



**Citizens With Disabilities – Ontario**  
[www.cwdo.org](http://www.cwdo.org)

**“Together We Are Stronger”**

#601-2 Market Street, Toronto, ON M5E 1Y9  
807-473-0909 (voice) or [cwdo@tbaytel.net](mailto:cwdo@tbaytel.net)

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# **Together We Are Stronger**

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Prepared for:

The Council of Canadians with Disabilities

Prepared by:

Alexis Buettgen, Senior Research Consultant

Citizens With Disabilities – Ontario

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## Executive Summary

This report is the first in a series of six reports that presents the results of a comprehensive scan of Ontario programs, policies, services and activities that improve or limit the participation and inclusion of people with disabilities. These reports are supported by and presented to the Council of Canadians with Disabilities (CCD).

This first report lays the foundation of our research by presenting information on the Ontario context for people with disabilities, our methodological framework and preliminary findings from our research to date. The report includes an overview of recent and current activities at Citizens with Disabilities Ontario (CWDO) in relation to human rights, ending of life ethics, access and inclusion legislation, transportation, international issues, social policy and employment. Other employment policies and programs that affect Ontarians with disabilities are also highlighted. The report identifies how the current project can support the organizational capacity development of CWDO in terms of partnerships, alliances, financial development and sustainability.

**From September to December 2016**, CWDO has focused many of our activities on the development of ending of life ethics, and access and inclusion legislation. For example, we have actively promoted safeguards for people with disabilities in the development of new legislation permitting physician-assisted suicide. CWDO board members have contributed to public awareness campaigns to raise awareness of the subtle but real pressure on people with disabilities to choose assisted suicide due to lack of services and supports and society's negative attitudes about disability. In addition, CWDO has supported a provincial disability consumer advocacy group that works to promote the full and effective implementation of accessibility standards in Ontario. CWDO is also monitoring federal standards for accessible transportation and gathering input from members on the proposed national accessibility legislation.

In terms of employment, this report includes a preliminary description of most provincial and federal disability employment policies and programs available to Ontario residents. The policies and programs vary in overall size and significance. Where possible, we have included brief notes or comments about each program or policy.

Our report ends with an overview of CWDO's current partnerships, alliance and collaborators as well as a discussion of CWDO's financial sustainability plans.

## Introduction

Approximately one in seven Ontarians have a disability. That number is expected to rise as the population ages over the next 20 years. It is important to understand how the province and other stakeholders are creating, or limiting, opportunities for participation and inclusion of this population. This understanding will help us to develop supports for people, businesses and communities to thrive. The purpose of this project is to promote that understanding by providing a list of Ontario programs, policies, services and activities that improve or limit the participation and inclusion of people with disabilities. The project focuses on several key areas of participation including employment, human rights, transportation, access and inclusion legislation, technology, international issues, and ending of life ethics.

Information will be shared in a series of six reports. Each report will build on the findings of the last to develop a cumulative and comprehensive list of existing Ontario programs, policies, services and activities. Findings from these reports will identify opportunities and gaps in services and supports to meet the needs and interests of Ontarians with disabilities.

In addition, this project provides an opportunity to develop the organizational capacity of Citizens with Disabilities – Ontario (CWDO). CWDO is the Ontario affiliate of the Council of Canadians with Disabilities (CCD). CWDO is a non-profit organization committed to the rights of all persons to participate fully in the civil, cultural, economic, political and social life of their communities.

CWDO is a volunteer-run organization with no paid staff. Currently, there are 14 board members located across the province and over 2,000 members in almost every electoral district in Ontario. The organization actively promotes the rights, freedoms and responsibilities of persons with disabilities through community development, social action, member support and referral. Primary activities include public education and awareness about the social and physical barriers that prevent the full inclusion of persons with disabilities in Ontario.

Over the course of the project, from September 2016 to March 2018, CWDO has committed to provide CCD with:

1. A list of Ontario programs and services, currently in existence and those that are missing which will improve or limit the labour market attachment of persons with disabilities in the province.

2. A list of provincial activities related to the areas of CCD formal sub-committees including: Human Rights, Transportation, Social Policy, Access and Inclusion Legislation, Technology, International, and Ending of Life Ethics.
3. A description of activities related to the development of CWDO's organizational capacity in terms of finances and/or increased partnerships with other community organizations and sectors.

To meet this commitment, CWDO has hired an independent contractor, Alexis Buettgen, to support the investigation, research and report writing tasks. The contractor is working in collaboration with CWDO board members, who provide feedback and contribute to the development of all final reports to CCD. All documents submitted to CCD are created with accessibility best practices, as outlined in the Accessible Digital Office Documents project website at [adod.idrc.ocad.ca](http://adod.idrc.ocad.ca).

### ***A bit about language***

For the present study, **disability** is defined in accordance with contemporary international standards found in the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The CRPD states: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others." The terms "disabled people", "people with disabilities" and "persons with disabilities" may be used interchangeably throughout our reports, with an understanding of the semantic issues involved in the use of these terms. Some activists prefer 'people first' language, and therefore prefer the term "people with disabilities". The CRPD uses "persons with disabilities". Other activists argue that they are proud to be disabled, and therefore prefer the term "disabled people".

**Employment** is described here in terms of wage labour and self-employment. Wage labour includes remuneration paid by an employer (either public or private) to an employee. **Self-employment** is generating one's own income as opposed to being an employee. **Unemployment** includes people who are without paid work but actively seeking employment. Those who are **out of the labour force** include people who are without paid work and are not seeking employment. **Underemployment** refers to a situation in which the wages earned are insufficient for the worker; perhaps because they are working part-time and would prefer full-time work, or their education, skills and experience make them overqualified beyond the

requirements for the job. **Un-waged employment** or **volunteering** refers to work that is not remunerated. **Precarious employment** encompasses a range of attributes associated with employment quality. Precarious employment is often described as work arrangements characterized by uncertainty of ongoing employment, unpredictability, irregularity, lack of protection and benefits, and insecurity across various dimensions of work (Law Commission of Ontario, 2012).

### ***Overview of Report***

This first report identifies the types of external and internal (within CWDO) information that we are collecting for our scan, and the sources of that information. We will also provide some preliminary findings from our research to date, and potential avenues for sharing knowledge from our results. Our report ends with an overview of CWDO's present state, future goals and partnership development opportunities in relation to CWDO's current strategic plan.

## **Setting the Context**

Ontario is Canada's most populous province with a population of approximately 14 million people, making up nearly 40% of Canada's total population in a geographic area of 1.07 million square kilometres (referenced from: [www.fin.gov.on.ca](http://www.fin.gov.on.ca)).

The majority of Ontarians are of European descent. Immigration has historically been a force for population growth in the province. Recently, immigrants with large or growing communities in Ontario include Caribbean, Latin American, European, Asian and African peoples. Most of these populations have settled in larger urban centres such as Toronto. Indigenous peoples also have a long history in Ontario. First Nations, Métis and some Inuit reserve communities can be located alongside and within municipal boundaries. Some of these communities are represented by a band council comprising a local chief and councillors.

The province is often conceptually divided into northern and southern Ontario. Most of the population is located in the south. The geographically larger northern part is sparsely populated and heavily forested. Much of northern Ontario is not organized for municipal purposes. The rest of Ontario includes 444 municipalities which are distinguished by upper-tier (county or region), lower-tier (local) and single-tier (local) levels of government. If the municipality operates in a two-tier structure, the upper-tier municipality

delivers certain services within its geographical boundaries. "Upper-tier municipalities often co-ordinate service delivery between municipalities in their area or provide area-wide services. In many cases, services are assigned by legislation to upper or lower-tiers either exclusively or non-exclusively" (Government of Ontario, 2014, p.18). Single tier municipalities include those created by the amalgamation of former regions or counties, as well as separated municipalities in southern Ontario, and all municipalities in northern Ontario.

The province is currently governed by the liberal party of Ontario under the leadership of Premier Kathleen Wynne. The government of Ontario includes 27 ministries, more than 500 agencies and over 40 Crown corporations. Ontario was the first province to enact specific legislation establishing a goal and time-frame for accessibility for persons with disabilities. "It is also the first jurisdiction to legislate accessibility reporting and to establish standards so people with disabilities can participate more actively in their communities" (quote from: [www.ontario.ca/page/about-accessibility-laws](http://www.ontario.ca/page/about-accessibility-laws)). In 2001, the *Ontarians with Disabilities Act* (ODA) was passed. The stated aim of this act was to achieve access, inclusion and equity for people with disabilities. The ODA, which is the precursor to the *Accessibility for Ontarians with Disabilities Act* (AODA), covers the provincial government and the broader public sector.

