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# Inclusion BC Brief

## British Columbia Framework for Accessibility Legislation

November 27, 2019

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# Accessibility: Our Guiding Principles

## Introduction

Thank you for the opportunity to submit a written brief to support this historical shift in BC with the introduction of provincial accessibility legislation.

Inclusion BC is a non-profit provincial organization that advocates for the rights and opportunities of people with intellectual disabilities and their families. We are a federation of members that include people with disabilities, their families, and agencies that serve them.

Inclusion BC appreciated the opportunity to participate in the *Accessibility Legislation Consultation Advisory* and would like to reinforce the following guiding principles that are important for our federation in the development of the legislation:

- **Human Rights:** Accessibility is a human right and should apply to all areas of daily life for all citizens.
- **Full Citizenship:** New legislation should recognize full citizenship and support the government of BC to achieve its obligations under the *UN Convention on the Rights of Persons with Disabilities* (UNCRPD).
- **Culture of Inclusion:** All levels of government must work together to improve accessibility in all areas and to establish a culture of inclusion.

## Key Recommendations

Our recommendations focus on ensuring that accessibility legislation is rights-based, in alignment with the UNCRPD, and that people with intellectual disabilities participate in the development of accessibility standards. We are also recommending the creation of a provincial *Disability Action Plan* to coincide with the development of this legislation, and the establishment of a *Provincial Office for Disability Issues* with a broad mandate to educate the public, enforce the standards, and manage accountability to support the development of a culture of inclusion in our province.

In response to the questions set out in the *British Columbia Framework for Accessibility Legislation* we are making the following sixteen (16) recommendations:

1. **The accessibility legislation must be rights-based in alignment the UN Convention on the Rights of Persons with Disabilities (UNCRPD), enhanced by meaningful investment, robust infrastructure for delivery, and include built-in accountability and measurement tools.**
2. **The accessibility legislation should embrace a cultural model of disability to change the prevailing understanding and reframe disability as a valuable way of being in the world.**
3. **Create a *Disability Action Plan* during the development phase of the legislation to put a disability lens on all government policies, procedures, and decisions.**
4. **The accessibility legislation should clearly define and acknowledge Ableism as a major barrier to inclusion and incorporate the fundamentals of universal and inclusive design as guiding principles.**
5. **Accountability must be a guiding principle for the implementation of the accessibility legislation, and the *Standards Development Board* must include people with intellectual disabilities.**
6. **The accessibility legislation will address real-world barriers in British Columbia with rights-based regulations compliant with the UNCRPD, in particular:**
  - **Article 7 – Children with disabilities**
  - **Article 9 – Accessibility**
  - **Article 21 – Freedom of expression and opinion, and access to information**
  - **Article 19 – Living independently and being included in the community**
  - **Article 24 – Education**
  - **Article 25 – Health**
  - **Article 27 – Work and employment.**

7. Timelines should allow for consultation and ensure alignment of standards with the UNCRPD, and once developed, the requirement for compliance on new services should be immediate, while allowing two to four years for existing services.
8. The accessibility legislation and implementation mechanisms should acknowledge the diversity within the disability community and ensure that their unique needs and voices are recognized and addressed.
9. The governance of the accessibility legislation should be managed by an *Accessibility Directorate*, a *Standards Development Board*, and an *Accessibility Commissioner*, each of which is nestled within the *Provincial Office for Disability Issues*.
10. The establishment of a *Provincial Office for Disability Issues* with a broad mandate to educate the public, investigate and enforce the standards, and manage accountability to support the development of a culture of inclusion.
11. The accessibility legislation should require built-in action plans, reporting mechanisms, and accessible complaint processes.
12. A *Provincial Office for Disability Issues* should act as the entity to monitor compliance with the accessibility legislation and have the authority needed to adjust incentives and apply enforcement measures.
13. Legislative reviews should be conducted as a tool for accountability and to ensure that legislation continues to reflect current best practices.
14. Legislative Reviews of crucial target areas should occur at three years and five years with a complete reanalysis of the legislation after eight years.
15. Expand and strengthen existing initiatives with provincial and national partners to create a broad coalition and promote the culture of accessibility.
16. Launch a Public Awareness Campaign to support the new accessibility legislation and *Disability Action Plan* and foster a culture of inclusion which recognizes the value and different abilities of every person.

To further inform the process, we are including in our formal submission quotes and examples of lived experiences brought to our attention to ensure their perspectives and voices are included in the consultation.

In the development of this submission, Inclusion BC made consultations with members of our Board of Directors, Self-Advocates Advisory Committee, Family Advisory Committee, members of our Federation, our Community Inclusion Advocacy Program, and the Canadian Institute for Inclusion and Citizenship. Inclusion BC has also drawn from the wisdom and experience of our national federation to support our submission.

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# Questions, Responses and Recommendations

Drawing on the accumulated knowledge, the remainder of this document answers the questions posed by the *Ministry of Social Development and Poverty Reduction* in the guide for submissions.

