



November 26, 2019

**VIA EMAIL:** [engageaccessibility@gov.bc.ca](mailto:engageaccessibility@gov.bc.ca)

Hon. Shane Simpson, MLA  
 Ministry of Social Development and Poverty Reduction  
 Room 247 Parliament Buildings  
 Victoria, BC V8V 1X4

Dear Honourable Minister,

**Re Submission to Accessibility through Legislation consultation**


We appreciate the opportunity to provide this submission in your consultation on the development of new


The BC Government and Service Employees' Union (BCGEU) represents close to 80,000 workers in various sectors and occupations in more than 550 bargaining units throughout British Columbia. This includes several thousand workers in the community social services sector and in direct government who help to deliver essential support services to persons with disabilities in their daily work. Our union also comprises more than 16,000 (est.) members who themselves live and work with some form of disability.


BCGEU members are centrally involved in the many programs and services that our province maintains to support accessibility in B.C.; many of these members also have a direct personal stake as persons (and workers) with disabilities themselves. As such, they hold unique experience and expertise regarding the issues, challenges and opportunities that face persons with disabilities throughout the community, in workplaces, and within their own union.

For these significant reasons, in 2019, the union consulted directly with its members during a three-day workers with disabilities roundtable held April 15-17, 2019. This event brought together 25 BCGEU members from across the province who each live and work with some form of disability. These workers participated in a strategic dialogue exploring the issues and challenges that they and other persons with disabilities experience concerning equal and effective participation in the community, the workplace, and their own union.

In our present submission to government on new accessibility legislation for B.C., we are including the official union report from these proceedings, *Roundtable Report: BCGEU Workers with Disabilities*, which is appended directly below (see pages 4-11 of this document). While several of the findings and recommendations describe our members' experiences within the union itself, much of the report also

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speaks directly to what persons with disabilities encounter publicly in their communities. Examples of the roundtable's key findings in this area include:

- Fragmented access to essential community social and health services;
- Regional disparities in accessibility standards and needed resources;
- A lack of appropriate consultation with persons with disabilities on issues that affect them directly;
- The continued need for more dependable and accessible transportation services;
- Unstable funding for public programs and resources; and
- Problems expanding barrier-free access throughout buildings, public spaces, and workplaces.

Secondly, with respect to workplaces, participants at the roundtable documented ongoing experiences and challenges that include:

- Exclusion and discrimination;
- General lack of organizational knowledge, skills and training to appropriately include and accommodate workers with disabilities;
- Widespread inadequacy of support services in most workplaces;
- Difficulty establishing employer and WorkSafeBC (WCB) recognition for a disability;
- Workplace policies that constrain medical leave and sick pay; and
- Hiring practices that systematically disadvantage workers with disabilities.

These are some of general, and, yet significant issues that our members reported. We sincerely hope you will read and consider these direct accounts: they describe not just the lived experiences of individuals as residents and contributing members in our communities, but as public workers in direct government and the wider public sector as well.

Our report also does more than just describe the problems; it offers a pathway and a vision for real progress and better inclusion. For the BCGEU, this begins with various actions and improvements we can undertake as a union to advance, represent and better support the needs of persons with disabilities—both as workers and union members, and as citizens and residents more broadly.

In the context of this public consultation, our report's findings and recommendations also reflect and reinforce the core objectives of the *British Columbia Framework for Accessibility Legislation*. This includes, for example, the need for inclusive accessibility standards governing public service delivery, employment, the built environment, information and communication, and transportation. More importantly, still, our members' viewpoints clearly encompass the *Framework's* underlying principles of inclusion, adaptability, diversity, collaboration, and self-determination.

Significantly, it is these last two guiding principles that we wish to highlight here—collaboration and self-determination. We also wish to emphasize a related value and standard at the same time: consultation. A vital theme expressed among our members' discussion at the roundtable was a universally felt need for a stronger and more representative voice in essential planning and decision-making settings throughout society.