In 2005, the AODA was passed to address limitations of the ODA. The purpose of the AODA, as expressed in section 1 is

"to benefit all Ontarians by, (a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025; and (b) providing for the involvement of persons with disabilities, of the Government of Ontario and of representatives of industries and of various sectors of the economy in the development of the accessibility standards".

Unlike the ODA, which applies only to the provincial government and broader public sector, the AODA applies to "every person or organization in the public and private sectors of Ontario". The AODA authorizes the government to establish accessibility standards by regulation.

Prior to the creation of the AODA, other key policies, programs and legislation were also created. For example, in 1982 the *Ontario Human Rights Code* added the prohibition of discrimination on the basis of disability.

The Code's provisions have primacy over all other Ontario legislation. It states that every person has a right to equal treatment with respect to employment, services, goods, facilities, membership in trade unions, occupational associations, or self-governing professions, etc. In 1997, the Ontario Disability Support Program (ODSP) was created, replacing the former Family Benefits program. ODSP was designed to provide assistance to people with disabilities who were deemed most able and likely to secure 'competitive' paid employment; defined as employment that provided no less than minimum wage.

Around the same time as these acts were created, the *Vocational Rehabilitation Services Act* was officially repealed in 1999. Under this act, people with disabilities who were deemed to have potential for employment were sponsored to attend post-secondary education up to and including a Masters degree. Sponsorship was in the form of a grant and covered 100% of the cost of tuition, books and supplies, assistive devices (e.g., wheelchairs, tape recorders, laptops), attendant services and transportation, (where accessible public transportation was not available), a living allowance and any assessments needed. In its time, this act was instrumental in helping people with disabilities to gain academic qualifications that could lead to employment.

Today, people with disabilities must access a fragmented service system to receive vocational support such as:

- Tuition support through a combination grants and loans, which must be repaid with interest under the Ontario Student Assistance Program (OSAP);
- Subsidies for the cost of some assistive devices, but people with disabilities pay up to 50% of the cost of eligible devices and 100% of anything else. Assessment costs are not subsidized, although they are required to apply for assistive devices;
- Subsidies for the costs of books and school supplies that may be covered under OSAP and through colleges' and universities' special needs bursaries;
- Grants for students with disabilities to purchase a laptop and software, like Dragon Naturally Speaking, Kurzweil, JAWS and a scanner;
- Attendant services may be available, but there is an application



process and waiting lists of up to 12 years for attendant services, depending on the type of service. Wait times for Assisted Living Units, which combine accessible housing, subsidized rent and 24/7 access to attendant services have the longest wait times – up to 12 years in Toronto for example, for those who are already receiving services or who wish to move – and are only available in a few urban centres. Direct Funding is available relatively quickly for people with the ability and desire to fully self-manage their attendant services in their own home (house, condo or apartment). With a recent influx of \$5 million, the waiting list is now less than 1 year.

- Public transit subsidies for some eligible people with disabilities, such as persons who are blind or partially sighted. In Ontario, many people with disabilities pay regular transit fares where parallel accessible transportation is available. Some municipalities have charged double fares for para-transit services.
- A modest living allowance available to those who qualify for ODSP.

It may seem, on the surface, that the comprehensive services formerly available through the *Vocational Rehabilitation Services Act* are still available. However, navigating the many service systems is daunting, and managing the up-front costs and co-payment structures of several programs is challenging for most people with disabilities who experience poverty and low income.

Ontario has thousands of other government and non-governmental programs that provide services, supports and resources to people with disabilities. For example, according to 211.ca in Ontario (a public information resource for community, social, non-clinical health and related government services) there are:

- 404 disability employment programs
- 292 transportation services
- 1,537 organizations that provide assistive devices and related services
- 187 disability associations that support people with disabilities and raise awareness of disability issues
- 808 advocacy organizations that provide advice and connections to

community support services

- 628 organizations that provide resources and services for youth with disabilities and 989 that support children with disabilities.
- 1,105 programs for individuals with physical disabilities and their families
- 529 programs for individuals with intellectual disabilities and their families

This list includes government, non-profit and for-profit organizations, and includes duplicate programs and organizations that serve more than one purpose, population or community. These policies, programs, services and activities provided by the government and other stakeholders will be highlighted further in the findings presented in our six reports.

## Methodology

This environmental scan project involves collecting pieces of external and internal information to develop a list of Ontario programs, policies, services and activities currently in existence that improve or limit the participation and inclusion of people with disabilities. In this project, environmental scanning helps us to develop a big picture understanding of the internal (within CWDO) and external environment in Ontario to help determine whether and how the needs and interests of people with disabilities are met by the availability and accessibility of programs, policies and services.

The methodology for this scan draws from previous research by the Canadian Disability Policy Alliance (McColl & Roberts, 2015) which was similar to scoping reviews of academic literature (Arksey & O'Malley, 2005; Levac, Colquhoun, & O'Brien, 2010). The methodology unfolds in five stages:

1. Identify the research questions
2. Identify all relevant resources
3. Select relevant data and information for analysis
4. Chart data according to key concepts and areas of interest

## 5. Collate and summarize findings from relevant resources

Following these stages, our process will be as follows:

### **Identify the research questions**

There are three research questions guiding this study. These questions are:

1. What are the policies, programs and services, currently in existence and those that are missing, which will improve or limit the labour market attachment of persons with disabilities in Ontario?
2. What provincial activities are currently in existence related to the areas of CCD formal sub-committees (Human Rights, Transportation, Social Policy, Access and Inclusion Legislation, Technology, International, and Ending of Life Ethics)?
3. What activities can support the financial and partnership development of CWDO?

### **Identify all relevant resources**

Relevant resources will be identified using the search terms: disability, disabled, disabilities, injured, handicap, incapacity, impairment, blind, visually impaired, deaf, hard of hearing, hearing impaired, mobility issues, mental health, mental illness, mental disorder, abnormality, infirmity. Following suggestions by the Canadian Disability Policy Alliance, we will search national and provincial government websites to identify programs, benefits and services that are available to Ontarians with disabilities. The links at these sites may lead to programs offered in various departments, i.e., employment, transportation, technology, access, etc. The government website may link directly with legislation and program descriptions. If the legislation is not available, or information is insufficient on the website, we may also search the Canadian Legal Information Institute and/or LexisNexis® Quicklaw on the web.

In addition, our research will include reports, tools, guides and other resources produced by government agencies, research centres, non-profit and community organizations, business and industry networks. We will search websites of relevant organizations (e.g., non-profit organizations that provide services to people with disabilities), and internet search engines (e.g., Google).

We will also contact key informants working in the field of disability services, supports, research and advocacy. We will identify individuals with relevant subject matter expertise using our team members' networks of contacts, including CWDO and CCD board members, internet searches and a snowball sampling technique. Snowball sampling allows existing key informants to identify other potential key informants who they know may be able to contribute data or information for the present study.

We will also mine reference lists from peer-reviewed and grey (non-peer-reviewed) literature resources. This process can help us to see the links and connections between various resources, as well as support our determination of sufficient saturation. As others have done (e.g., Adams et al., 2016), we borrow the concept of 'data saturation' from qualitative research and will stop searching when we feel we are not identifying any new relevant resources or information.

A clear filing and recording system will be developed, using simple spreadsheets, to help us keep track of where and how information has been identified. We will use this spreadsheet to keep a record of our scan, and maintain direction and focus throughout the process. The spreadsheet will also be used as an audit trail to document the search strategy.

### **Select relevant data and information for analysis**

Our methodology utilizes a researcher-driven 'value of information' approach to assessing resources (Adams et al., 2016; Pawson, Greenhalgh, Harvey, & Walshe, 2005). Using this approach, individual resources will be included if the information they provide are considered relevant to answering the research questions.

Our research will focus on resources that specifically mention people with disabilities and/or include provisions that pertain specifically to people with disabilities. Our search will not include non-disability-specific policies, programs or services, nor resources that are not clearly related to employment, human rights, transportation, social policy, access and inclusion legislation, technology, international issues, and ending of life ethics. Our search will also not include theoretical or exploratory research studies.

### **Chart data according to key concepts and areas of interest**

We will endeavour to provide comprehensive information on the nature of Ontario policies, programs and services, currently in existence and those that are missing, that will improve or limit the labour market attachment of persons with disabilities in Ontario. We will also provide information on provincial activities, currently in existence, related to the areas of CCD formal sub-committees (Human Rights, Transportation, Social Policy, Access and Inclusion Legislation, Technology, International, and Ending of Life Ethics). Information may include: identifying the bureaucracies, agencies or organizations administering the resource or activity; a description of the service, program or entitlement; the stated purpose of the resource or activity; applicable jurisdiction; target population; eligibility criteria; and brief evaluative notes including the impact on various disability groups.

