



# **Does Canada need a national disability act? Should BC enact a disability law?**

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# This lecture is about...

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- Legislative reform – developing new laws and reviewing existing ones
- Positive action (as compared to anti-discrimination)
- Politics of disability
- Citizenship and equality





# Questions, questions

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- Does Canada need a disability act?
- What might it contain?
- How does this fit with the priorities of the disability movement?
- Should we pursue similar legislation at the provincial level?
- What are the limits of legislative reform?



# My goals in this lecture

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- Offer some information on the topic
- Raise the profile of the idea of national and provincial disability laws
- Stimulate discussion
- Present some possibilities





## My main points

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- A federal act? Yes.
- A provincial act? Yes.
- If designed in certain ways.
- Still, more than legislative reform is needed.
- Intergovernmental collaboration on employment, income, and supports is essential.





## Why the interest?

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- Persistent barriers, exclusion, poverty and stigma
- Limits of Charter, human rights laws and other policies
- Legislative reforms in other countries
- United Nations conventions



## Canadian proposals and measures

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- Scott Task Force 1996
- Ontario –2001, 2005 laws
- Quebec – 2004 law
- Ottawa – private member's bill 2005
- Federal party platforms in 2006 election





# Federal political party promises on a disability act

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- Conservative: introduce a *National Disability Act*
- Liberal: strengthen existing laws and consider a *Canadian Inclusion and Accessibility Act*
- NDP: propose a *Canadians with Disabilities Act*
- Green: support the idea of a *Disabilities Act*





# Harper Government

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- Promise a National Disability Act “to promote reasonable access to medical care, medical equipment, education, employment, transportation and housing for Canadians with disabilities.”
- Current plans to consult and eventually develop a proposal for this Act.



# Response from disability movement to Conservative idea

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- Council of Canadians with Disabilities (CCD) and Canadian Association for Community Living (CACL) commissioned paper by Phyllis Gordon
- *A Federal Disability Act: Challenges and Choices* (November 2006)



# Four Views on a Disability Act

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1. Unfamiliarity with the idea among many in general population
2. Not seen as necessary
3. Ambivalence and mild support for the idea, with concerns
4. Favourable stance and strongly positive commitment to the idea



# Opponents of a disability act

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- Ghettoizes disability
- Ignores jurisdictional issues
- Sidesteps Charter of Rights and human rights guarantees
- Need to put political will into making existing laws effective
- Disability groups have other priorities



# Ambivalent supporters

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- If carefully designed could be a modest contribution to advancing access and inclusion
- Not an end in itself
- A beginning in federal leadership on a wider disability agenda





# Enthusiastic supporters

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- Can energize the disability movement and forge alliances
- Formulate a modern definition of disability
- Encourage actions even before law fully implemented
- Policy development processes can include a broad range of disability groups
- Supplement and reinforce the Charter and human rights laws





# Differing views pose challenges for disability movement

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- Bringing various groups together
- Building a broad consensus
- Communicating a fairly consistent message to political parties and governments
- Raising public awareness and understanding of disability issues





# The Conservative promise

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- Is vague – what does “to promote reasonable access” mean?
- Contains odd mixture of some federal service areas (but not others) and some provincial service areas (but not others)
- No attention to systemic processes for tackling barriers





# Potential scope of a national act

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- Telecommunications
- Transportation (inter-provincial and international)
- Broadcasting
- Banking
- Federal programs, services and institutions
- First Nations
- Employment in a small share of labour force