This is highly relevant for the BCGEU as it seeks to improve standards of inclusion and involvement for all members in its internal governance—especially among demographics that are currently underrepresented. But the message around consultation that was delivered by our members is one that applies externally to governments, public committees, planning and decision-making bodies in equal measure, and at all levels—federal, provincial and municipal.

In this way, our roundtable report firmly echoes and reinforces one of the *Framework's* essential guiding concepts as adopted from the UN Convention on the Rights of Persons with Disabilities: “*nothing about us, with us.*”

The BCGEU hopes that government and its evolving approach to accessibility legislation and policy will continue to honour this commitment by finding and prioritizing the most inclusive and impactful opportunities for direct involvement and consultation among those who live and work with disabilities.

Sincerely,



Stephanie Smith  
President

SK/gg  
MoveUP



ROUNDTABLE REPORT

# BCGEU WORKERS WITH DISABILITIES

BC GOVERNMENT & SERVICE  
EMPLOYEES' UNION

EQUITY AND HUMAN RIGHTS  
COMMITTEE



BCGEU HEADQUARTERS  
BURNABY



APRIL 15 TO APRIL 17  
2019

B.C.'S UNION SINCE 1919



BC GOVERNMENT AND SERVICE EMPLOYEES' UNION

# MOVING FORWARD ON A SHARED VISION FOR A MORE EQUITABLE BCGEU

## Overview

Delegates at the 2017 BCGEU Constitutional Convention passed resolution C-101, calling on the union to hold a provincial roundtable meeting for workers with disabilities to “assist the union to identify barriers, develop and implement an action plan to ensure all members with a disability have equal access and opportunity to participate fully in the business and activities of the union.” This forum was tasked with developing strategies and formal recommendations to improve the union’s inclusion of and responsiveness to members with disabilities, in all aspects of its work.

The first official BCGEU workers with disabilities roundtable convened on April 15-17, 2019 at the union’s provincial headquarters in Burnaby, B.C. Approximately 25 members from across the province attended. Elected workers with disabilities representatives from the union’s equity and human rights committee, Silke Allard and Darryl Flasch, worked with BCGEU staff to organize the event.

In her welcoming remarks, BCGEU president Stephanie Smith highlighted a guiding principle for the disability rights movement: “Nothing about us,

without us.” This serves as a foundation and rallying cry for workers with disabilities today, she said, as they undertake to build more inclusive and accessible workplaces and communities—as well as deeper and more influential participation in their union.

The keynote speaker was BCGEU treasurer Paul Finch, who shared his personal experience. “The most important thing people can do when dealing with those of us who have invisible disabilities, especially those on the autism spectrum, is to believe our experience of reality,” Finch said. “That bridge in understanding is a radical act of solidarity and inclusiveness critical to building community.”

Other invited speakers included Sheryl Burns, a CUPE and BC Federation of Labour leader and disability rights activist. Dialogue facilitation was provided by Jane Dyson, past executive director for the Disability Alliance BC, a long-standing community partner of the BCGEU.

**This report summarizes the workers with disabilities roundtable proceedings and concludes with a set of proposed recommendations.**



# Identifying our issues: What helps? What hinders?

## COMMUNITY PARTICIPATION

In the first session, participants were asked: “What issues do you experience as a person with a disability that either help or hinder your full participation in the community?”

Participants identified the fragmented access to essential community social and health programs and services as well as a lack of appropriate consultation with persons with disabilities on issues affecting them directly. Furthermore, they explained how these issues are often compounded locally where regional disparities in resources and access produce even poorer outcomes across many rural, northern and Aboriginal communities in the province.

But members also identified the opposite, where the presence of relatively simple supports can dramatically improve their lives and community participation. This includes availability of dependable and accessible transportation services, assistive technologies, in-person supports, universal health care, and guaranteed appropriate and stable funding for public programs and resources. Roundtable participants also highlighted the critical importance of improving equipment and barrier-free access to and throughout buildings, public spaces, and workplaces.