We will provide information on past, current and potential future activities related to the financial and partnership development of CWDO. Information gathered through this scan may be used to support the identification and evaluation of internal strengths and weaknesses, as well as external opportunities and threats.

### **Collate and summarize findings from relevant resources**

Each of the six reports prepared for this project will include an executive summary of our research process and findings from relevant resources. To fully exploit the information assembled for this study, next steps could involve more detailed analyses and cross-jurisdictional comparisons of the disability policy, program and service context in Canada.

## Findings

The following section presents our preliminary findings in response to each of the project's identified research questions. We begin with an internal scan of CWDO activities related to the CCD formal sub-committees followed by a preliminary scan of government policies and programs that impact the labour market attachment of people with disabilities in Ontario.

### *CWDO Activities*

CWDO focuses on various issues. Their work is limited only by the time, energy, skills and experience that volunteer members can contribute. Some of the issues CWDO is working on include:

- Accessible and affordable housing
- Accessible Fashion/Body Image
- Accessibility Standards Committee page (ASC)
- Aging with a disability
- Arts and Culture
- Assisted Suicide
- Attendant Services
- Deaf Culture
- Health
- Human Rights
- Mental Health
- ODSP and income support
- Parenting when you have a Disability (in collaboration with the Centre for Independent Living in Toronto)
- Recreation
- Technology
- Transportation

Of these issues, we will describe activities related to human rights, transportation, social policy, access and inclusion legislation, employment, international issues, technology and ending of life ethics. Recent and ongoing activities, as well as resources developed from 2011 to the present are included in this report. Activities from September to December 2016 are highlighted. Previous reports, papers and other resources prior to 2011 are not included.

## **Human Rights**

CWDO appraises members, non-members, government representatives and the public about the barriers and concerns related to human rights of persons with disabilities who live and work in Ontario. CWDO's most efficient and common way of connecting with members is through their website. In this way, members across the province can contribute to CWDO's position papers, presentations, research and advocacy work. CWDO facilitates webinars, conducts surveys and other forms of consultation to gather and publicly share members' feedback on a variety of human rights issues and concerns.

CWDO shares local, provincial and national news and perspectives on rights issues in newsletters to over 1000 subscribers. CCD news, activities and research projects are frequent highlights.

**Between September 1 and December 31, 2016:** 5 newsletters were distributed to 1,059 subscribers to Ontario news; 9 newsletters were distributed to 102 subscribers to Toronto news; and 1 newsletter was distributed to 85 subscribers to Technology news.

Through its website, CWDO shares information about relevant legal cases that impact the experience of rights for Ontarians with disabilities (e.g., *Terrance Green vs. OC Transportation*). CWDO also shares an array of relevant resources and legislation, including information on the CRPD, the AODA, ODSP, Canadian Transportation Agency, physician-assisted dying, etc.

CWDO's work aims to be responsive to the needs and current interests of people with disabilities in Ontario. For example, when physician-assisted dying legislation was under development, CWDO collected feedback and consulted with their members to share their thoughts and ideas. The feedback was used to develop CWDO's position on this issue, as well as provide recommendations to the government and its advisory councils.

## **Ending of Life Ethics**

CWDO has been actively engaged in promoting safeguards for people with disabilities in the development of new legislation permitting physician-assisted suicide. For example, the #ProjectValue campaign was launched in July, 2016 with promotion, support and participation from CWDO. Tracy Odell, Tiffany Gervasi and Sam Savona (CWDO board members) contributed

videos. Several other video contributions were made by CWDO members. For more information on the #ProjectValue campaign go to <https://www.facebook.com/projectmyvalue/>.

**Between September and December 2016**, CWDO has supported several public awareness campaigns. For example, a successful Twitter chat, cosponsored by #ProjectValue and the U.S. Disability Visibility project was held on September 12 and was promoted and supported by CWDO. Highlights of the chat can be viewed at <https://storify.com/SFdirewolf/projectvalue-disabled-lives-assisted-suicide-ableis>.

Tracy Odell, CWDO board member, also gave a short talk on behalf of CWDO on assisted suicide and #ProjectValue for Simcoe Independent Living Services which serves Barrie and a number of other towns about 1-2 hours outside of Toronto. She highlighted concerns that there might be subtle but very real pressure on people with disabilities to choose assisted suicide due to lack of services and supports and society's negative attitudes about disability.

Previously, CWDO has produced five documents outlining members' concerns and recommendations for the legislation. All of these documents are shared in accessible Word and pdf formats on the CWDO website.

*Relevant CWDO publications:*

CWDO. (March, 2016). *Letter to MPs on Physician-Assisted Suicide*. Retrieved from <http://cwdo.org/d/content/cwdo-letter-mps-physician-assisted-suicide>.

This letter expresses concern about the *Report of the Special Joint Parliamentary Committee on Physician-Assisted Dying*, as it could undermine the potential positive impact of a Canadians with Disabilities Act. The letter asks Members of Parliament (MPs) to support strong safeguards in the physician-assisted dying legislation to protect people with disabilities from unwanted pressure to "choose" assistance to commit suicide. The letter also asks MPs to support the Vulnerable Persons Standard and shares a web link for more information. The Standard is a series of evidence-based safeguards designed to protect the lives of vulnerable Canadians. It has been developed by leading Canadian physicians, health professionals, lawyers, ethicists, public policy experts, and advocates, and disability organizations like CWDO.



CWDO. (October, 2015). *Submission to the Provincial-Territorial Expert Advisory Group on Physician-Assisted Dying*. Retrieved from <http://cwdo.org/node/542>.

This paper was written for the Provincial-Territorial Advisory Group on Physician-Assisted Dying. The paper includes the thoughts of CWDO members on the issue of physician-assisted dying, and provides 11 recommendations to the advisory group. Data was collected via survey to and through a webinar to explore the issue with members and non-members across Canada. The paper outlines CWDO's position against physician-assisted dying. CWDO recognizes the financial benefits of early death among people living with disability or illness for the health care system. It also presents recommendations to ensure the new law permitting physician-assisted dying provides an array of care options to support people with disabilities to live with dignity. These recommendations include consideration of the draft Bakerlaw legislation, accountability measures, and thorough investigation of supportive care options, capacity assessments, and criminal penalties for coercion or undue influence by others.

CWDO. (October, 2015). *Submission to the External Panel on Options for a Legislative Response to Carter v. Canada*. Retrieved from <http://cwdo.org/node/541>.

This paper was written for the External Panel on Options for a Legislative Response to Carter v. Canada. The paper is nearly identical to the *Submission to the Provincial-Territorial Expert Advisory Group on Physician-Assisted Dying* except for a brief description of the Expert Panel.

CWDO. (September, 2015). *CWDO Member Survey on Physician-Assisted Dying Survey Results September 30, 2015*. Retrieved from <http://cwdo.org/d/content/cwdo-members-survey-assisted-suicide-results>.

This summary of results includes the disaggregated results of the CWDO member survey on physician-assisted dying. The summary include non-identifying demographic information, quantitative descriptive results and verbatim comments from members' on supports, scenarios and safeguards for consideration. These results were used to inform CWDO submissions to the government and advisory panels on the creation of physician-assisted dying legislation.

CWDO. (November, 2014). *Resolution on Assisted Suicide*. Retrieved from <http://www.cwdo.org/content/cwdo-resolution-assisted-suicide-word-november-2014>.

The Resolution on Assisted Suicide outlines CWDO's support and affirmation of the position held by CCD "that the Federal Government make no changes to the Criminal Code of Canada or any other legislation to allow assisted suicide, so-called mercy killing to be legalized in any form or in any jurisdiction within Canada". CWDO also notes their belief that killing people with disabilities because they are disabled should be treated as a hate crime and crime against humanity.

### ***Access and Inclusion Legislation***

CWDO's work on accessibility standards has focused on raising awareness about barriers and concerns related to the full participation of persons with disabilities who live and work in Ontario. Their current focus is on Ontario's accessibility standards and supporting the effective development of the proposed national accessibility act.

Through the website, CWDO shares information about the AODA, such as legislative updates, reviews and links to related media. They also share related publications by the Canadian Transportation Agency. The Accessibility Standards Committee's page on the CWDO website provides links to more information to raise awareness and education about the standards and the need for the AODA in Ontario such as information about the AODA Alliance (a disability consumer advocacy group that works to support the full and effective implementation of accessibility standards in Ontario).

**From September to December 2016** CWDO has contributed to corporate accessibility training, supported the efforts of the AODA Alliance, is monitoring federal standards for accessible transportation and gathering input on the proposed national accessibility legislation. For example, Tracy Odell and Sam Savona, CWDO board members, contributed content and appeared in a staff training video commissioned by the Canadian Automobile Association (CAA) to sensitize CAA staff to the needs of customers with disabilities. The video was created in August, 2016, but will be used as a staff training tool on an ongoing basis.