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## QUESTION 1:

### What is most important to you about accessibility legislation for BC?

The framework for the legislation stipulates that it will “support Canada’s ratification of the UNCRPD by promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and by promoting respect for their inherent dignity.”<sup>1</sup>

We support this goal. From the outset, Inclusion BC has expressed the importance of creating rights-based legislation guided by the *UN Convention on the Rights of Persons with Disabilities* (UNCRPD) enhanced by:

- Meaningful investment,
- Robust infrastructure for delivery, and
- Built-in accountability and measurement

to remove barriers to full citizenship for people with intellectual disabilities.

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<sup>1</sup> *British Columbia Framework for Accessibility Legislation*. See: [https://engage.gov.bc.ca/app/uploads/sites/543/2019/09/7006\\_Framework-for-Accessibility-Legislation\\_WebFinal.pdf](https://engage.gov.bc.ca/app/uploads/sites/543/2019/09/7006_Framework-for-Accessibility-Legislation_WebFinal.pdf)



Inclusion BC would like to see that the accessibility legislation does more than “help” enhance the UNCRPD but brings it to life. As stated in the UNCRPD, accessibility is to “enable persons with disabilities to live independently and participate fully in all aspects of life.”

Inclusion BC considers it is essential that BC’s legislation defines accessibility in alignment with the definition of accessibility in the UNCRPD, Article 9.

### *UN Convention on the Rights of Persons with Disabilities (UNCRPD)*

## **Article 9 – Accessibility**

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
  - a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
  - b) Information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures:
  - a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
  - b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
  - c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
  - d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

- e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

A potential step toward ensuring alignment with the UNCRPD is to submit BC's draft legislation to the *UN Special Rapporteur on the Rights of Persons with Disabilities* for review and comparison to the Convention. Inclusion BC understands the importance of alignment and collaboration with federal legislation and other provincial jurisdictions. This option for review was not available when other provinces, such as Ontario, introduced their legislation and provides an opportunity to develop robust "made-in-BC" legislation.

Taking the step of validating BC's draft legislation with an international body offers the opportunity to be the first accessibility legislation in Canada to fully align with the UNCRPD, infusing further confidence and credibility in our new Act.

Bill C-81, the *Accessible Canada Act*, was tabled in Parliament on June 20, 2018, and was passed by the Senate, with amendments, on May 13, 2019. Unfortunately, the modifications did not include recognizing the new opportunity presented by Canada's accession to the UNCRPD Optional Protocol on December 3, 2018. Canadians now have additional recourse within the *Committee on the Rights of Persons with Disabilities* to make an individual complaint if they believe their rights under the Convention have been violated. It is important to our federation to have direct acknowledgement of this recourse in the provincial legislation by including a provision recognizing that, pursuant to Canada's ratification of the Optional Protocol, persons can submit individual communications to the UN Committee.

The Convention refers to the importance of taking measures to promote accessibility at design stages – Article 9, section 2 (h). Inclusion BC believes and advocates for using universal and inclusive design rather than taking the retrofitting option. In this important moment for BC, developing our provincial accessibility legislation with this approach would significantly contribute to identifying and eliminating barriers that people with intellectual disabilities face in multiple forms.

## RECOMMENDATION 1:

- **The accessibility legislation must be rights-based in alignment the UN Convention on the Rights of Persons with Disabilities (UNCRPD), enhanced by meaningful investment, robust infrastructure for delivery, and include built-in accountability and measurement tools.**

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## QUESTION 2:

# What do you think about the suggested model for legislation and scope of legislation?

Inclusion BC reaffirms it will be essential to include people with intellectual disabilities, their families, and experts on the *Standards Development Board* using principles of universal and inclusive design. This effort will support the development of accessibility standards that reflect the diversity of barriers experienced by people with disabilities. It will also help ensure the measures have the range and scope to shift culture and have a meaningful impact on people's day-to-day lives.

It will also be essential to take stock of how we as government and community respond to disability-related accommodation on the following continuum in the development of standards.

The *Disability and Learning Community* at *Vanderbilt University* has published a guide<sup>2</sup> which describes the different perspectives:

*Put simply, the medical model tends to focus on addressing the diagnoses of deficiencies and accommodations for a disabled individual, while the social model embraces disability as a difference and focuses on correcting systematic exclusions in institutions based in*

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<sup>2</sup> *Creating Accessible Learning Environments*, Thurber, A. and Bandy, J. (2018). See: <http://cft.vanderbilt.edu/guides-sub-pages/creating-accessible-learning-environments/>



<b>Goal of change effort</b>	To diagnose, diminish, correct, and/or accommodate perceived deficits	To increase accessibility in all aspects of society and remove barriers that restrict life choices for disabled people	To reframe disability as a valuable way of being in the world
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We need to move from the “medical model” and the “social model” of disability to the “cultural model” which reframes disability as “a valuable form of human variation.”<sup>3</sup> We should strive to respond from the perspective of full citizenship and thus provide accommodations accordingly.

Far too often, full and meaningful participation is prevented because of failure to implement universal and inclusive design in service delivery, education, employment, and the built environment. Accommodation is often not provided because of lack of knowledge, cost or lack of preparation, and is dismissed with the excuse of “not enough time” or “we should have prepared better” and a whole other list of reasons. The underlying message we are sending people is that we still see these as functions of charity or optional. Human rights legislation provides some recourse, but the process of filing a complaint is often lengthy, costly, and does not lead to systemic change. Ensuring the application of universal and inclusive design in all aspects of life to eliminate barriers that hinder peoples’ meaningful participation is a fundamental step for the exercise of their full citizenship.

