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# MARCH OF DIMES CANADA

# LA MARCHE DES DIX SOUS DU CANADA

## RECCOMENDATIONS TO STRENGTHEN BILL C-81, AN ACT TO ENSURE A BARRIER-FREE CANADA

### Written Submission to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

**Submitted on behalf of: March of Dimes Canada/La Marche des Dix Sous du Canada**

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#### About March of Dimes Canada

March of Dimes Canada (MODC) is Canada’s largest organization for people with physical disabilities, and offers a wide array of programs and services to Canadians with disabilities, their families and communities. MODC delivers services and supports under four core program areas. Programs available through AccessAbility Services® improve mobility and community accessibility for persons with disabilities. Within Community Engagement and Integration Services programs include peer and volunteer support services for stroke and polio survivors, and life skills and transitional services to provide skill development and socialization to young adults with complex disabilities. Employment Services help people with employment barriers to obtain and retain employment. Independent Living Services enable people to live in their communities through attendant services.

#### Background

March of Dimes Canada (MODC) has long been recognized as a national leader in accessibility. As an organization providing direct-services to people with disabilities across Canada we have an in-depth understanding of the diverse needs of people living with disabilities. Building upon this knowledge, MODC offers the Accessibility® Advantage (A+) program to assist businesses and other organizations with improving accessibility and complying with accessibility legislation, specifically the Accessibility for Ontarians with Disabilities Act (AODA). Services provided include AODA compliance, accessibility consulting, and training and workshops on all AODA standards and on the Ontario Human Rights Code as it relates to people with disabilities.

For a number of years MODC has engaged in efforts to advocate for national federal accessibility legislation, recognizing that a comprehensive strategy would be needed to ensure Canada is fully accessible to people with disabilities. This is increasingly important given Canada’s demographic trends- the number of Canadians with disabilities is expected to grow due to the aging population and the rise in chronic disease FOOTNOTE 1.

BEGIN FOOTNOTE 1:

Statistics Canada. *A profile of persons with disabilities among Canadians aged 15 years or older, 2012*. Retrieved from: <https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2015001-eng.htm>

END FOOTNOTE 1.

In 2017, March of Dimes Canada (MODC) became a founding and steering committee member of *The Alliance for an Inclusive and Accessible Canada (The Alliance)*, which was established to inform impending federal accessibility legislation. The Alliance was funded by the Government of Canada’s Social Development Partnerships Program--Disability component, and hosted accessible and comprehensive online and in-person consultations to gather input from Canadians with disabilities, their families, caregivers and larger communities. These recommendations were presented to the Honourable Kirsty Duncan, the former Minister of Sport and Persons with Disabilities in March 2018. MODC is now a partner organization for the Federal Accessibility Legislation Alliance (FALA), a consortium of not-for-profit organizations working to ensure strong, effective federal legislation.

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MODC was pleased to see the tabling of Bill C-81, also known as the Accessible Canada Act, in June 2018 and recognizes its many strengths. Strengths include the presence of a definition of “disability” that highlights the interactive dynamic nature of disability, and recognizes disabilities that are permanent, episodic or temporary in nature. It is important that the definition of disability included within the legislation be accurately defined to effectively address complex health and social policy issues experienced by people with disabilities through the design and evaluation of program and policy interventions FOOTNOTE 2.

BEGIN FOOTNOTE 2:

Leonardi, M., Bickenbach, J., Ustan, T.B., Kostanjsek, N., & Chatterji, S. (2006). The definition of disability: what is in a name? *The Lancet*, 368(9543), p. 1219-1221. Retrieved from: https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(06)69498-1/fulltext?code=lancet-site

END FOOTNOTE 2.

Additionally, MODC supports the creation of additional positions and bodies to implement and enforce Bill C-81. This includes the creation of the position of federal Accessibility Commissioner to enforce the bill, the establishment of a new Canadian Accessibility Standards Development Organization to develop enforceable regulation and a federal Chief Accessibility Officer to advise and report on progress and necessary improvements.

While we commend Bill C-81, we believe amendments are needed to strengthen the proposed legislation and ensure its effectiveness.

#### Strengthening Bill C-81

As a partner organization of the Federal Accessibility Legislation Alliance (FALA), MODC supports the recommendations shared with the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities by FALA. Additionally, MODC supports the brief submitted by the AODA Alliance on September 27, 2018.

Below are recommendations to strengthen Bill C-81 based on MODC’s understanding of the diverse needs of people with disabilities. We wish to acknowledge the work that has been done by the AODA Alliance, ARCH Disability Law Centre and FALA, as the majority of the amendments proposed draw upon their work.

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**1) Implement time frames for the legislation and set a deadline for Canada to become accessible**

In its current form, Bill C-81 does not include dates or timelines to ensure a Canada that is accessible to people with disabilities. A realistic deadline must be determined to ensure the Government of Canada develops realistic multi-year plans and efforts are made in a timely manner.

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**2) Creation of a single enforcement agency**

Currently, enforcement is divided between the proposed Accessibility Commissioner, the Canada Transportation Agency and Canadian Radio, Television and Telecommunications Commission (CRTC). One federal authority should be responsible for ensuring accessibility regulations are enacted to reduce confusion.

**3) Introduce language that requires the government to implement and enforce the legislation**

Bill C-81 empowers the Government of Canada to promote accessibility, but does not require them to use these powers. Bill C-81 should be amended to require the government and other bodies to develop and enforce accessibility requirements.

**4) Address the unique barriers experienced by Indigenous and First Nations persons with disabilities**

The current version of Bill C-81 does not address the unique relationship between the Government of Canada, First Nations and Indigenous People in relation to accessibility. Bill C-81 must require efforts be made by the Government of Canada to address the unique barriers experienced by Indigenous and First Nations persons with disabilities.

**5) Inclusion of a requirement to collect survey data on disability to inform program and policy interventions**

The United Nations Convention on the Rights of Persons with Disabilities requires signatories to “collect appropriate information, including statistical and research data, to enable them to formulate and implement policies”. Similarly, Bill C-81 should be amended to include a similar provision to inform program and policy interventions and understand the needs of people in Canada with disabilities. This data should be disaggregated and should also include national population data on children with disabilities. While survey data on disability is collected every five years by Statistics Canada, this data is limited to adults and as a result there is a paucity of data available on children with disabilities and their long-term needs FOOTNOTE 3.

END LIST.

BEGIN FOOTNOTE 3:

Zwicker, J., and Dunn, S. (2017). What gets measured gets done. Retrieved from: <http://evidencenetwork.ca/what-gets-measured-gets-done-2/>

END FOOTNOTE 3.

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