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**Federal Disability Reference Guide**



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# The Disability Reference Guide: Its Purpose and Function

The Disability Reference Guide (the Guide) is a tool for identifying, clarifying and promoting policies

to address issues that affect people with disabilities. While the objective of the Guide is to help ensure that federal programs, policies and services maintain or enhance the social and economic inclusion of people with disabilities, much of the Guide’s content may be of use to other governments, organizations or institutions.

The Guide can help to ensure that legislation, policies, programs and services:

* are inclusive of people with disabilities;
* respect the rights and needs of people with disabilities; and
* promote positive attitudes and raise awareness about the needs of people with disabilities in order to prevent unintended negative outcomes.

### Electing to use the Guide will help employees to:

* systematically assess and address the impacts of all initiatives (policies, programs, services or decisions) on people with disabilities;
* obtain a more nuanced understanding of the multi-dimensional challenges that impact people with disabilities;
* build partnerships across government departments, and with NGOs and other stakeholders that work with and represent people with disabilities; and
* act as a resource in the creation of policies and programs that reflect the rights and needs of people with disabilities.

# About the Guide

The Guide is divided into sections based on the program and policy development cycle.

The “Before You Begin: Key Considerations” section outlines the legal, political and socio-economic context for disability issues in Canada.

Each section of the Guide contains a set of questions and resources. The questions are designed to raise awareness of the diverse needs of people with disabilities and assist in the development of policies,

programs and services that are inclusive of people with disabilities from the outset. To help you learn more about disability in each stage of the policy and program development cycle, the Guide contains numerous annexes with in-depth information on accommodation, learning and training, and safety and security for people with disabilities.

While the Guide is intended to inform policy and program development by providing a wealth of information on various aspects of disability issues in a checklist format, it is by no means exhaustive. Analysts are encouraged to select and apply only those items that are relevant to the nature of their policy, program

or service.

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# Before You Begin: Key Considerations

### Definition of Disability

Disability is a complex phenomenon, reflecting an interaction between features of a person’s body and mind and features of the society in which they live. A disability can occur at any time in a person’s life; some people are born with a disability, while others develop a disability later in life. It can be permanent, temporary or episodic. Disability can steadily worsen, remain the same, or improve. It can be very mild to very severe. It can be the cause, as well as the result, of disease, illness, injury, or substance abuse.

Because of its complexity, there is no single, harmonized “operational” definition of disability across federal programs.

Reflecting this complexity are the different approaches to understanding the experience of disability. According to the traditional, bio-medical approach, disability is viewed as a medical or health problem that prevents or reduces a person’s ability to participate fully in society. In contrast, the social approach views disability as a natural part of society, where attitudes, stigma and prejudices present barriers to people with disabilities, and prevent or hinder their participation in mainstream society.

The most widely accepted definition of disability is provided by the World Health Organization:

Disability is an umbrella term, covering impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations.

For a more in-depth discussion of the definition of disability in the context of Government of Canada programs and services, please see Annex 1A.

### Disability in Canada

According to the 2012 *Canadian Survey on Disability,* there are roughly 3.8 million adults (aged 15 and over) with disabilities in this country, which means that approximately one in seven Canadians now has a disability. The prevalence of disability increases with age, Canadians aged 75 and over being the most likely group to have a disability. Roughly one in 10 people of working age (15 to 64 years) has a disability; among the senior population (65 years or older), that figure is about 33%.

The most common types of disabilities among adults are pain-, mobility-, and agility-related disabilities. The prevalence of disability among women was 15%, compared to 13% among men. With the exception of the 15-24 age group, women reported a slightly higher rate of disability than men in all other age groups (e.g., 25-44, 45-64, 65 to 74, and 75 or older).

For a more detailed snapshot of disability in Canada, please consult Annex 1B.

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### Disability within the Federal Legal Framework

Canadian laws and regulations protect the equality of rights of people with disabilities. The 1982 *Charter of Rights and Freedoms* prohibits discrimination on the grounds of mental or physical disability and governs relationships between a private individual and government entities. *The Canadian Human Rights Act* of 1985 seeks to prevent discrimination and improve access to employment, services and facilities in all areas of federal jurisdiction.

Other laws define the duties and responsibilities of policy makers, employers and unions in removing discriminatory practices, providing accommodation, and ensuring equal and respectful treatment of persons with disabilities.

Please review the resources in Annex 1C for information on the federal laws and regulations concerning people with disabilities.

Policies, programs and services for people with disabilities should assist in overcoming barriers to participation in society. These barriers can include barriers to accommodation (physical, communication, etc.), language and communication, learning and training, and safety and security. The following sections outline some of the key barriers to participation for people with disabilities.

### Accommodation

The Government of Canada’s commitment to ensuring the equality of people with disabilities is expressed, in particular, through the Treasury Board Secretariat’s *Policy on the Duty to Accommodate Persons with Disabilities in the Federal Public Service*. The policy strives to create and maintain an inclusive, barrier-

free environment in the federal public service. It commits federal government employers to “eliminating or changing rules, policies, practices and behaviours that discriminate against persons based on a group’s characteristics… including disability”. These policy objectives are achieved through the identification and removal of barriers to the employment and career development of persons with disabilities, and through the accommodation of individuals when these barriers cannot be removed.

Please review the Duty to Accommodate policy in Annex 1C.

To enable people with disabilities to overcome physical, technological, or informational barriers, various types of accommodation may be required, including:

* physical accommodation;
* communication accommodation;
* assistive accommodation through technological and human support; and
* procedural accommodation through flexible work/educational schedules and alternate formats.

Analysts should be aware of the appropriate accommodations required, and incorporate them into each stage of policy design, implementation and evaluation.