## RECOMMENDATION 2:

- **The accessibility legislation should embrace a cultural model of disability to change the prevailing understanding and reframe disability as a valuable way of being in the world.**

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<sup>3</sup> *Beyond Accommodation: Disability, Feminist Philosophy, and the Design of Everyday Academic Life*, Aimi Hamraie, 2016, p. 260.

### QUESTION 3:

## Do you have other ideas for the model for legislation and scope of legislation you would like considered?

During the development phase of the legislation, Inclusion BC recommends a parallel process to co-create a province-wide *Disability Action Plan* infusing a disability lens into all levels of government policies, procedures, and decision making, ensuring a cultural shift towards full inclusion within the government as a whole. This action plan could then become an area of potential collaboration with the federal government as they embark on developing a *National Disability Action Plan* to ensure the barriers people encounter that are not currently considered in the *Accessible Canada Act* have an avenue to be tackled. One of the most pressing examples being protecting people with disabilities right to choose end of life planning while protecting them from abuse or coercion in the new context of medical assistance in dying. The Canadian Association for Community Living has published a resolution regarding the “Safeguards in Medical Assistance in Dying”<sup>4</sup> which we support.

Inclusion BC was disappointed to learn Health, Education, and Housing were not established target areas alongside Service Delivery, Employment, Built Environment, Information and Communication, and Transportation, but remain hopeful that a parallel *Disability Action Plan* can create intentional pathways to explore the more profound systemic barriers in these areas

### RECOMMENDATION 3:

- Create a *Disability Action Plan* during the development phase of the legislation to put a disability lens on all government policies, procedures, and decisions

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<sup>4</sup> *Safeguards in Medical Assistance in Dying*, CACL. See: <https://cacl.ca/campaign/safeguards-in-medical-assistance-in-dying/>.

#### QUESTION 4:

## What do you think about the suggested purposes and principles for legislation?

Inclusion BC agrees for the most part with suggested purposes and principles and again recommends including the fundamentals of universal and inclusive design into the guiding principles for the legislation.

We consider it necessary to include a clear definition of *Ableism*. It is so common to slip into this mindset without even knowing and it is one of the most prevalent barriers people with disabilities encounter in their day to day lives.

Jay Timothy Dolmage, author of *Academic Ableism: Disability and Higher Education*, explains what is Ableism and why it is harmful:

Ableism...instead of situating disability as bad and focusing on that stigma, positively values able-bodiedness. In fact, ableism makes able-bodiedness and able-mindedness compulsory. Disablism constructs disability as abject, invisible, disposable, less than human, while able-bodiedness is represented as at once ideal, normal, and the mean or default.

...to value ability through something like the demand to overcome disability [or to cure disability], there is also an implicit belief that being disabled is negative and to be avoided at all costs. This belief then leads to structures in which disabled people live in poverty, and are underemployed, and so on. As activist and scholar Lydia Brown writes, "ableism is not some arbitrary list of 'bad words,' as much as language is a tool of oppression. Ableism is violence, and it kills"<sup>5</sup>

#### RECOMMENDATION 4:

- The accessibility legislation should clearly define and acknowledge Ableism as a major barrier to inclusion and incorporate the fundamentals of universal and inclusive design as guiding principles.

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<sup>5</sup> - *Academic Ableism: Disability and Higher Education*, Jay Timothy Dolmage, 2017, Ann Arbor: University of Michigan Press.

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QUESTION 5:

## Do you have other ideas about the purposes and principles that should guide accessibility legislation?

It is fundamental that the *Standard Development Board* includes people with intellectual disabilities. Additionally, Inclusion BC recommends the Board to include (or consult with) representatives from the *Centre for Inclusive Design*<sup>6</sup> and the *Centre for Excellence in Universal Design*<sup>7</sup> to inform the development of accessibility guidelines and standards. Doing so will subsequently inform action plans with the potential to support a cultural shift in our province.

Inclusion BC also recommends including accountability as a guiding principle for the implementation of accessibility legislation. People with intellectual disabilities have historically been one of the most marginalized and vulnerable groups of our society. Including accountability as a guiding principle potentially ensures that government and community own the responsibility that we have toward our fellow citizens.

### RECOMMENDATION 5:

- **Accountability must be a guiding principle for the implementation of the accessibility legislation, and the *Standards Development Board* must include people with intellectual disabilities.**

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<sup>6</sup> *Centre for Inclusive Design*. See: <http://centreforinclusivedesign.org/>

<sup>7</sup> *Centre for Excellence in Universal Design*. See: <http://universaldesign.ie/>



## QUESTION 6:

# What do you think about the suggested approach to accessibility standards?

Inclusion BC agrees with the development, implementation, and enforcement of accessibility standards including the recommendations we have established above. To inform that process, we consider of utmost importance to pay attention to the barriers that people with disabilities currently experience in a myriad of situations.