**In September**, the AODA Alliance, a CWDO partner organization, created two new regional groups. On September 19, the Ottawa Region of the AODA

Alliance was launched. **On September 30**, the London Region of the AODA Alliance got its official send-off. These add to the AODA Alliance's Kingston, Windsor, Peel and Toronto/York University Regions that were launched at other accessibility public forums earlier this year.

**In November**, CWDO added its signature, along with 21 other Ontario organizations, to an AODA Alliance letter asking the provincial government to develop an accessibility standard for education. Premier Wynne publicly committed to developing an education accessibility standard on December 5, 2016 in response to a question in the House.

Starting **in December 2016** CWDO launched a survey and facilitating an online community forum in January 2017 to gather input from members on what should be included in federal government legislation to address accessibility. Based on this feedback, CWDO will be submitting a formal written response for the federal government's consultation in February 2017. Since October, CWDO members have shared regular blog posts on the proposed national accessibility act. These posts are shared on the CWDO website and highlight some of the critical issues for consideration in the development of a national act.

Regular blog postings on several aspects of access and inclusion legislation are shared on the CWDO website. Most of these posts focus on member's issues and recommendations for the development of a Canadian Accessibility Act. These posts are written by CWDO members and express their views, opinions, thoughts and ideas, often in an informal or conversational style.

*Relevant CWDO publications:*

Steady, D. (2016, December 20). Dean Steady's submission on the proposed Accessibility Act [Web log comment]. Retrieved from <http://cwdo.org/node/555>.

In this post, Steady shares experiences of living with a disability and working for the federal government. These experiences culminate into a set of 17 specific recommendations on the proposed Canadian Accessibility Act.

Stark, C., & Stark, M. (2016, November 21). Blinding grinding poverty in 2016. [Web log comment]. Retrieved from <http://cwdo.org/node/552>.

This theme submission on poverty addresses the consultation questions posed by the federal government on the proposed accessibility act. The

opinions expressed in this post are based on the perspectives of two Canadian citizens who are blind. The post discusses the poverty, isolation and lack of services for people who cannot see.

Stark, C., & Stark, M. (2016, November 6). Inclusion by design accessible by default: The role of federal government of Canada departments and agencies to be incorporated in the Accessible Canada Act. [Web log comment]. Retrieved from <http://cwdo.org/node/551>.

In this submission, Chris and Marie Stark focus on the leadership role of the federal government in an Accessible Canada Act. The authors view the government's leadership as a critical factor in the full participation of persons with disabilities in Canada. This submission also illustrates several examples of "how the will of parliament has been defied and thwarted by federal departments, agencies, tribunals and boards".

Stark, C., & Stark, M. (2016, October 11). Willful blindness: The myth of access protected by legislation. [Web log comment]. Retrieved from <http://cwdo.org/node/550>.

This submission focuses on the regulation, enforcement, complaint resolution and adjudication options offered by the Federal Government for persons with disabilities. The authors argue that these options should be reformed in the proposed Accessible Canada Act. This submission consists of the authors' views based on their experiences attempting to use complaint processes within the federal government in order to obtain access as people who are blind.

CWDO. (June, 2014). *CWDO Submission to the Independent Reviewer on the AODA, 2014*. Retrieved from <http://www.cwdo.org/d/content/cwdo-submission-independent-reviewer-aoda-2014>.

CWDO submitted recommendations to the Independent Reviewer on the AODA, 2014. Following a survey of members, CWDO made recommendations on municipal accessible advisory committees; AODA reporting and compliance mechanisms; suggested ways to strengthen the customer service, employment, information & communication and transportation standards. CWDO also recommended new standards in healthcare, education and elections standards; and made recommendations regarding new legislation. Several of these recommendations appeared in the Independent Reviewer's report.

CWDO. (February, 2014). *Letter about need for AODA complaint mechanism*. Retrieved from <http://cwdo.org/d/content/letter-about-need-aoda-complaint-mechanism#attachments>.

This letter is addressed to the Minister of Economic Development, Trade and Employment who is responsible for the AODA. The letter requests that the government implement a reporting mechanism to allow persons with disabilities to report issues related to accessibility matters to the government directly. This request is based on a need to resolve accessible issues more quickly and to encourage a more active role for the government in monitoring compliance with the AODA. The letter also states CWDO's support for the position of the AODA Alliance that the government must seriously review how it monitors and upholds the AODA.

### ***Transportation***

CWDO's concern for transportation issues focuses on the availability of accessible transit and is often linked to efforts associated with accessibility legislation. CWDO aims to ensure that everyone, wherever they live in Ontario, has access to accessible transportation on par with their municipal transportation system (e.g., hours of operation; availability of transit). CWDO is also promoting a peer support model to share ideas about making local transit work for all.

**Between September to December 2016** Chris and Marie Stark, CWDO members, wrote a blog post in response to Accessible Canada Discussion Paper for consultation for accessible Canada Act about transportation. These blog comments are shared on the CWDO website and include the perspectives, experiences, thoughts and ideas of two senior citizens who are blind and travel with guide dogs.

**In November**, Linda Hunt, CWDO board member, attended a forum organized by the AODA Alliance in Burlington, Ontario to discuss local transportation barriers. Also in November, the AODA Alliance organized a similar forum in Whitby, Ontario.

Information about transportation issues is shared on the CWDO website including:

- Accessible travel guides and codes of practice from the Canadian Transportation Agency.

- Links to legal cases about accessible transit in Ottawa Ontario and with the Canada Transportation Agency.
- A link to the blog of member Fiona Watson: "Mobility Plus Leaves Me Minus Mobility". Fiona's blog shares her experiences and critical thoughts about Toronto's accessible transportation system.
- Media reports and editorials about accessible transportation in various Ontario municipalities

*Relevant CWDO publications:*

Stark, C., & Stark, M. (2016, October 17). Response to Accessible Canada Discussion Paper for consultation for accessible Canada Act on the subject of transportation [Web log comment]. Retrieved from <http://cwdo.org/node/548>.

These blog comments include the perspectives, experiences, thoughts and ideas of two senior citizens who are blind and travel with guide dogs. The authors discuss the lack of appropriate and accessible customer service when travelling by air, rail, inter-provincial bus or passenger ferry. To address these challenges, the authors provide several concrete recommendations to promote and implement accessible transportation regulations in the proposed Federal Accessibility Legislation.

Stark, C., & Stark, M. (2016, August 14). Response to accessible transportation discussion paper for regulatory modernization [Web log comment]. Retrieved from <http://cwdo.org/node/544>.

These blog comments include the perspectives, experiences, thoughts and ideas of two senior citizens who are blind and travel with guide dogs. The post provides an overview of the goals of the Regulatory Modernization Initiative followed by critical comments and recommendations from the authors. The post discusses enforcement of accessibility regulations, dispute resolution processes, service animals, security, assistance, entertainment and technical standards.

## **Technology**

CWDO is working on raising awareness about the barriers faced by persons with disabilities in telecommunications and new technologies. Members will assist persons with disabilities in their day to day activities, and maintain the CWDO website for both persons with and without disabilities who have an interest in disability issues in Ontario. CWDO will loan its accessible

conferencing system to various allied organizations, individuals and projects to support access to information, community building and knowledge sharing.

**In September 2016**, CWDO loaned its accessible conferencing system to the Canadian Association for Disabled Skiing – National Capital Division, for their website upgrade project.

CWDO also supported CCD's Social Policy Committee's session "Have Your Say on Infrastructure" held on **September 6, 2016** by making the CWDO accessible, on-line conference room available for the discussion. Pat Seed and Tracy Odell, CWDO board members, provided technical and facilitation support.

Previously, CWDO has focused on key technology issues related to:

- Access to telecommunications of all persons
- New technologies
- Accessible Websites

#### Access to telecommunications of all persons

CWDO has provided feedback to the Canadian Radio-television and Telecommunications Commission (CRTC) regarding barriers to persons with disabilities in all aspects of telecommunications. It remains CWDO's position that radio, television, telephones, and the internet must provide access to everyone to the same information regardless of an individual's disability. CWDO has assisted with consultations and webinars to create awareness and to inform persons with disabilities of the ways and means of accessing all information being broadcast regardless of the medium.

#### New technologies

As an organization continuously seeking the means and methods of removing or at least reducing barriers faced by persons with disabilities, we recognize the importance of change and the importance of supporting change. CWDO also recognizes the fact that no one solution for access or accommodation will work for everyone. For these reasons, even if we may not agree with potential solutions, CWDO believes it is important to bring awareness of new and developing technology to our members.