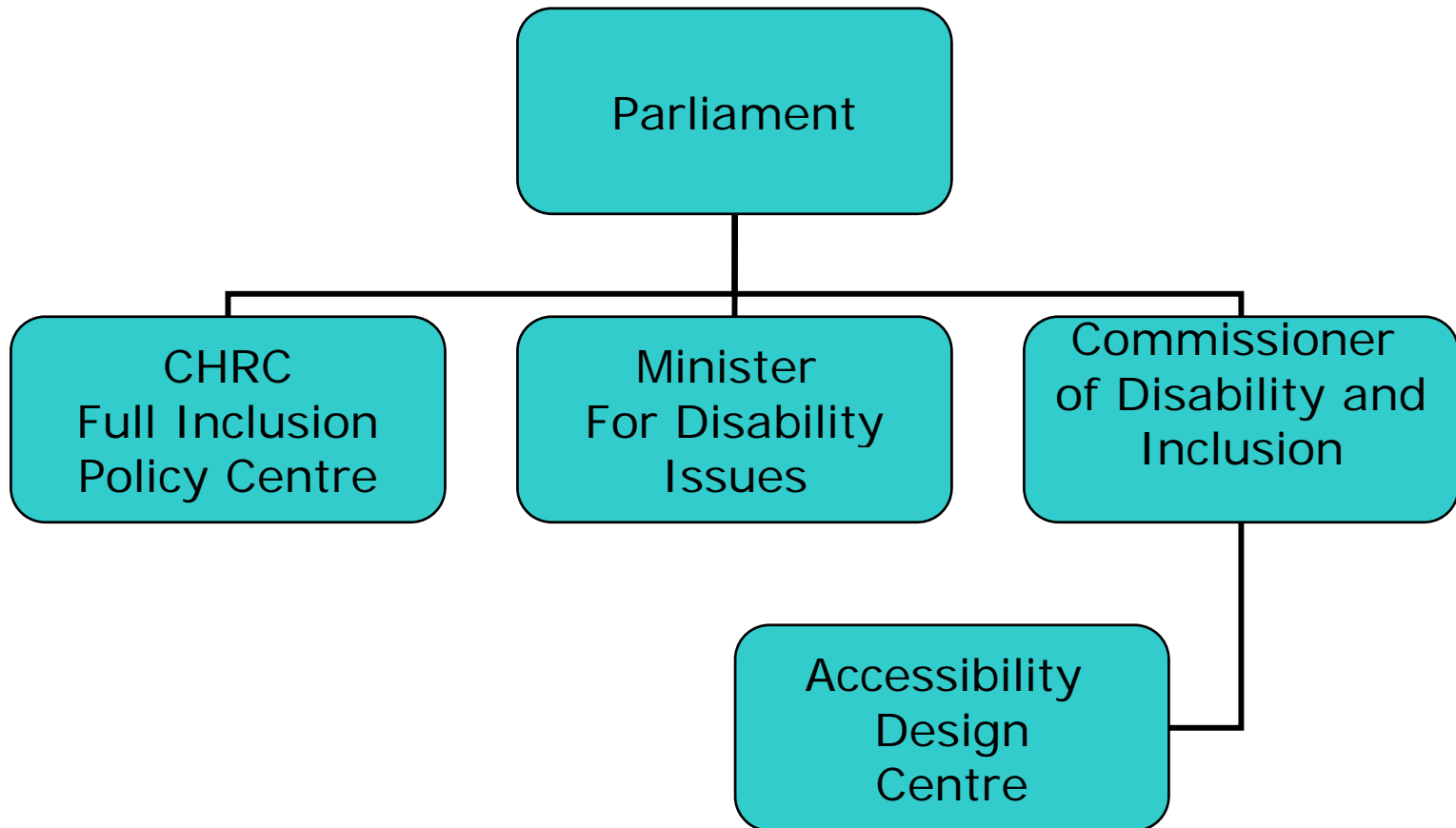
## Elements in a federal disability act

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- Minister for Disability Issues
- Commissioner of Disability and Inclusion
- Accessibility Design Centre
- Full Inclusion Policy Centre in Canadian Human Rights Commission
- Accessibility standards for services, facilities, technologies

# Agencies to advance full inclusion

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# What about a disability act for BC?

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- A case can be made for four reasons:
  - Jurisdictional division of powers and citizenship
  - Constitutional and human rights
  - Public policy needs
  - Democratic participation





# Jurisdictional scope of a BC act

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- Child and family services
- Education
- Health care
- Local and provincial transportation
- Building codes
- Housing
- Municipal services and institutions
- Employment for most of the labour force



# Constitutional principles

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- When providing public services to general population, governments are obliged to ensure disadvantaged members of social groups have resources to make full use of these services
- This duty extends to non-governmental bodies with delegated public services to deliver



# Public policy case for a BC act

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- Large unmet needs, disadvantages and exclusions persist in province
- BC government lacks a comprehensive approach for planning and action to secure universal design and full inclusion of persons with disabilities



# Democratic opportunities

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- Developing a BC disability law can offer public forums for community engagement in:
  - policy dialogues
  - policy development
  - public awareness
  - standards setting
  - evaluations and reviews







## What lies ahead, and what to do?

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- Disability community aspirations at national level
- Political calculations for next federal election
- A wider disability policy agenda





# Conclusions

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- Disability legislation at both federal and provincial levels
- With effective planning, standards and enforcement
- Linked with employment and training measures, and a national income and disability supports strategy