Inclusion BC would like to share some of the barriers encountered by people and their families shared by participants in our *Community Inclusion Advocacy* program this past year. Our team of community inclusion advocates provides direct support to approximately 650 people experiencing barriers to full citizenship per year. The examples were selected because they represent the experience of multiple callers throughout the province and are concerns also shared by our federation members. The restricted access to the supports they need reinforces to us the importance of focusing on better design of systems that meet people's needs and allows them to live full meaningful lives in their communities.

The majority of the barriers would fall under the standard of service delivery or built environment. They are organized into six areas that need to be addressed in the legislation, we are also including the related article of the UNCRPD that should inform the legislation.

1. Health and Wellbeing
2. Early Years Services and Supports
3. Inclusive Education
4. Inclusive Affordable Housing
5. Employment & Disability Supports
6. Information & Communication

## BARRIER 1:

# Health and Wellbeing

*"Having a medically complex child with disabilities should not be a ticket to poverty." Parent, BC Parents of Complex Kids*

*“Our systems are making people sick.” Family Member, Richmond*

### *UN Convention on the Rights of Persons with Disabilities (UNCRPD)*

## Article 25 – Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- c) Provide these health services as close as possible to people’s own communities, including in rural areas;
- d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

- Lack of equity of care for people with intellectual and developmental disabilities.

- Inaccessibility of medical or hospital facilities for people with disabilities.
- Limited disability awareness within medical professions. For medically complex kids and their families, inadequate at-home nursing or respite support.
- Lack of support and family breakdown while the Ministry of Children and Family Development, Community Living BC, local health authority, and/or the school district dispute responsibility.
- 6-12 months wait for appointments with paediatricians in rural or remote communities.
- 18-24 months wait for assessments at Sunny Hill (complex developmental and behavioural, autism, etc.).
- Lack of time at a doctor's visit to address the full scope of medical care needed for people with disabilities.
- Lack of respect for the agency of the person or support decision making on admission to long-term care facilities.
- 2-year wait time for dental surgery and insufficient dental coverage.
- 18-months wait time for mental health supports for adults leaving hospital, police, and families in a triage situation.
- Lack of safeguards to protect people with intellectual disabilities from abuse or coercion from medical assistance in dying.

#### BARRIER 2:

## Early Years Services and Supports

*"My child aged out of early intervention services and entered school without having accessed therapy." Parent*

*UN Convention on the Rights of Persons with Disabilities (UNCRPD)*

### Article 7 – Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

- Limited access to early intervention and supported child development programs.
- Limited access to inclusive childcare settings.
- Lack of enough training and professional development for early childhood educators.
- Restricted access to supports based on diagnoses rather than needs.
- Limited or no access to professionals (occupational therapist, speech and language therapist, physiotherapist) in rural and remote communities.

#### BARRIER 3:

### Inclusive Education

*“My daughter is only allowed to be at school for 2 hours because there is no EA support for her for the rest of the day.” Parent from BCEdAccess*

#### *UN Convention on the Rights of Persons with Disabilities (UNCRPD)*

### Article 24 – Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:
  - a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

- b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
  - c) Enabling persons with disabilities to participate effectively in a free society.
2. In realizing this right, States Parties shall ensure that:
- a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
  - b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;]]
  - c) Reasonable accommodation of the individual's requirements is provided;
  - d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
  - e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:
- a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
  - b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
  - c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who

are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

- Lack of universal design in program delivery and the built environment, leading to the ongoing segregation of children with disabilities at both the elementary and secondary levels.
- Restraint and seclusion of children while in school.
- Lack of training for teaching professionals about intellectual and developmental disabilities, including training on positive behavioural support, non-violent intervention, and trauma-informed service delivery.
- Children sent home from school due to “behaviours” because the school-based team was not able to support their learning requirements.
- Children redirected to homeschooling because community school was unable to meet their needs.
- School playgrounds are not accessible, leading to social isolation and reduced opportunities for play and physical exercise.
- Use of offensive language by describing students with disabilities as “violent”.
- Children that cannot participate in a field trip because of the built environment or insufficient staffing to support them on the field trip.
- Lack of opportunities for meaningful work experience at the secondary level.
- Limited or no access to educational supports for not having a diagnosis that “brings funding”.

**BARRIER 4:**

## Inclusive Affordable Housing

*“Over 25% of the people in our province are living with disabilities. And for indigenous people, the rate is even higher. There are so many barriers that can prevent us from succeeding – physical barriers, economic barriers, and cultural barriers. If we can work together to remove these barriers, my ancestors will be very proud.” Kya Bezanson, Inclusion BC Board Member*

### *UN Convention on the Rights of Persons with Disabilities (UNCRPD)*

## Article 19 – Living independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

1. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
2. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
3. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

- Lack of support for people being released from hospital, such that individuals supported by Community Living BC, previously in care, are sometimes being released to a shelter.

- Discriminatory municipal bylaws that prevent staffed homes in residential zoned areas, and which do not incorporate the principles of universal design into all new and retrofitted housing
- Moved to another community away from family to receive housing supports.
- Premature moving of individuals with disabilities into a health facility as a result of limited community housing options.
- Living with aging parents because there is nowhere else to live.

