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**From:**

National Coalition of People who use Guide and Service Dogs in Canada

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**To:**

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# Brief to the Parliament of Canada on Bill C-819 the Proposed Accessible Canada Act

October 25, 2018

We would like to begin by commending the Government of Canada for introducing this legislation. Bill C-81 introduces many measures which will improve accessibility in Canada. We agree with the need for the Accessible Canada Act and believe the draft legislation to be an excellent first step. With some modifications, the Bill can become an even better framework towards the creation of a barrier free Canada.

## 1.0 Executive Summary

The National Coalition of Persons Who Use Guide and Service Dogs in Canada ("the Coalition") is pleased to provide its comments on Bill C-81, the Accessible Canada Act ("the Act") to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. We have reviewed the Bill from the perspective of guide and service dog handlers. We have also reviewed the submissions of several other organizations including ARCH, AODA and AEBC and we support and appreciate their efforts to push for a comprehensive and inclusive Act.

Our submission is based on two particular priorities. First, we wish to introduce the Coalition to the Government of Canada and the work we do to advocate on behalf of guide and service dog handlers. Second, we wish to ensure that any new legislative initiatives truly advance the rights of guide and service dog handlers in accordance with human rights legislation and the principles of progressive realization.

Unfortunately, recent government initiatives have blatantly ignored human rights and have instead added to the ever-growing list of barriers faced by guide and service dog handlers.

For example, the Canadian General Standards Board (CGSB) attempted to impose unnecessary and irrelevant requirements on the use of guide and service dogs in Canada, and now the Canadian Transportation Agency is proposing that guide and service dog handlers produce third party certification, verifying the legitimacy of their dogs if they wish to use federally regulated transportation. As well the CTA, who proposes that additional costs be levied to accommodate people who use guide and service dogs. In both instances, the government failed to meaningfully engage and consult with those impacted.

We urge the Standing Committee to give our submission serious consideration and avoid the missteps of other government initiatives. We understand that much of the implementation detail will be developed through the standard/regulation making process through the CASDO (Canadian Accessibility Standards Development Organization).

We trust that the government will collaborate and meaningfully engage with the Coalition to ensure that all aspects of the Act address the accessibility needs of guide and service dog handlers. We believe that lived experiences of Guide and Service dog handlers, informed by the intersectionality of the diversity of our lives, in conjunction with our capacity to undertake research and analysis could be of significant value to the government and the proposed CASDO Committee

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We acknowledge and respect the Rights of Indigenous peoples and support their right to decide on what the solutions are to the issues and the barriers faced by Indigenous people with disabilities. We therefore urge the government to specifically commit to a meaningful engagement with Indigenous Peoples to develop appropriate solutions aimed at removing barriers.

## 2.0 The Coalition's Comments and Recommendations

The following are the Coalition's Comments and Recommendations on how to improve the proposed Act:

### 2.1 Specific Recognition of the Canadian Human Rights Act

We understand that the purpose of the ACA is to complement the rights of persons with disabilities set out in the Canadian Human Rights Act. We therefore recommend that the preamble and purpose of the Act be strengthened by adding a statement to the ACA that clarifies that nothing in the Act lessens existing human rights obligations of federally regulated entities under the Canadian Human Rights Act. Furthermore, we recommend that the Act make it clear that where two Acts address the rights of persons with disabilities, the Act providing the most inclusive and greatest protection be adopted as the authoritative Act.

### 2.2 Timelines

The Act provides no timelines as to when any of its initiatives will be accomplished. We believe that some indication of the time required to undertake the proposed activities is essential in order to set expectations and measure results. We recommend that the Bill be modified to include the dates on which key aspects of the Act will come into being.

### 2.3 Complaints and Enforcement

The Bill assigns the responsibility for developing accessibility regulations and the power to enforce such regulations to many federal agencies such as the proposed Federal Accessibility Commissioner, the Canadian Transportation Agency CTA, and the Canadian Radio, Television and Telecommunications Commission CRTC. The Coalition is extremely worried about this multi-pronged approach to enforcement. We are concerned that such an approach will be confusing, overly complicated, lacking in consistency with respect to implementation and enforcement, and generally be an inefficient and ineffective system of ensuring comprehensive accessibility.

This framework risks the creation of different regulations for different operations of the Government of Canada. Despite years of efforts, agencies such as the CTA and the CRTC continue to demonstrate a disappointing record on accessibility. We recommend that the power to make accessibility regulations reside with the federal cabinet, and that the implementation and enforcement reside exclusively with the proposed Accessibility Commissioner. There needs to be a strong, consistent, efficient, effective, highly resourced enforcement mechanism and it has to be based on enforcing Human Rights.

### 2.4 Accessibility Plans

The Coalition believes that the Act should provide specific guidance on the various components needed to create a meaningful and result-oriented accessibility plan. Where similar legislation exists at the provincial level, we have observed that such plans can lack

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substance and foresight. We recommend that the Act be modified to include more concrete examples of what organizations need to do to ensure comprehensive accessibility and full inclusion.