To help achieve and reinforce these improvements, however, persons with disabilities need a strong representative voice that is politically institutionalized, particularly within policy and decision-making settings. Roundtable participants identified the need for services designed to help persons with disabilities build and develop advocacy and community organizing skills. The union could assist in this regard, they said, and help improve the lives of workers with disabilities beyond the workplace.

Numerous attendees mentioned the vital role that local government accessibility committees can offer in supporting inclusion and accessibility. B.C. municipalities are required to have standing advisory committees on accessibility and inclusion, but unfortunately, implementation and overall accountability is uneven across the province.

## WORKPLACE PARTICIPATION

Roundtable participants turned next to the question: “What issues do you experience as a person with a disability that either help or hinder your full participation in the workplace?”

Participants described a wide range of barriers for persons with disabilities in their workplaces. Exclusion, discrimination, and even instances of abuse by managers and colleagues is a widespread problem. Many reported that managers in their workplaces lack the skills, training and knowledge required to include and accommodate persons with disabilities and protect them against discrimination.

Roundtable participants were nearly unanimous in reporting a serious shortage of support services in their workplaces. To compensate, many workers with disabilities undertake the financial burden of providing needed workplace adaptations themselves—which, effectively, reduces their wages, compounds stress and increases susceptibility to new mental health and physical problems.



Many workers reported experiencing employers' unwillingness or resistance to recognizing their disability. This was particularly the case in establishing employer and WorkSafeBC recognition for psychological injuries related to workplace trauma. Similarly, repetitive strain injuries are occasionally dismissed as natural aging rather than as occupational and work-related health problems. Some participants even reported instances of employers overtly pressuring workers not to make claims with WorkSafeBC for disability benefits in order to avoid rate increases.

Major inequities are found in workplace policies that constrain medical leave and sick pay, thereby disadvantaging and discriminating against workers with disabilities. Workplace culture and managerial conduct are often similarly harmful in this respect. Roundtable participants provided several examples:

- Inappropriate pressure on workers with disabilities to use vacation time as sick time
- Failure to recognize that workers with disabilities typically require use of more sick leave
- The significant financial impact of STIIP<sup>1</sup>
- Increased use of EDMP programs
- Employers requiring unnecessary and costly doctors notes, often for disability-related absences
- Cultural expectations of coming to work sick, which exposes workers with immune-related disabilities to illnesses that worsen their health
- STIIP policies that fail to accommodate individuals with long-term, cyclical illnesses.

At the same time, participants also pointed out problems with typical hiring practices—including the unfair weighting of past attendance history (which discriminates against workers with long-term chronic disabilities); the inclusion of irrelevant physical ability and aptitude requirements or testing.

Workers with disabilities need a meaningful role in their union, not only for immediate recourse in troubling situations such as these, but as a larger

vehicle for political leadership, shared advocacy, and collective empowerment. It is especially problematic, therefore, that roundtable participants described frequent pressure by employers against union involvement—sometimes abusing a false and unacceptable argument that these workers already miss too much work as a result of their disability.

As a counterpoint to these harmful barriers and inequities, attendees at the roundtable identified and discussed a set of essential conditions for meeting and ensuring standards of genuine inclusion and participation for workers with disabilities. Broadly speaking, this involves:

- A commitment to formally recognize and accommodate all disabilities in the workplace
- Negotiating collective agreement language that protects and ensures the rights and needs of workers with disabilities
- Guaranteeing the availability of appropriate supporting technologies for those who need it
- Ensuring that job descriptions and work requirements do not discriminate against workers with disabilities
- Building inclusive language into workplace policies and procedures
- Actively fostering supportive and inclusive workplace cultures
- A commitment to advancing meaningful employment for all workers with disabilities.



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<sup>1</sup> STIIP (Short Term Illness and Injury Plan) is the sick leave plan under the public service collective agreement. Collective agreement provisions in other sectors will vary between an hourly sick leave banks to weekly indemnity or short-term disability plans, or a combination of these.