#### BARRIER 5:

## Employment & Disability Supports

*“My daughter with autism was terminated from her job for lacking social skills needed for her job, we cannot afford the training she needs, and we are not clear where to find employment supports for young adults with autism.” Parent caller to the Advocacy Line*

### *UN Convention on the Rights of Persons with Disabilities (UNCRPD)*

## Article 27 – Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:
  - a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
  - b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working



conditions, including protection from harassment, and the redress of grievances;

- c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
  - d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
  - e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
  - f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
  - g) Employ persons with disabilities in the public sector;
  - h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
  - i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
  - j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
  - k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

- Limited access to supports on the job.
- Limited access to customized employment options.
- Some employers are not ready to be inclusive employers.
- Attitudes to employ people with intellectual disabilities based on the charity model.

**BARRIER 6:**

## Information & Communication

*"I couldn't offer my opinion because the form did not make sense to me."  
Caller to the Advocacy Line*

*UN Convention on the Rights of Persons with Disabilities (UNCRPD)*

### Article 21 – Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- e) Recognizing and promoting the use of sign languages

To inform this section, Inclusion BC was invited to participate in the meeting of the Advocacy Committee of the Burnaby Association for Community Inclusion (BACI).

Together, we emphasize again the importance of inclusive design in creating multiple ramps and access points to information, engagement, and learning. Members of BACI's Advocacy Committee shared their expectation for organizations to deliver services in a way that are accessible to people with intellectual disabilities. They provided concrete examples of how to fulfill their particular access needs:

- Provide accommodations for staff who provide essential support
- Ensure written materials are available in plain language
- Recognize the validity and authority of representation agreements by not requiring additional forms
- Provide trained, patient staff at events/consultations
- Provide websites that are clear and easy to use
- Develop accessible complaint processes

The Committee specifically recognize *Community Living BC's* website as a good example of an accessible website.

### RECOMMENDATION 6:

- **The accessibility legislation will address real-world barriers in British Columbia with rights-based regulations compliant with the UNCRPD, in particular:**
  - Article 7 – Children with disabilities
  - Article 9 – Accessibility
  - Article 21 – Freedom of expression and opinion, and access to information
  - Article 19 – Living independently and being included in the community
  - Article 24 – Education
  - Article 25 – Health
  - Article 27 – Work and employment.

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#### QUESTION 7:

## What do you think about the suggested approach to timelines for accessibility legislation?

Inclusion BC appreciates the importance of learning from and collaborating with other jurisdictions within Canada and abroad. We applaud the government for their leadership and research efforts to-

date. Timelines should allow for sufficient consultation with other jurisdictions and to ensure alignment with the UNCRDP assuring that BC's legislation is keeping with the most current, global framework for disability rights.

Once standards are developed, the requirement for changes on new services and newly built facilities should be immediate. Where retrofitting is required, timelines should be between two and four years for fundamental services like education and health, recognizing that many agencies who are not already providing accessible services are possibly in violation of provincial human rights legislation.

### RECOMMENDATION 7:

- **Timelines should allow for consultation and ensure alignment of standards with the UNCRPD, and once developed, the requirement for compliance on new services should be immediate, while allowing two to four years for existing services.**

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#### QUESTION 8:

## Do you have other ideas about the development of accessibility standards or timelines for accessibility standards?

The differentiation and diversity within the disability community should be recognized in the legislation. The subsequent processes and mechanisms should be designed to ensure the unique needs and voices within the disability community (i.e. intellectual disabilities, developmental disabilities, people with hearing loss or visual impairments, etc.) are recognized and addressed.

The legislation should include targets and measures to expand beyond the *Together BC* plan to eradicate poverty. If the bill is to take root for all, the basic human needs of food security, income security, housing security, and health and wellbeing must be met for all people with disabilities.

The development of a *Disability Action Plan* as a companion tool to the provincial accessibility legislation would be an efficient and effective way of working holistically to address all the systemic barriers people with disabilities encounter in their day-to-day lives.

### RECOMMENDATION 8:

- The accessibility legislation and implementation mechanisms should acknowledge the diversity within the disability community and ensure that their unique needs and voices are recognized and addressed.
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### QUESTION 9:

## What do you think about the suggested approach to governance for accessibility legislation?

*Inclusion BC* supports the development of the *Accessibility Directorate*, *Standards Development Board*, and the *Accessibility Commissioner*, and strongly recommends that they be nestled within a *Provincial Office for Disability Issues*.

### RECOMMENDATION 9:

- The governance of the accessibility legislation should be managed by an *Accessibility Directorate*, a *Standards Development Board*, and an *Accessibility Commissioner*, each of which is nestled within the *Provincial Office for Disability Issues*.
-

#### QUESTION 10:

## Do you have other ideas about governance for accessibility legislation?

The *Representative for Children and Youth*, the *Ombudsperson*, the re-established *Human Rights Commission*, the *Advocate for Service Quality*, and the *Seniors Advocate*, all play crucial roles concerning the answerability of government systems and service plans. It is important to note that there is a significant accountability gap and systemic disconnect for people with intellectual disabilities and dual diagnosis between the ages of 25-65 requiring supports outside of *Community Living BC*'s mandate. This is also true for school-age children, leading to families hiring private lawyers to get their children's educational needs met.