### 2.5 Criteria for the Granting of Exemptions

The Act allows officials to grant exemptions to accessibility regulations with little or no explanation as to why, no indication as to how long they can last and without a call for input from affected persons. For example, an official could potentially exempt interprovincial bus lines from certain accessibility provisions given a company's faltering economic status. An exemption of this nature would be contrary to the purpose of the Act. We recommend that more stringent controls be placed on the granting of exemptions.

### 2.6 Working with Provincial or Territorial Authorities

Many of the barriers encountered by guide and service dog handlers fall within the authority of provincial/territorial jurisdiction. Currently across the country there is a patchwork of legislation and policies governing the access rights of guide and service dog handlers. In many instances the rights of guide and service dog handlers are restricted and undermined by the lack of consistent access standards and government initiatives that do not respect human rights. The Coalition is therefore very supportive of S.16 of the Act which encourages the Minister to work with other jurisdictions to coordinate efforts to improve accessibility across the country. We recommend that the wording of this section be changed from "may" to "shall" to ensure certainty that the Minister will undertake these efforts.

### 2.7 ASL/LSQ/ISL Language Recognition

Service dogs are used by people with many types of disabilities including those who are Deaf or hard of hearing. The Coalition therefore supports the recognition of ASL/LSQ/ISL as official languages of the Deaf in Canada.

### 2.8 The Federal Spending Power and Compliance

Accessibility standards vary widely across Canada. The Coalition therefore recommends that the federal government begin the process of ensuring Canada-wide, comprehensive and consistent accessibility standards by making compliance with the Act a condition of its spending power. In other words, any time the government provides grants, undertakes contracts, enters into funding arrangements, and all other spending agreements, it imposes a condition that requires the recipient to comply with the Act.

### 2.9 Definitions

In all areas of Bill C-81, the terminology "Canadians with disabilities" must be changed to "people(s) in Canada with disabilities." That any reference to consultation be changed to meaningful consultation, engagement and collaboration

### 2.10 Process of Inclusion in Implementation

That CRPD General Comment No. 7 (2018) be considered as a resource to inform the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, be added to Bill C-81.

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## 3.0 Summary of Recommendations Regarding Bill C-81

BEGIN LIST:

1. That a statement be added to the preamble and purpose of the Act specifying that nothing in the Act lessens existing human rights obligations of all federally regulated entities.

2. That the Act include dates on which key aspects of the Act will come into being to ensure progress and momentum.

3. That the federal cabinet be given the power to enact regulations/standards congruent with Human Rights and that the implementation and enforcement be given to the Accessibility Commissioner to ensure consistency and efficiency.

4. That the Act set out specific components which all accessibility plans must address

5. That the Act identify the specific criteria and conditions under which exemptions will be granted, and further that meaningful engagement and collaboration be undertaken with people living with disabilities in Canada.

6. That the Minister be required to meet with provincial/territorial counterparts to develop consistent access standards and regulations for guide and service dog handlers, and further that such persons be meaningfully consulted and collaborated with on the development of such standards.

7. That the Bill recognize ASL/LSQ/ISL as official languages of people who are Deaf in Canada.

8. That a Compliance Clause be in every agreement whenever the Federal Government spends money, the recipient must comply with the ACA and its regulations, the Charter and Human Rights laws.

9. That terminology used in the Bill be changed to: people(s) in Canada with disabilities and references to consultation be changed to meaningful consultation, engagement and collaboration.

10. That CRPD Comment 7 (2018), be referenced or added to the Bill and used as a Guide to the implementation of the Act.

END LIST.

## 5.0 The National Coalition of Persons who Use Guide and Service Dogs in Canada

In July 2017, Guide and Service dog handlers from across Canada decided to work together to respond to the National Standard on Service Dogs proposed by the Canadian General Standards Board. As we worked together, members of our Coalition, who come from a broad range of professions, organizations, disciplines and disabilities, have all faced both inclusive and discriminatory practices and laws throughout Canada. A common experience shared are the significant barriers in accessing public spaces and opportunities. This shared experience motivated handlers to officially form a National Coalition which was established in May 2018.

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Currently the Coalition is made up of individual members from across Canada.

The Coalition is the first organization in Canada to represent the rights of both guide and service dog handlers. The Coalition recently signed a Memorandum of Understanding with the Canadian Centre on Disability Studies to undertake research, education and rights promotion with respect to guide and service dog handlers in Canada. The expanded role of disability-related working dogs in Canada has created a need for public education and awareness on the purpose of such dogs, how such dogs perform in public and the rights and responsibilities of both handlers and members of the public. The Coalition is proud to be a leader in undertaking this work. With our two priorities in mind, the Coalition is pleased to present our comments and recommendations on the proposed Accessible Canada Act.

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