On the website, CWDO shares weblinks to information about new technologies that members and non-members may be interested in learning



more about. Some of these technologies include speech to text software, methods for descriptive video, vibrating touch screens, etc. By posting information about new and up-coming technologies, CWDO notes in a disclaimer that they are not endorsing any of the ideas or technologies.

### Accessible websites

The CWDO website provides a link to a web accessibility initiative offered through the World Wide Web Consortium (W3C). W3C is an international community where Member organizations, a full-time staff, and the public work together to develop Web standards. This site includes accessibility evaluation resources.

As an exemplar website, CWDO aims to:

- maintain a high standard of accessibility from a cross-disability perspective;
- create new and innovative ways for maximizing the potential of the website;
- ensure that all CWDO committees and issues are appropriately portrayed on the website;
- ensure that the message from the website is one of advocacy and not political statements;
- use the website to educate Canadian society, and specifically Ontario society, of the issues of persons with disabilities experience to fully function in their communities.

### *Relevant CWDO publications:*

Stark, C., & Stark, M. (2016, October 27). Then and now: Is anyone listening? [Web log comment]. Retrieved from <http://cwdo.org/node/549>.

This blog post discusses accessibility issues in broadcasting and telecommunications in terms of questions posed by the Office for Disability Issues regarding the development of Federal Accessibility Legislation. This blog post highlights the exclusion of disability issues in the broadcasting and telecommunications sectors in Canada. The authors suggest that the CRTC has adopted a charitable-medical model of disability and has missed an opportunity to invest in more accessible mainstream services.



## ***International Issues***

The CWDO website highlights information to raise awareness and education on the CRPD. In plain language, CWDO briefly describes what the Convention does for people with disabilities. The website also includes links to news releases, related disability rights organizations and projects in Ontario, Canada and internationally, as well as alternate formats of the full version of the CRPD.

**Between September and December 2016**, CWDO participated in the development of the Canadian CRPD Shadow Report. The draft of the Shadow report has been shared with CWDO board members to solicit feedback and comments from members before the report is finalized in February 2017. CWDO board members also participated in the CRPD Shadow Report Consultation hosted by CCD in Ottawa on December 1, 2016. This meeting included Carla Qualtrough, Minister of Sport and Persons with Disabilities, and Stéphane Dion, Minister of Foreign Affairs, alongside various stakeholders, members and representatives from CCD.

Previously, CWDO has supported several other international human rights organizations in Ontario, Canada and across the world including Disability Rights Promotion International, Disabled People's International, and the International Disability Alliance.

## ***Social Policy***

Activities related to social policy are diverse - reflecting the myriad of social policies that impact the lives of Ontarians with disabilities. Some of this work has already been mentioned in terms of access and inclusion legislation, ending of life ethics and technology.

The CWDO website provides links to information on laws and standards that impact Ontarians with disabilities. Some of these laws and standards listed on the website include:

- Accessibility Standards for Customer Service, Ontario Regulation 429/07
- *Accessibility for Ontarians with Disabilities Act, 2005*
- *Ontarians with Disabilities Act, 2001*
- *Ontario Human Rights Code, 1982*
- Ontario Human Rights Commission Policies

In addition, an ODSP Issues and Housing Committee works on issues related to poverty, income security, and affordable, accessible and appropriate housing. CWDO is connected to the ODSP Action Coalition and the Income Security Advocacy Centre to push for improvements to ODSP so that people with disabilities can live with justice and dignity.

In relation, CWDO has advocated for the need for quality attendant services by promoting legislation to protect the rights, dignity and autonomy of persons with disabilities who require attendant services. CWDO has expressed strong support for the Canadian Disability Alliance's proposed bill called the *Consumers Attendant Support Services Protection Act*. If adopted, the proposed legislation will create a consumer advocate office, establish a new governance structure for service provider boards, address long waiting times and emergency shelter needs for people needing attendant services, and provide for a dispute resolution process.

To promote this proposed legislation, CWDO members have, to date:

- Wrote every MPP in 2009; 2010 and 2012 looking for support
- Wrote every Community Care Access Centre (CCAC) in the spring of 2008 and 2012 (no response from any CCAC)
- Wrote every Local Health Integration Network (LHIN) in the spring of 2008 and 2012 (no response from any LHINs to date)
- Met with Dr. Helena Jaczek, MPP Oak Ridges-Markham on July 12, 2012

*Relevant CWDO publications:*

CWDO. (n.d.). *Consumers Attendant Support Services Protection Act (DRAFT)*. Ontario, Canada. Retrieved from <http://www.cwdo.org/d/content/consumers-attendant-support-services-protection-act-word>.

The Consumer Attendant Support Services Protection Act proposes amending the *Home Care and Community Services Act, 1994*. The purpose of this legislation is to ensure that consumers of attendant support services are protected and have the right to be involved with decisions regarding their own attendant support services. Consumers need to be directly involved in how policies and procedures are developed with the Service Providers, which provide attendant support services for them. The people of Ontario support the right of persons of all ages with disabilities to enjoy equal opportunity and to participate fully in the life of the Province. Also, this legislation recognizes and understands that persons with disabilities are to

be treated equally and without discrimination in accordance with the Human Rights Code of Ontario.

CWDO. (January, 2015). *Consumer Attendant Support Services Protection Act* – Presentation. Retrieved from <http://www.cwdo.org/d/content/consumers-attendant-support-services-protection-act-powerpoint>.

This presentation outlines the development, rationale, key goals and objects of the proposed Consumer Attendant Support Services Protection Act. The presentation also outlines achievements to date and reasons to support the bill.

### **Employment**

Employment is a cross-cutting issue for CWDO. Often, employment is discussed in relation to accessibility and inclusion legislation. For example, the AODA's employment standard is of particular concern. In a survey conducted by CWDO in preparation for the last review of the AODA in 2014, members stated that employment is the priority issue for Ontarians with disabilities.

**In December 2016** CWDO supported an International Persons with Disabilities Day event in Toronto that focused on employment. The event was promoted in CWDO newsletters and was attended by a CWDO board member, Michele Gardner. Collaborating organizations included the Alliance for Equality of Blind Canadians, Canadian Hearing Society, Centre for Independent Living Toronto, Canadian National Institute for the Blind, Magnet employment network, and the National Educational Association of Disabled Students. At the event, government representatives spoke about various employment initiatives, persons with disabilities shared their employment success stories, and employment agencies networked with job seekers.

To address the employment concerns of CWDO members, CWDO has previously recommended that the ministries of Economic Development, Trade and Employment; Labour; Health and Long-Term Care and Community and Social Services work together to develop policies and a funding mechanism which would allow Ontarians with severe disabilities the opportunity to work with the proper accommodations available to them. The recommendations were presented in the CWDO submission to the AODA review in 2014.

This submission included recommendations for funding to be made available that allows attendant support services to employees with disabilities so they can keep their jobs. CWDO further recommended that this funding model be made available to all sectors.

As stated in the submission to the AODA review in 2014,

“CWDO recommends that the government of Ontario establish the ‘Ontario Accessibility Employment Centre’. This organization will assist all Ontarians with disabilities who are seeking employment opportunities. The organization will be established to provide the following services:

1. Assistance with the development of resumes and other job related materials for all Ontarians with disabilities who are looking for employment opportunities.
2. Work with employers to ensure that job advertisements are provided in alternative formats.
3. Develop a database of Ontarians with disabilities seeking employment, listing their skills and qualifications. This database will allow employers to seek out potential candidates with disabilities.
4. Develop training and technical courses for Ontarians with disabilities, in collaboration with employers in the public and private sectors.

CWDO further recommends that provisions for this Ontario Accessibility Employment Centre be added to the current Employment Standard under the Integrated Accessibility Regulation. CWDO recommends that persons with disabilities seeking employment opportunities should be eligible for any existing employment program offered by the Ontario government regardless of age, educational experience or access to financial assistance (e.g., Ontario Disability Support Program)” (CWDO submission to the AODA review, 2014, pp. 3-4).

CWDO recommended that all postsecondary institutions develop employment action plans for students with disabilities who are nearing graduation. This plan should support students to connect with possible employers.

Further, “CWDO recommends that the provincial government, under the authority of the Ministry of Community and Social Services, review the

Ontario Disability Support Program. The purpose of the review will be to ensure that persons with disabilities utilizing the program will have a liveable financial supplement and provide those individuals with education and employment opportunities and support” (CWDO submission to the AODA review, 2014, p. 10). CWDO suggested that these supports could help people with disabilities become financially self-sufficient, and reduce the number of recipients who rely on ODSP.