Inclusion BC recommends the establishment of a *Provincial Office for Disability Issues* to support the cultural shift from navigating complex systems and managing crisis to coordinating operations and building the capacity to work together to better meet the needs of those they are designed to serve. We envision this office as a holistic, overarching body with a broad mandate that would educate the public, investigate and enforce the standards, and have established accountability mechanisms to support the development of a culture of inclusion within all government bodies.

Additionally, we recommend the creation of a provincial *Housing Advocate*, *Health Advocate*, *Mental Health Advocate*, and *Education Advocate* to promote accountability and coordination of systems to better meet the needs of people with disabilities and their families.

#### RECOMMENDATION 10:

- The establishment of a *Provincial Office for Disability Issues* with a broad mandate to educate the public, investigate and enforce the standards, and manage accountability to support the development of a culture of inclusion.
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QUESTION 11:

## What do you think about the suggested approach to incentives, compliance, and enforcement for accessibility legislation?

For Inclusion BC, the critical elements are rights-based legislation settled with a robust infrastructure for delivery that front-loads government and community alike for success. The approach should include:

- **Action Plans** – The legislation should require all levels of government and organizations to make action plans that describe how they will improve their accessibility over time with specific benchmarks and established improvement measures.
- **Reporting Mechanisms** – The legislation should require all levels of government and organizations to report on what they are doing to support the action plans.
- **Complaints Processes** – The legislation should describe how people in BC can make complaints if they think it is not followed.

### RECOMMENDATION 11:

- The accessibility legislation should require built-in action plans, reporting mechanisms, and accessible complaint processes.

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QUESTION 12:

## Do you have other ideas about how to achieve the right mix of incentives and compliance/enforcement tools for accessibility legislation?

Inclusion BC supports the primary focus being on providing supports and incentives and building awareness. The *Provincial Office for Disability Issues* suggested above could serve as the entity ensuring the supports and incentives are having the desired effect, while having the authority to apply enforcement measures.

### RECOMMENDATION 12:

- **A *Provincial Office for Disability Issues* should act as the entity to monitor compliance with the accessibility legislation and have the authority needed to adjust incentives and apply enforcement measures.**
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### QUESTION 13:

## What do you think about having reviews of accessibility legislation?

It is an important feature to support our collective learning and an essential element of accountability. Further, reviews allow for incorporation of the constant evolution of the standards as advancements in technology and design enhance what is possible. These reviews equally allow to maintain the legislation up-to-date with developments supported by research and best practices.

### RECOMMENDATION 13:

- **Legislative reviews should be conducted as a tool for accountability and to ensure that legislation continues to reflect current best practices.**
-



QUESTION 14:

## If you support legislative reviews, how often should they occur?

Inclusion BC recommends a partial review of crucial target areas at three years and five years with a complete analysis of the legislation at eight years.

### RECOMMENDATION 14:

- Legislative Reviews of crucial target areas should occur at three years and five years with a complete reanalysis of the legislation after eight years.
- 

QUESTION 15:

## What other initiatives or actions would you recommend to promote a culture of accessibility?

Inclusion BC is working with our sixty member agencies and with both provincial and national partners to promote inclusion and a culture of accessibility. Provincial partners include the *Ministry of Social Development and Poverty Reduction*, *Community Living BC (CLBC)*, *Kwantlen Polytechnic University (KPU)*, and *BCEdAccess*. National partners include the *Government of Canada*, the *Canadian Association for Community Living (CACL)*, the *Canadian Autism Spectrum Disorders Alliance*, *Canadian Association for Supported Employment (CASE)*, *My Home My Community*. Here are seven example programs which highlight initiatives and actions which we support:

- IMPACT: Youth Employment Research Project (with our member agencies)
- Ready, Willing & Able: Inclusion BC (BC Partner)
- MentorAbility: Inclusion BC (BC Coordinator)
- Inclusive Housing Plan: Inclusion BC with CLBC
- Including All Citizens Project: KPU
- Exclusion Tracker: BCEdAccess
- Developing an Indicator Model for Inclusive Housing: My Home My Community

## INITIATIVE 1:

# IMPACT - Youth Employment Research

BC's *Ministry of Social Development and Poverty Reduction* will distribute funding to support the IMPACT youth employment research project, which will see 8 members of the *British Columbia Employment Network* (BCEN) study the impact of youth employment interventions for youth with developmental disabilities.

The project will partner researchers from the *Canadian Institute for Inclusion and Citizenship* of the *University of British Columbia* with eight Inclusion BC member agencies supporting people with developmental disabilities: Burnaby Association for Community Inclusion (BACI), Chilliwack Society for Community Living, Community Living Victoria, Delta Community Living Society, Inclusion Langley Society, posAbilities, Richmond Society for Community Living, and Semiahmoo House Society.

The participating agencies are all members of the BCEN, a consortium of local and regional service providers delivering services to youth and adults with intellectual disabilities. Total funding for the 3-year research project is projected at just over \$1.6 million.

The IMPACT project will kick off in January, 2020. UBC researchers will study and determine the advantages of, and best practices for, early employment interventions for transitioning youth with developmental disabilities. The agencies will provide consistent access to youth with developmental disabilities to explore different kinds of employment and to engage in activities such as community involvement that are demonstrated predictors of future labour market participation.