## UNION AND LABOUR MOVEMENT PARTICIPATION

Lastly, roundtable participants examined factors that helped or hindered the participation of workers with disabilities in the labour movement itself—including within the BCGEU.

From a practical standpoint, there are several factors that members with disabilities face when participating in union meetings and labour events. For example, standard scheduling practices for union meetings often result in prohibitively short notice—especially where arrangements for translation or other accessibility supports are needed. In addition, labour events often fail to provide the technological and mobility supports that workers with disabilities require, and venues for meetings and events are not always selected with the needs and challenges of workers with disabilities in mind.

Outside of events, travel and accommodation planning also present obstacles. For example, union members in rural and remote areas typically have greater difficulty finding accessible and appropriately equipped accommodations.

When these issues obstruct participation for workers in the activities and business of their locals, it creates systemic barriers to the representation of workers with disabilities at higher and more influential levels of union leadership. In turn, this suppresses awareness of the underlying issues, and, over time, entrenches both the structural barriers to participation and the overall inequity. The dynamic is cyclical.

In very general terms, roundtable participants recounted some challenges connecting with union staff representatives to address and resolve accommodation issues. Although not always the case, stewards, local officers and staff often have limited knowledge of disability management programs, according to roundtable participants, and many are not well-trained or well-versed in the occupational rights-related issues that workers with disabilities face. Internally, there is also a lack of education for stewards and rank-and-file members regarding the rights of workers with disabilities under collective agreements.

More broadly, often the actual language of collective agreements falls short of current best practices and standards for promoting inclusion of people with disabilities in the workplace. Participants at the roundtable see this partly as the outcome of prioritizing the average worker's needs during contract negotiations. In this way, union policy and procedure can be seen as being biased toward a conventional and mainstream frame of reference, rather than adopting a more intersectional analysis and perspective that accounts for the needs and circumstances of its diverse membership.