Employment issues, news, experiences and opportunities are shared through the CWDO’s newsletters - in addition to other topics of interest. CWDO has been offering an electronic newsletter to over 1,000 subscribers since 2009. Different newsletters are written for subscribers in the areas of Ottawa, Toronto, London and Thunder Bay. Subscribers can indicate their geographic interests as well as sign up for one or more of CWDO’s email lists on the topics of the AODA standards, arts, assistive devices and technology, attendant services, Ontario news, and employment.

Next, we focus in on the work disability policy system in Ontario by providing an overview of relevant government policies and programs.

### ***Employment policies and programs in Ontario***

Research indicates that Ontario has the highest level of disabled poor people in Canada (Crawford, 2013). Employment can be a pathway to increased income, empowerment, quality of life and well-being. But for people with disabilities, job opportunities are limited and employment supports are often inadequate (Torjman & Makhoul, 2016). Even when people with disabilities are employed, they are more likely to have precarious jobs with lower than average salaries, even after taking into account fewer hours worked in temporary or part-time jobs (Law Commission of Ontario, 2012).

The present discussion focuses on the work disability policy system in Ontario. This section highlights some of the key government policies and programs whose purpose is to enable people with disabilities to re-enter the labour market, maintain their employment or find work in the first place. Several authors and organizations have recently explored this system and have shared their findings publicly. This section builds on this previous research in an effort to develop a comprehensive overview of policies, programs and services that improve or limit the labour market attachment of persons with disabilities in Ontario.

Generally speaking, Torjman and Makhoul (2016) describe three streams of employment policies and programs for people with disabilities. An

individual's connection to each stream is typically linked to the income security program for which the individual would qualify. "While these streams are described as discrete entities, the reality is that many individuals do not fall 'neatly' into a given category or may cross from one category into another over the course of their lives" (Torjman & Makhoul, 2016, p. 10). The first stream involves those who have experienced some work-related injury or illness on the job and usually covered by worker's compensation programs, namely the Workplace Safety and Insurance Board (WSIB) in Ontario. A second stream involves people who have been employed for an extended period, and are no longer able to work because of a severe or prolonged impairment. The impairment may or may not be work-related. These individuals may be eligible for financial assistance and associated services under the Canada Pension Plan (CPP) Disability Benefit. The third stream of employment policies and programs is linked to provincial social assistance, namely ODSP. This program is designed for people considered not able to work or those with minimal or insecure attachment to the labour market.

Each of these programs and related policies and legislation have different definitions of disability and their own terms of eligibility and benefit generosity. According to Stapleton (2013) "Taken as a system of benefits, they are not well coordinated and are focused more on individual program outcomes than client well-being" (p. 14). Moreover, many employers offer employment-based short- and long-term disability plans through private disability insurance programs. The share of premiums paid by the employer and employees varies widely as does the coverage. According to Stapleton (ibid), most plans provide a two-year period of benefits for persons unable to perform their pre-disability occupation and who have medical evidence of a permanent or long-duration impairment. Stapleton found that "private disability insurance is growing in Canada on a per capita basis and has its strongest presence in Ontario" (p. 16). Plan benefits are usually scheduled at 50% to 75% of pre-disability income, and are reduced when an individual receives CPP Disability or workers' compensation benefits.

The following is a preliminary description of most provincial and federal disability employment policies and programs available to Ontario residents. Federally administered policies and programs are included because they are available to Ontarians and impact the context for employment of people with disabilities in the province. The policies and programs vary in size and significance. Where appropriate, and when information is available, we have included brief notes or comments about each program or policy.

### *Provincial policies and programs*

#### **STATUTE: Corporations Tax Act, RSO 1990**

PROGRAM / REGULATION: N/A

GOVERNING BODY: Ontario Ministry of Finance

DESCRIPTION: The Corporations Tax Act allows employers an additional deduction for the costs of modifying buildings, structures and premises, acquiring certain equipment and providing special training to accommodate persons with disabilities in the workplace. The Ontario Income Tax Act provides a similar credit to unincorporated employers.

ELIGIBILITY: Ontario employers.

URL: <http://www.canlii.org/en/on/laws/stat/rso-1990-c-c40/latest/rso-1990-c-c40.html>

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#### **STATUTE: Ontario Disability Support Program Act, 1997**

PROGRAM / REGULATION: Employment Supports

GOVERNING BODY: Ontario Ministry of Community and Social Services

DESCRIPTION: The Ontario Disability Support Program (ODSP) Employment Supports are intended for people with disabilities, 16 years of age or older, who can and want to work in the competitive labour market. Eligible applicants work with an approved community service provider to determine what supports they need to get and keep a job or start their own business. Employment supports such as job coaching, on-the-job training, software and mobility devices, and transportation assistance may be provided to remove barriers to the person's competitive employment and assist the person in attaining his or her competitive employment goal. ODSP Income supports provides eligible individuals with disabilities with monthly financial assistance to help with the costs of basic needs, like food, clothing and shelter. Income support also includes benefits, like drug coverage and vision care, for clients and their eligible family members.

**ELIGIBILITY:** To qualify for employment supports, an individual must be at least 16 years old, an Ontario resident, legally allowed to work in Canada, have a substantial physical or mental disability that is expected to last a year or more and “which makes it hard to find or keep a job”. Individuals do not have to be receiving income support from ODSP to be eligible for employment supports.

**COMMENTS:** ODSP also offers an income support program. Income support recipients can work — while keeping 50 cents of each dollar earned following a \$200 per month exemption — and continue to receive assistance, such as health benefits, without time limitations. Employment income from a spouse or child 18 years of age or older also applies. However, if the individual recipient or members of their family are enrolled full time in high school or an approved post-secondary institution then the individual's or family member's earnings are completely exempt.

**URL:** [http://www.mcsc.gov.on.ca/en/mcss/programs/social/odsp/employment\\_support/available\\_Supports.aspx](http://www.mcsc.gov.on.ca/en/mcss/programs/social/odsp/employment_support/available_Supports.aspx)

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## **STATUTE: Ontario Works Act, 1997**

**PROGRAM / REGULATION:** Employment Assistance

**GOVERNING BODY:** Ontario Ministry of Community and Social Services

**DESCRIPTION:** The Ontario Works program may provide employment assistance, benefits and temporary assistance for a person eligible to receive income under the Ontario Disability Support Program Act.

**ELIGIBILITY:** To be eligible for Ontario Works, an individual must live in Ontario, need money right away to help pay for food and shelter, and

be willing to take part in activities that will help them find a job.

**COMMENTS:** Some recipients of Ontario Works may have disabilities that do not meet the program criteria for ODSP.

**URL:** <http://www.mcsc.gov.on.ca/en/mcss/programs/social/ow/index.aspx>



**STATUTE: Accessibility for Ontarians with Disabilities Act, 2005**

PROGRAM / REGULATION: Employment Standard

GOVERNING BODY: Ontario Ministry of Economic Development and Growth

DESCRIPTION: The Employment Standard of the Act requires organizations to establish processes that provide for accessibility across the employment life cycle. It focuses on such areas as recruitment, job accommodation, return to work, performance management, career development, redeployment, and access to workplace and job-related information as well as customized emergency response information.

ELIGIBILITY: All Ontario employers with one employee in Ontario need to comply with the Employment Accessibility Standards effective January 1, 2017.

URL: <https://www.ontario.ca/laws/statute/05a11#BK8>

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**STATUTE: Ontario Human Rights Code, R.S.O. 1990. c. H.19**

PROGRAM / REGULATION: N/A

GOVERNING BODY: Ontario Human Rights Commission

DESCRIPTION: The Code stipulates that "Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability". Further, the Code stipulates that the needs of persons with disabilities should be accommodated up to the point of undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any.

ELIGIBILITY: N/A

URL: <https://www.ontario.ca/laws/statute/90h19>

**STATUTE: Workplace Safety and Insurance Act, 1997**

PROGRAM / REGULATION: N/A

GOVERNING BODY: Workplace Safety and Insurance Board (WSIB)

DESCRIPTION: This Act provides the WSIB with its mandate which, "in a financially responsible and accountable manner" is intended to: promote health and safety in the workplace, facilitate return to work and recovery from workplace injury or illness, facilitate the re-entry into the labour market for workers and the spouses of deceased workers, and provide compensation and other benefits to workers and the survivors of deceased workers. If an employee misses time from work because of a work-related injury or illness, WSIB will generally pay for 85% of loss of earnings (take home pay). Prospective workers may have access, upon approval by an assessor, to a designated list of health care equipment and supplies, to improve or maintain independent living. The WSIB also has the authority to collect premiums to fund Ontario's workers' compensation system.

ELIGIBILITY: People who have experienced work-related injury or illness. The Act does not apply to persons whose employment by an employer is of a casual nature and who are employed otherwise than for the purposes of the employer's industry. Regulations identify specific sectors covered by the WSIB. Some sectors such as banking and insurance and some new sectors, such as high-tech industries that have emerged subsequent to the adoption of the provincial regulations are also not covered. Executive officers of a corporation are also not eligible.

