harley spent many years conducting litigation, prosecutions and war crimes cases.

Parenting has been another richly rewarding career since 2000 and Harley continues striving to achieve adequacy in that field. Many privileged years have also been spent volunteering, working with, directing and overseeing nonprofit organizations. Though no longer practicing law, Harley is still in Toronto and is a husband and proud father. He and his wife enjoy spending time with their two children and two big dogs.

Michael O'Brien

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Michael was called to the Bar of Ontario in 1969 and appointed Queen's Counsel in 1982. He practiced civil litigation, concentrating on insurance, personal injury, medical malpractice, and employment/labour matters.

In 1998, he suffered a spinal cord injury in a ski accident, which resulted in quadriplegia. He spent the better part of a year at Lyndhurst Rehabilitation Centre during which time he was asked to head the Patient's Committee.

In June 2000, he became a Director and Honorary Solicitor of the Canadian Paraplegic Association. Ultimately, in 2003, he became Chairman of the Board of Directors.

He has also served on the Board of Directors of Tobias House, a charitable organization providing attendant care service to disabled, Toronto Rehabilitation Institute, and the A.T. Jousse Foundation.

In August 2000, he resumed the practice of law at Aylesworth LLP and in 2001 co-founded Aylesworth Mediation Services. He left Aylesworth LLP in 2010 and started O'Brien Mediation Services. He has conducted over 1000 mediations in personal injury, accident benefits, disability and other insurance policy claims. He has now retired from the practice of law but continue to mediate.

APPENDIX III: References

Canadian Council for Disabilities. 2012. *Constitutional Equality Rights: People with Disabilities: Still Celebrating 30 Years Later*. Available from <http://www.ccdonline.ca/en/humanrights/promoting/charter-press-release-17apri2012>

Canadian Human Rights Commission. 2012 *Report on Equality Rights of People with Disabilities*. Available from https://www.chrc-ccdp.ca/sites/default/files/rerpd_rdepad-eng.pdf

Federal Disability Reference Guide. (2013). Ottawa: Public Works and Government Services Canada. Retrieved from <http://www.12.hrsdc.gc.ca>

Harpur, Paul. 2012. *Embracing the New Disability Rights Paradigm: The Importance of the Convention on the Rights of Persons with Disabilities*. *Disability & Society* 27 (1):1-14.

Quinn, Gerard, (2009). *United Nations Convention on the Rights of Persons with Disabilities: Toward a New International Politics of Disability*, *The. Tex. J. on CL & CR*, 15, 33.

APPENDIX IV: CAIP MEMBERSHIP

CAIP initially consisted of 28 well-established Canadian disability organizations, and four more organizations have since joined. These organizations represent people with a wide variety of disabilities, including physical and mobility disabilities, sensory disabilities, intellectual disabilities. Please note that, if you are viewing this document as a PDF on a computer or portable device connected to the internet, you can click on the organization's name in the list below to be directed to its website.

- [Ability New Brunswick](#)
- [Active Living Alliance for Canadians with a Disability](#)
- [Active Living Coalition for Older Adults](#)
- [Barrier Free Canada](#)
- [Canadian Disability Policy Alliance](#)
- [Canadian Disability Participation Project](#)
- [Canadian National Institute for the Blind](#)
- [Canadian Paralympic Committee](#)
- [Canadian Spinal Research Organization](#)
- [Mental Health Commission of Canada \(withdrew from CAIP\)](#)
- [Neil Squire Society](#)
- [Nunavummi Disabilities Makinnasuaqtit Society](#)
- [Ontario Disability Employment Network \(ODEN\)](#)
- [Ontario Neurotrauma Foundation](#)
- [Prospect Human Services](#)
- [Reach Canada](#)
- [Rick Hansen Foundation](#)
- [Rick Hansen Institute](#)
- [Sam Sullivan Disability Foundation](#)
- [Spinal Cord Injury Canada](#) (and eight provincial counterparts listed below)
- [Canadian Paraplegic Association Manitoba](#)
- [Spinal Cord Injury Ontario](#)
- [Spinal Cord Injury Alberta](#)
- [Spinal Cord Injury Newfoundland and Labrador](#)
- [Spinal Cord Injury Prince Edward Island](#)
- [Spinal Cord Injury British Columbia](#)
- [Canadian Paraplegic Association Nova Scotia](#)
- [Spinal Cord Injury Saskatchewan](#)

Since inception, four more organizations have joined CAIP:

- [Ability Online](#)
- [Nokiiwin Tribal Council](#)
- [Ontario Brain Injury Association](#)
- [West Park Healthcare Centre](#)