The research at the end of the 3-year project will help each of the agencies determine if there are certain employment activities that work better than others to help each agency build its youth employment activities in the future.

## INITIATIVE 2:

### Ready, Willing & Able

*Ready, Willing & Able* is a national initiative that engages, educates, and supports employers to hire people with intellectual disabilities and autism spectrum disorder. Inclusion BC is the *Ready, Willing & Able*<sup>8</sup> partner, delivering the program in BC.

People with intellectual disabilities are Ready, Willing & Able to work!

*Ready, Willing & Able* (RWA) is a partnership of the *Canadian Association for Community Living* (CACL), the *Canadian Autism Spectrum Disorders Alliance* and their member organizations. Funded by the *Government of Canada* and active in 20 communities across the country, RWA is designed to increase the labour force participation of people with an intellectual disability or Autism Spectrum Disorder (ASD).

The goal of *Ready, Willing & Able* is to develop inclusive and effective labour markets by working to:

- Connect and support employers, persons with an intellectual disability or ASD and local, provincial and national community agencies
- Promote understanding and awareness among employers and the general public as to the business value of hiring people with an intellectual disability or ASD
- Complement and enhance the capacity of community employment service delivery organizations by connecting them to new employer demand

## INITIATIVE 3:

### MentorAbility

*MentorAbility* is a national initiative which promotes the employment of people with disabilities in communities large and small throughout all Canadian provinces and territories. *MentorAbility* is spearheaded in British Columbia by Inclusion BC<sup>9</sup>. We are focused on developing full or half-day mentoring experience in which job seekers with disabilities are matched with individual mentors to explore career opportunities and what they need to get ahead in their desired field of interest.

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<sup>8</sup> *Ready Willing & Able*, Inclusion BC, Programs and Services. See: <https://inclusionbc.org/our-services/ready-willing-able/>

<sup>9</sup> *MentorAbility*, Inclusion BC, Programs and Services. See: <https://inclusionbc.org/our-services/mentorability/>

MentorAbility provides private businesses, non-profit organizations, and public sector employers with an opportunity to:

- help promote the employment of people with disabilities;
- learn more about individual disability experiences;
- recognize talent and potential;
- develop lasting relationships with disability community leaders;
- tap into a pool of potential future employees;
- demonstrate community leadership; and also
- attract positive media attention.

Employers can get involved by encouraging employees and managers to serve as volunteer mentors.

#### INITIATIVE 4:

## Inclusive Housing Plan

Inclusive housing means homes where people with developmental disabilities feel they are a part of their communities. It is accessible, stable housing where they have choice and control over their living space, and where they live with neighbours who do not have disabilities and have diverse interests and backgrounds. Inclusive housing improves the quality of life for all community residents.

Inclusion BC and *Community Living BC* (CLBC) have developed a collaborative three-year plan to increase inclusive housing options in British Columbia. The plan, "*Home is where our story begins...<sup>10</sup>*" was developed by an *Inclusive Housing Task Force* (IHTF) created by both organizations.

To increase inclusive housing, over the next three years Inclusion BC and CLBC will collaborate in four areas:

1. **Data and resources** – to conduct research to outline current and future demand for inclusive housing for use by governments, housing providers, housing developers, community living agencies and individuals and families.

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<sup>10</sup> "*Home is where our story begins...*" – A Report by the Inclusive Housing Task Force (Community Living BC and Inclusion BC) See: <https://www.communitylivingbc.ca/wp-content/uploads/IHTF-Report-November-2018.pdf>

2. **Identity and visibility** – to help the community living and housing sectors raise awareness among all stakeholders about the benefits of inclusive housing for both individuals and their communities.
3. **Affordability and finance** – to support housing initiatives at the federal, provincial, and municipal government level to ensure people with developmental disabilities benefit from these initiatives.
4. **Inclusive design** – to support people with developmental disabilities to participate in planning and design of inclusive housing projects, and to encourage the adoption of universal design criteria.

#### INITIATIVE 5:

## Including All Citizens Project: KPU

Early last year, *Kwantlen Polytechnic University* (KPU) launched a pilot project that includes students with intellectual disabilities into Faculty of Arts courses for credit and on-par with their fellow students. The *Including All Citizens Project*<sup>11</sup> (IACP) opens the doors to post-secondary education by reducing barriers to learning and adapting teaching strategies to support all students.

It is one of the first fully inclusive, for-credit university initiatives in North America

Students with intellectual disabilities often experience segregated and outdated adult service practices, which contributes to high levels of unemployment and isolation.

Students in the IACP pilot project will receive a Faculty of Arts, Certificate in Arts after completing 10 courses. The arts certificate is open to all KPU students and pre-dates the IACP. It is designed to prepare students for work, citizenship, and to engage critically with their communities. Students in the IACP will take their first five courses with the same instructor who also acts as a mentor. The mentor will assist in facilitating the acquisition of essential knowledge and skill sets while assisting students with reflecting on and documenting their own ways of learning. After the completion of these courses, the students will then choose from a list of other arts courses from various programs for the remaining five courses. All student learning, skills, and reflection is documented in individual e-portfolios that will serve as a resource for the students to share with other instructors and potential employers.