COMMENTS: "For the majority of workers covered under the WSIB, the program works well. At least 10 percent of injured workers experience problems with the WSIB. While only a minority, the latter group nonetheless comprises a sizeable number" (Torjman & Makhoul, 2016, p. 11).

URL: <https://www.ontario.ca/laws/statute/97w16#BK5>

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**STATUTE: Ministry of Health and Long-Term Care Act, R.S.O. 1990, c.M.26**

PROGRAM / REGULATION: Assistive Devices Program(ADP)

GOVERNING BODY: Ontario Ministry of Health and Long-Term Care

DESCRIPTION: The ADP is designed to assist people with long-term physical disabilities to pay for customized equipment, like wheelchairs and hearing aids. The ADP also helps cover the cost of specialized supplies, such as those used with ostomies.

ELIGIBILITY: People whose disability requires assistive equipment or supplies for six months or longer. People do not qualify if they already qualify for or are receiving financial support for the same equipment or supplies from the WSIB. They also do not qualify if they are a Group "A" veteran and already qualify for or are receiving financial support from Veterans Affairs Canada for the same equipment or supplies.

COMMENTS: "In most cases, ADP pays 75 percent of an approved price. Social assistance recipients of Ontario Works or the Ontario Disability Support Program may be eligible for help with the 25 percent co-payment fee. If the required equipment is worn out, no longer under warranty and beyond repair at a reasonable cost, ADP may pay up to 75 percent of the replacement cost...A different assessment process applies to each type of support. Medical certification of need typically is required" (Torjman & Makhoul, 2016 p. 31).

URL: <https://www.ontario.ca/page/assistive-devices-program>

## *Federal policies and programs*

### **STATUTE: Canada Shipping Act, 2001**

PROGRAM / REGULATION: Safe Working Practices Regulations

GOVERNING BODY: Transport Canada

DESCRIPTION: Safe Working Practices Regulations apply to and in respect of the employment of persons in any working area associated with any ship in Canada or on any Canadian ship outside Canada. The regulations require every employer to arrange that work is carried out in a manner that does not endanger the safety or health of any person employed in the work or in connection therewith. The regulations also require every person engaged in any employment to which these regulations apply to take all reasonable and necessary precautions to ensure his own safety and the safety of their fellow employees.

ELIGIBILITY: People working on a ship in Canada.

URL: [www.canlii.org/en/ca/laws/regu/crc-c-1467/latest/crc-c-1467.html](http://www.canlii.org/en/ca/laws/regu/crc-c-1467/latest/crc-c-1467.html)

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### **STATUTE: Department of Employment and Social Development Act, SC 2005, c. 34**

PROGRAM / REGULATION: Opportunities Fund

GOVERNING BODY: Employment and Social Development Canada / Service Canada

DESCRIPTION: The Opportunities Fund for Persons with Disabilities is intended to help people with disabilities prepare for, obtain, and maintain employment or self-employment. The Opportunities Fund program offers funding for local and regional projects to help organizations create projects involving eligible activities.

ELIGIBILITY: Eligible applicants include not-for-profit organizations, municipal governments, aboriginal organizations (including band councils, tribal councils and self-government entities), for-profit organizations; and

provincial and territorial governments, institutions, agencies and Crown Corporations. Participants are recruited by the contribution recipients. To participate in the Opportunities Fund, individuals must self-identify as having a permanent physical or mental disability that restricts his or her ability to perform daily activities; be legally entitled to work according to the relevant provincial and federal legislation and regulations; be a Canadian citizen, permanent resident, or person who has been granted refugee status in Canada; not be eligible for assistance under Employment Insurance (EI) employment benefits or any similar programs that are the subject of agreements with provinces, territories, or organizations entered into pursuant to Section 63 of the EI Act (unless approved by a departmental official); and require assistance to prepare for, obtain and keep employment or self-employment.

URL: <https://www.canada.ca/en/employment-social-development/services/funding/disability-opportunity.html>

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**STATUTE: Department of Employment and Social Development Act, SC 2005, c. 34**

PROGRAM / REGULATION: Enabling Accessibility Fund

GOVERNING BODY: Employment and Social Development Canada / Service Canada

DESCRIPTION: The Enabling Accessibility Fund is a federal grants and contributions program that supports capital costs of construction and renovations related to improving physical accessibility and safety for people with disabilities in Canadian communities and workplaces. The program includes two funding streams. The Workplace Accessibility Stream provides funding to eligible recipients for projects that improve accessibility in workplaces across Canada. To be considered eligible for funding, projects must be directly related to maintaining or creating job opportunities for people with disabilities.

ELIGIBILITY: Non-profit organizations; for-profit organizations; Municipalities; Indigenous organizations (including band councils, tribal councils and self-government entities); and, Territorial governments. All projects must also meet the specific eligibility criteria identified in calls for proposals, including support from their community.

URL: <http://www.edsc.gc.ca/eng/disability/eaf/index.shtml>

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**STATUTE: Employment Equity Act, SC 1995**

PROGRAM / REGULATION: N/A

GOVERNING BODY: Employment and Social Development Canada; Treasury Board Secretariat; Canadian Human Rights Commission

DESCRIPTION: This Act aims to achieve equality in the workplace by removing barriers to employment for the designated groups, including persons with disabilities; correct the conditions of disadvantage in employment for the four designated groups; and give effect to the principle that employment equity means more than treating people in the same way; it also requires special measures and the accommodation of differences.

ELIGIBILITY: People with disabilities working or wanting to work for the federal government or an applicable federal contract organization.

URL: <http://laws-lois.justice.gc.ca/eng/acts/E-5.401/page-7.html#h-19>

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**STATUTE: Employment Equity Act, SC 1995**

PROGRAM / REGULATION: Canadian Forces Employment Equity Regulations

GOVERNING BODY: Employment and Social Development Canada; Treasury Board Secretariat; Canadian Human Rights Commission

DESCRIPTION: The Canadian Forces Employment Equity Regulations adapt the provisions of the Employment Equity Act to accommodate the Canadian Forces, taking into account their operational effectiveness.

ELIGIBILITY: People with disabilities working for or wanting to work for the Canadian Forces.

URL: <http://www.canlii.org/en/ca/laws/regu/sor-2002-421/latest/sor-2002-421.html>

**STATUTE: Canada Pension Plan, RSC 1985**

PROGRAM / REGULATION: Disability Benefits

GOVERNING BODY: Employment and Social Development Canada / Service Canada

DESCRIPTION: Canada Pension Plan (CPP) provides disability benefits to eligible people who have made enough contributions to the CPP and who are disabled and cannot work at any job on a regular basis. Benefits may also be available to their dependent children. The Disability Vocational Rehabilitation Program offers vocational counselling, financial support for training, and job search services to recipients of CPP Disability Benefits to help them return to work.

ELIGIBILITY: People who have a severe or prolonged disability and significant attachment to the paid labour market.

COMMENTS: According to a 2015 Auditor General report, an estimated 50% of applicants are refused eligibility to CPP disability benefits. Those who do receive benefits can earn up to a certain amount of employment income without telling CPP and without losing benefits. For 2016, this amount is \$5,400 annually (before taxes). This amount may increase in future years.

URL: <https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-disability-benefit.html>

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**STATUTE: Canada Human Rights Act (R.S.C., 1985, c. H-6)**

PROGRAM / REGULATION: N/A

GOVERNING BODY: Canadian Human Rights Commission

DESCRIPTION: The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

ELIGIBILITY: N/A

URL: <http://laws-lois.justice.gc.ca/eng/acts/h-6/>

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**STATUTE: Constitution Act, 1982 (Charter of Rights and Freedoms)**

PROGRAM / REGULATION: N/A

GOVERNING BODY: Interpretation and enforcement of the Charter is governed by the courts, with the Supreme Court of Canada being the ultimate authority.

DESCRIPTION: The Charter of Rights and Freedoms came into force on April 17, 1982. Section 15 of the Charter (equality rights) came into effect three years after the rest of the Charter, on April 17, 1985. Section 15 provides that every individual has the right to equal protection and benefit of the law without discrimination and explicitly includes mental or physical disability among its prohibited grounds. At the same time as it protects equality, the Charter also allows for certain laws or programs aimed at improving the situation of disadvantaged individuals or groups. For example, programs to improve employment opportunities for people with mental or physical disabilities may be protected under subsection 15 (2).