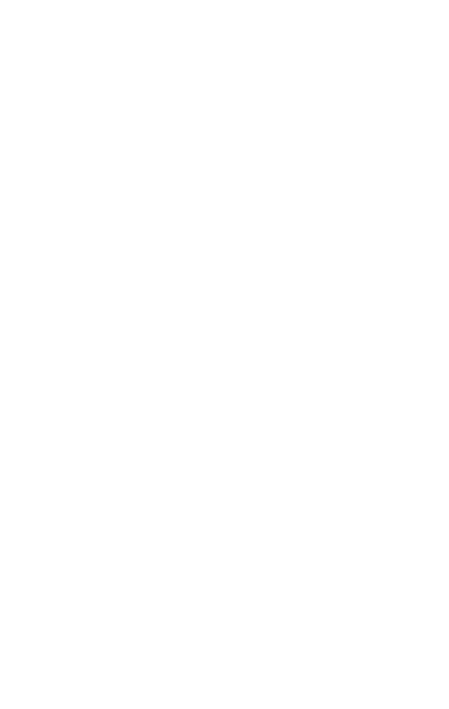
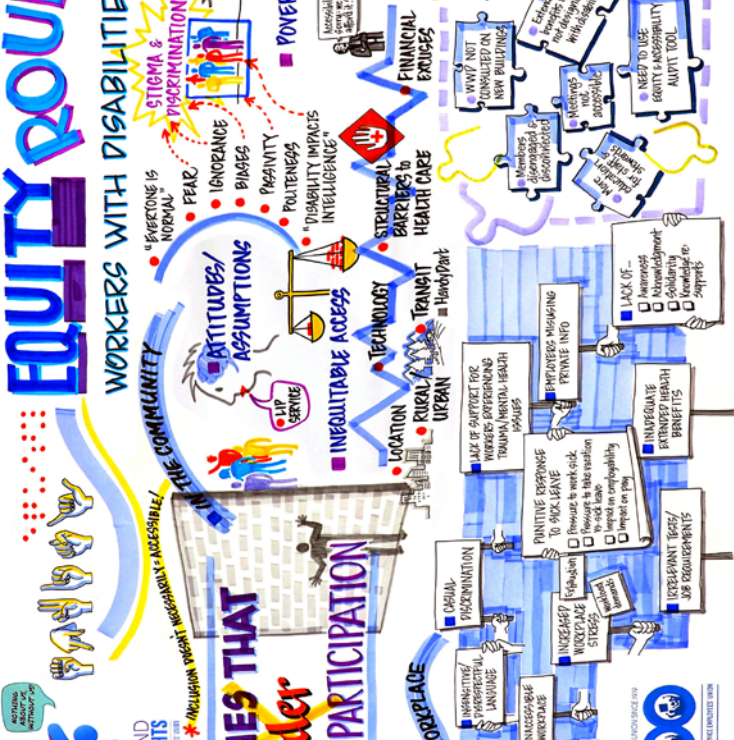
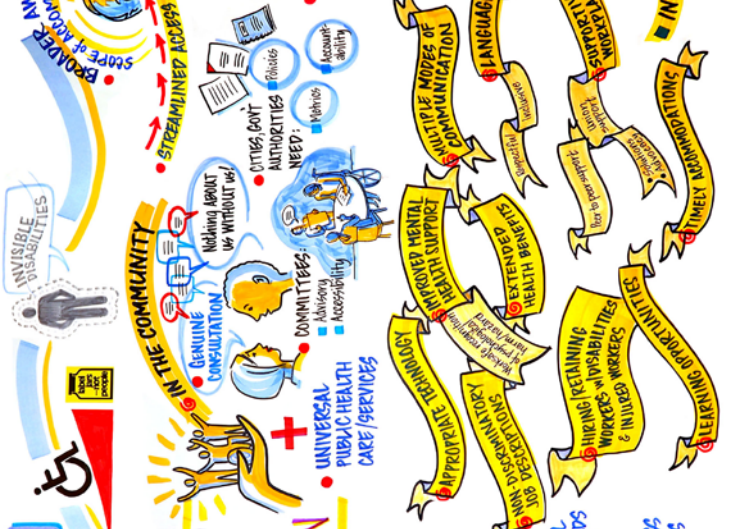
Roundtable participants outlined some necessary conditions for improving the state of internal communication on disabilities issues for members. This requires:

- Stronger, more proactive outreach to workers with disabilities
- Better promotion of events
- Receptivity to criticism and feedback from workers with disabilities
- Improved openness and transparency on important decisions and priorities
- Clearer, more regular reporting on the union's work on disability issues

However, to measurably improve access and inclusion and political participation for workers with disabilities, additional and more strenuous efforts will be needed to break down existing structural barriers, and to create new opportunities at the same time. Suggested actions include:

- Compulsory education on disabilities issues for all stewards and union executives
- Regular (and mandatory) accessibility audits of workplaces and union event venues
- Ongoing dialogues and forums for workers with disabilities (similar to this roundtable)
- New staff positions and elected roles for people with lived experience as worker with disabilities
- Assigning experienced stewards and staff as liaisons for inclusion work





# EQUITY ROUNDTABLE 2019

**WHAT DOES A FULLY INCLUSIVE & WELCOMING LABOUR MOVEMENT LOOK LIKE?**

**PUBLIC POLICY & ADVOCACY**

BE A LEADING, VISIBLE, AND PASSIONATE ADVOCATE FOR WORKERS WITH DISABILITIES

**CELEBRATE**  
 INTERNAL UNION POLICIES

- Create spaces and opportunities for PWD
- Invite PWD to represent the union
- Integrate PWD issues into union education
- Establish an Accessibility Officer
- Include meeting notices