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<sup>11</sup> *Including All Citizens Project*, Kwantlen Polytechnic University <https://www.kpu.ca/news/2017/10/30/pilot-project-opens-doors-post-secondary-students-intellectual-disabilities>

#### INITIATIVE 6:

## Exclusion Tracker: BCEdAccess

The *BCEdAccess Exclusion Tracker*<sup>12</sup> is a survey for parents and guardians of students with disabilities and/or complex learners in the British Columbia education system. It is intended to document exclusions of students and to encourage the province and school districts to track and examine their own data on exclusions, in order to find the best solutions to this global issue.

The purpose of this survey is to find out more about the practice of exclusion of students with special needs and/or disabilities from BC bricks and mortar K-12 schools, by surveying parents and guardians of these students on an as-needed basis through the 2019/2020 school year. The survey was done for the first time in the 2018/2019 school year.

#### INITIATIVE 7:

## Developing an Indicator Model for Inclusive Housing

*My Home My Community* is a national, multi-year initiative that is opening doors to inclusive affordable housing for people with developmental disabilities – a group that includes people with intellectual disabilities. They have produced a 2019 report, *Developing an Indicator Model for Inclusive Housing*,<sup>13</sup> which identifies the needs and opportunities for Inclusive Housing.

Over 100,000 Canadians with developmental disabilities cannot access affordable housing that provides the support they need, while also enabling choice, freedom, and inclusion in community. Many live in poverty and cannot afford housing that meets their basic needs. Many are homeless. Many have no other option but poorly suited group residences, or seniors' facilities far before the age of 65. Increasingly, many adults with developmental disabilities rely entirely on aging parents for both personal care and financial help, parents who ask themselves, "What will happen to my child when I am no longer here?"

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<sup>12</sup> *Exclusion Tracker*, BCEdAccess <https://bcedaccess.com/2019/09/03/tracking-exclusion-2019-2020-bcedaccess-exclusion-incident-report-form/>

<sup>13</sup> *Developing an Indicator Model for Inclusive Housing*, My Home My Community, 2019. See: <https://static1.squarespace.com/static/57f27c992994ca20330b28ff/t/5d5c03bc8b3fc50001730339/1566311358599/Housing+Inclusivity+Indicators+Framework-FINAL.pdf>

The Government of Canada recognizes this need. The National Housing Strategy (NHS) has identified persons with developmental disabilities as a priority population in need of better housing options. This term includes people with an intellectual disability. The NHS has also affirmed housing as “a cornerstone of inclusive communities.”

*My Home My Community* is working with partners across Canada to make inclusive communities and better housing options for people with developmental disabilities a reality. We are leading innovation and collaboration to:

- Build the evidence base of what it takes to give people with developmental disabilities the same housing choice as everybody else, and develop policy solutions to encourage family, government, and private sector investment in inclusive affordable housing.
- Guide advocacy, social infrastructure, and housing developments according to a clear vision of what inclusive housing and communities look like.
- Prototype and scale up inclusive housing models across the country, by leveraging existing housing stock and capital.

### RECOMMENDATION 15:

- **Expand and strengthen existing initiatives with provincial and national partners to create a broad coalition and promote the culture of accessibility.**

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### QUESTION 16:

## How else can accessibility legislation support cultural change and vice-versa?

The ratification of the UNCRPD, the accession to the Optional Protocol of the Convention, and national and provincial accessibility legislation to create and expand a legal framework that recognizes and upholds the rights of people with intellectual disabilities.

Nevertheless, attitudinal barriers are the main barriers that people with intellectual disabilities face in their day to day. Promoted by a charity model which continues to see people with disabilities as less than or diminishes their value, these attitudes hinder the exercise of their full citizenship.

Some ideas that support a culture of inclusion involve understanding that disability is part of the human experience; valuing people with intellectual disabilities and their contributions to our communities; presuming competence; and identifying people's access requirements from the design and meeting them in response.

For example, a publicly available "Disability Confident Culture" policy should become a requirement for any organization that receives provincial funding, as suggested by BACI's Advocacy Committee.

Disability confident culture starts with accepting and valuing people of all abilities. This idea stems from the premise that culture is the set of shared attitudes, values, goals, and practices that characterizes an institution or organization. It is built by removing obstacles to accessibility; asking and listening before making assumptions; allowing flexibility and adaptability; including people with disabilities in the work force; and valuing everyone's contributions. Disability confidence also means leaders, managers and front-line workers feel confident and comfortable at a personal level when they interact with people with disabilities.

Inclusion BC's trajectory of over sixty years of advocating for and with people with intellectual disabilities and their families has been grounded on the fundamental idea that everyone belongs and deserves to live a meaningful life in their communities. A well-rounded provincial Accessibility Legislation and *Disability Action Plan* are two vehicles that could significantly contribute to making this a reality.

## RECOMMENDATION 16:

- **Launch a Public Awareness Campaign to support the new accessibility legislation and *Disability Action Plan* and foster a culture of inclusion which recognizes the value and different abilities of every person.**

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Thank you for the opportunity to provide a submission. Inclusion BC offers our support to implement all the recommendations as an ally to government and strong community partner.





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