ELIGIBILITY: N/A

URL: <http://laws-lois.justice.gc.ca/eng/const/page-15.html>

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**STATUTE: Canadian Forces Members and Veterans Re-establishment and Compensation Act (New Veterans Charter)**

PROGRAM / REGULATION: Disability Pensions and Disability Award

GOVERNING BODY: Veteran Affairs Canada

DESCRIPTION: Disability Pensions provide monthly tax-free payments to eligible recipients. The Disability Award provides injured Canadian Armed Forces members or Veterans with a tax-free award for an injury or illness



resulting from military service. The Disability Award is designed to provide members of the Armed Forces or veterans with immediate financial support if they have been injured while serving our country. Supports and services may include rehabilitation, mental health and case management services, month income to replace lost wages, retirement benefits for those unable to work, health care benefits and help to find a new career. The amount of a Disability Pension or Disability Award depends on the degree to which that disability is related to your service (entitlement); and the extent of the disability (assessment).

**ELIGIBILITY:** War Service Veterans (including Merchant Navy Veterans) of the Second World War or the Korean War; Civilians who served in close support of the Armed Forces during wartime; current and former members of the Royal Canadian Mounted Police; Canadian Armed Forces members and Veterans. In addition, survivors / surviving dependents can also qualify for benefits.

**URL:** <http://www.veterans.gc.ca/eng/services/after-injury/disability-benefits/disability-pension>

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### **STATUTE: Employment Insurance Act (S.C. 1996, c. 23)**

**PROGRAM / REGULATION:** Sickness Benefits

**GOVERNING BODY:** Employment and Social Development Canada / Service Canada

**DESCRIPTION:** The Employment Insurance (EI) program offers temporary financial assistance to unemployed workers. This assistance includes providing sickness benefits to people unable to work because of sickness, injury, or quarantine. Individuals may be eligible if they cannot work because of sickness, injury or quarantine, but would otherwise be available to work. Eligible individuals may receive up to a maximum of 15 weeks of EI sickness benefits.

**ELIGIBILITY:** EI sickness benefits are payable only to those people who are unable to work because of sickness, injury or quarantine but who would otherwise be available for work if not for their incapacity due to medical reasons. To receive sickness benefits, you need to obtain a medical certificate signed by your doctor or approved medical practitioner. The

worker must also demonstrate that regular weekly earnings have decreased more than 40% due to disability and that 600 insured hours have accumulated over the previous 52 weeks or since the worker's last claim.

URL: <https://www.canada.ca/en/services/benefits/ei/ei-sickness.html>

## **CWDO Capacity Development**

CWDO became incorporated as a non-profit organization in May 2005. As a group of dedicated activists, they expressed a commitment to the rights of all persons to participate fully in the civil, cultural, economic, political and social life of their communities. This commitment continues to hold today and has resulted in a myriad of activities that promote the rights and inclusion of people with disabilities in Ontario.

### ***Partnerships and Alliances***

Over the years, CWDO has raised its profile with CCD and municipal, provincial and federal governments. Since its inception, CWDO has developed a wide network of partners, collaborators and supporters including:

- 25 in 5 Network for Poverty Reduction
- Alliance for Equality of Blind Canadians
- AODA Alliance
- ARCH Disability Law Centre
- Bakerlaw
- Canadian Disability Alliance
- Centre for Independent Living Toronto
- Centre for Research on Work Disability Policy
- Council of Canadians with Disabilities
- Council of Ontario Universities
- Disability Rights Promotion International
- Disabled People's International
- Epiphany Designs
- Income Security Advocacy Centre
- Independent Living Canada
- Izzy Camilleri Adaptable Clothing
- Link Up Employment Services for Persons with Disabilities
- National Educational Association of Disabled Students (NEADS)
- Not Dead Yet
- ODSP Action Coalition
- People First of Ontario

- Project Value
- Ryerson University – Disability Studies Program
- Talking Communities Web Conferencing
- Toronto Disability Pride March
- World Wide Web Consortium (W3C)
- York University – Critical Disability Studies Program

CWDO collaborates with these organizations in a variety of ways, as well as distributes newsletters to the board from some of these partnering organizations. This information sharing helps board members to stay up to date about relevant issues and opportunities for ongoing collaboration. Through the work of this project, CWDO will develop this network to increase the number and strength of partnerships. As a volunteer run organization, these connections are critical to the organization's successes and accomplishments. Further, CWDO can continue to strengthen and contribute to the work of allied organizations. The present project may be an opportunity to enhance and promote the work of other organizations and projects that reflect the vision and values of CWDO.

There are several avenues for knowledge sharing and mobilization from this project. For example, our research on Ontario programs and services that impact the labour market attachment of persons with disabilities in Ontario may be of value to the Centre for Research on Work Disability Policy. This Centre is a transdisciplinary initiative on the future of work disability policy in Canada. Its objective is to identify how people, when disabled, can be better retained and integrated into the Canadian labour market. The Centre's resources can support information sharing and knowledge mobilization development plans to help inform the development of effective employment policies and practices that meet the needs and interests of people with disabilities.

Further, our research and related CWDO activities on physician-assisted dying, and access and inclusion legislation will support the mutual interests of organizations and projects such as Not Dead Yet, Project Value, AODA Alliance, etc. Each of these projects and organizations also have large networks to help raise the voices of Ontarians with disabilities. Tapping into these networks will help CWDO reach a broader group of stakeholders and allies.

### ***Financial Development and Sustainability***

Reliable funding is a challenge for CWDO. Over the years, CWDO has received funds for speaking at events, coordinating meetings, participating

in research and sometimes from donations. Previously, CWDO received funding to hire summer students, but no funding to support even a part-time staff member.

CWDO has no office space but operates virtually through an accessible, online conferencing system, e-mail, and through the homes of volunteer board members. This has made the organization leaner, so that all board members can be more effectively engaged. Discussions, consensus and even voting on some items is conducted through e-mail so that members can be productive between regular board meetings.

Membership connections have remained strong through consistent communication strategies such as the on-line newsletter. CWDO also reaches out by telephone to members who do not have e-mail addresses, and have worked hard to update the member database.

The present project could be an opportunity to identify potential funders and develop grant applications. The project will identify what policies, programs, services and activities exist or are missing in Ontario to meet the needs and interests of people with disabilities. This information could support CWDO to identify internal strengths and external opportunities for capacity development and financial sustainability.

**Currently**, the present project has brought in revenue to hire an independent contractor to support the organization and achieve the goals of this project over the next 15 months. This rigorous hiring process involved an open call for applications shared across CWDO network organizations. The application process required interested applicants to submit a cover letter, resume and writing sample for consideration. Those who most closely matched CWDO's requirements were interviewed by a panel of board members. Prospective contractors invited to an interview were required to submit a written exercise by e-mail to the committee no less than 24 hours prior to their scheduled interview. The successful candidate was chosen based on responses to the interview and writing exercise, along with feedback from three referees.

### ***Going Forward***

The CWDO Strategic Plan for 2016 to 2020 identifies several goals for the future. These goals include:

- **Enhancing CWDO's reputation.** CWDO aims to be a well-known non-partisan organization with an Ontario, cross-disability focus. By enhancing CWDO's reputation, members' expertise will increasingly be sought out by government, researchers, and Ontarians with disabilities. CWDO continues to welcome other organizations to seek out alliances and work together on issues of common importance.
- **Active engagement of board members.** CWDO is working to actively engage all board members in the work of the organization. Each board member could lead at least one committee or working group to address issues that are important to members.
- **Active engagement of CWDO members.** CWDO is working to actively engage a majority of members in the work of the organization. Members can sign up for newsletters, participate on committees or working groups and contribute to CWDO position papers through participating in surveys and attending online meetings.
- **Financial Stability.** CWDO is seeking a reliable funding base from two or more sources which will enable the organization to hire staff and to offer high-quality peer support and learning opportunities for members.

CWDO plans to achieve their goals through:

- **Webinars** that are consistent with annual priority issues and themes. CWDO will also make their accessible, online conferencing system available to others to share information with members.
- **Position papers** will be prepared on key issues of the day, in concert with members. These papers will be shared with decision-makers to educate them about barriers that still exist and how they might be reduced or eliminated. Position papers will help to strengthen alliances with other organizations and will be a reliable source of information for members.
- **Research** that continues to contribute to knowledge production and sharing based on key priorities.

Taken together, CWDO recognizes that these goals and activities are ambitious. However, members are also confident that they can be achieved with the dedication and growing interest of members because together we are stronger.

## **Conclusion**

This first report lays the foundation of our research by presenting information on the Ontario context for people with disabilities, our methodological framework and preliminary findings from our research to date.

With our context established, the second report will focus on employment and provide more information about government and non-governmental programs and services that impact the labour market attachment of Ontarians with disabilities. The second report will also include a description and findings from other CWDO activities taking place from January to April 2017.

Stay tuned!

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