**UNION STRUCTURE & GOVERNANCE**

BETTER REPRESENTATION OF WWD

ALL LOCALS AND COMPONENTS IMPLEMENT EQUITY POSITIONS ON EXECUTIVES

**COLLECTIVE BARGAINING**

- NEGOTIATE COLLECTIVE AGREEMENT PROVISIONS THAT SUPPORT WWP
- DEMAND NON-DISCRIMINATORY JOB DESCRIPTIONS AND REQUIREMENTS
- DISABILITY IS NOT THE SAME AS ILLNESS
- DIRECT MEMBER PARTICIPATION IN COLLECTIVE BARGAINING
- DIVERSIFY OUR KNOWLEDGE OF OUR MEMBERS



- CREATE AN ACCESSIBILITY OFFICER for BCGEU
- HAVE A SUBSET of STEWARDS WITH LIVED EXPERIENCE & INTEREST IN PROVIDING SUPPORT TO MEMBERS WITH DISABILITIES AND SITE AUDITS
- PWD CONDUCT ACCESSIBILITY AND HEALTH/ WELLNESS AUDITS ON ALL WORKSITES
- RELEVANT ONGITE TRAINING RE: DISABILITY ISSUES AT ALL LOCALS
- USE U.N. CONVENTION ON RIGHTS OF PEOPLE WITH DISABILITIES AS THE FOUNDATION FOR ALL-UNION POLICY

# Recommendations

Following the dialogues outlined in this report, participants concluded the roundtable by developing a vision for change built around recommendations in four key areas.

## 1. PUBLIC POLICY AND ADVOCACY

- 1.1. The BCGEU should be a leading, visible and passionate advocate for workers with disabilities. This means continuing to partner with leading disability rights organizations, and becoming a recognized leader on disability rights within the labour movement
- 1.2. Continue to acknowledge and celebrate International Day of Persons with Disabilities

## 2. INTERNAL UNION POLICIES

- 2.1. Create a network of stewards with specific training to act as advocates for workers with disabilities.
- 2.2. Develop an accessibility and accommodations audit tool for members and stewards to use in their workplaces, as well as in union offices and events
- 2.3. Perform audits of union offices, conducted and overseen by members with disabilities
- 2.4. Enhance union education for stewards and officers regarding disabilities, the duty to accommodate, and the rights of workers with disabilities
- 2.5. Through specialized training, build competency among stewards and staff to navigate disability issues, including the duty to accommodate; and establish a network of knowledgeable stewards to act as mentors
- 2.6. Endorse the United Nations Declaration on the Rights of Disabled Persons, and adopt it as a resource for guiding union policy and advocacy work
- 2.7. Ensure that union services, events, courses and communications are accessible to members with disabilities; provide appropriate accommodations as requested/required
- 2.8. Include relevant information about available accommodations in all member communications and meeting notices—including, for example, American Sign Language, Teletypewriter (TTY) Service, real-time captioning, and/or other services.

- 2.9. Develop a process for members from equity groups and their representatives to the equity and human rights committee to monitor progress on related convention resolutions, roundtable recommendations and other initiatives

## 3. UNION STRUCTURE AND GOVERNANCE

- 3.1. Create and appoint a union disability rights advocate and accessibility officer
- 3.2. Strongly encourage locals and components to establish (and fill) workers with disabilities seats on their elected executives, and amend local and component bylaws accordingly
- 3.3. Promote stronger representation of workers with disabilities among union activists, officers and staff

## 4. COLLECTIVE BARGAINING

- 4.1. Canvass the knowledge of our members to develop model language for collective agreements that will: a) reflect the needs of workers with disabilities and b) involve these members more directly in collective bargaining
- 4.2. Establish the awareness that a disability is not the same as illness, and have this reflected in collective bargaining proposals, including STIIP, sick leave, short-term disability, weekly indemnity, long-term disability and health and welfare benefits
- 4.3. Evaluate current collective agreements and job descriptions for discriminatory provisions, and develop new proposals to correct these
- 4.4. Negotiate employer-paid (but union-guided and -directed) advocates to support members navigating STIIP, sick leave, short- and long-term disability, and return-to-work and accommodations processes
- 4.5. Require all bargaining committees to propose and prioritize best practice language in negotiations; establish oversight to ensure committees bargaining committees comply