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### Communication

It is important to note that all government documents should use appropriate and inclusive language that helps to eliminate the stigma of disability and the perception of people with disabilities as “dependent”.

For examples of terms that promote equality, independence, and value of all individuals in society, please consult *A Way with Words and Images* in Annex 1A. Government documents should also be made available in multiple formats to ensure their accessibility for persons with disabilities.

### Safety and Security

Safety and protection from victimization are essential for all Canadians. People with disabilities can experience higher levels of victimization in the form of abuse, violence, neglect, harassment or discrimination, often because of economic and physical vulnerability. Every effort should be made to empower people with disabilities by increasing their knowledge of self-protection and protective

environments, as well as by helping them recognize personal vulnerabilities and environmental risk factors.

For information on safety and security, please see *Planning for Safety: Evacuating People Who Need Assistance in an Emergency,* in Annex 1D.

### Key Stakeholders

There are a number of national, provincial, and local disability organizations within Canada. Disability organizations hold important first-hand knowledge and expertise on disability-related issues. Stakeholder consultation is an effective way to tap into this expertise, as is engaging individuals with disabilities and their families in the policy-making process.

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# Guiding Principles

The key principles that informed the development of the Guide include full participation, equality of opportunity, opportunity for independent living, and economic self-sufficiency. These principles are modelled after the General Principles of the *United Nations Convention on the Rights of Persons with Disabilities.*

###  Full Participation

Physical, technological and cultural barriers can limit a person’s ability to participate fully in society, the economy and the community. Breaking down these barriers can help facilitate the full inclusion and participation of people with disabilities.

###  Equality of Opportunity

Every person with a disability should have the opportunity to remain in his or her local community and receive needed supports from mainstream education, health, employment, and social services, as well as specialized services and supports where required.

###  Opportunity for Independent Living

The principle of independent living advocates for a society where people with disabilities have opportunities to live life to its fullest and take advantage of what society has to offer. Independent living enables people with disabilities to self-actualize and fulfill their rights and responsibilities as Canadian citizens.

###  Economic Self-Sufficiency

Promoting self-sufficiency and independence is of key importance to program design and service delivery. While individual needs will differ, the starting presumption should be one of independence, rather than dependence, with public services providing the support needed to maximize the self-sufficiency of people with disabilities.

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# Research and Knowledge Development

This section will help to ensure that people with disabilities are considered and included in each stage of research and knowledge development.

### Key Considerations:

 Developing inclusive policies, programs and services requires adequate knowledge of the conditions of all Canadians, including those with disabilities. Research is needed on the social, economic and participation issues that affect the lives of people with disabilities and their families.

 When designing research projects and data collection instruments such as surveys or polls, specific issues that impact people with disabilities need to be considered. Researchers should ask themselves what knowledge gaps remain and what further research is required on the issue. The expertise of the Office for Disability Issues or recognized community organizations may be helpful in identifying potential knowledge gaps.

 It is essential that all research projects be conducted in a manner that takes into account the unique needs and situations of people with disabilities so that they can fully participate in the research process. This may require additional considerations and accommodation.

 People with disabilities should be able to access, interpret and benefit from the results of research and knowledge development projects. Sharing the knowledge that is gained from research is key to building an inclusive society. It is important to share research results with other branches and departments, and where appropriate, with disability organizations.

### Research Design

Checklist:

* Have you identified information gaps about people with disabilities in relation to your research or policy area?
* When you design research projects and data collection instruments such as surveys or polls, do you consult with people with disabilities or the organizations who represent their interests on the content and format?
* When you design research projects and data collection instruments such as surveys or polls, do you include people with disabilities or the organizations who represent their interests in your target sample? If not, is there a justifiable reason to not include them?
* When conducting research related to people with disabilities, do you examine multiple facets of the issue?

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Examples of issues to consider:

* + population (e.g., women, Aboriginal people, seniors, children and youth);
  + disability type (e.g., sensory, physical, mental);
  + cause of disability (e.g., genetic, illness, injury, aging);
  + severity and frequency of disability;
  + geographic distribution; and
  + barriers to full participation (e.g., income, access to transportation, employment, education, housing, supports).

### Conducting Research

Checklist:

* Are research mechanisms, such as surveys, polls, and consultation exercises, conducted in a format accessible to people with disabilities?
* If conducting on-site research, have the transportation, communication, equipment and physical access needs of proposed participants been considered?
* Have you ensured that all participants have had the opportunity to request accommodation?
* Does the data/research collected include quantitative and qualitative information about people with disabilities?

### Analysing and Disseminating Research Findings

Checklist:

* When assessing research outcomes, do you consider the impact on people with disabilities?
* Are results presented and disseminated in a way that is accessible to people with disabilities?

Key statistics about people with disabilities in Canada are provided in Annex 1B.

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# Policy and Program Development

This section shows how you can ensure that policies, programs and services are, from the outset, designed to be inclusive of people with disabilities.

### Key Considerations:

 Any decision by government may have an impact on people with disabilities. It is necessary to ensure that government policies and practices do not have unintended negative consequences on people with disabilities and their families. To prevent barriers to accessibility, policy and program design should consider the needs of people with various types of disabilities, and allocate sufficient funds for disability-related costs and expenses.

 People with disabilities are the leading voice on issues related to the experience of disability. Involving people with disabilities and disability organizations in the policy-making process helps ensure that people with disabilities are integrated into community life on their own terms and that their priorities, goals and aspirations are reflected in government policies, programs and services.

 People with disabilities are not a homogeneous group. There can be considerable variations in the type and severity of disability. Government policies and programs should ensure equality of access to support services regardless of gender, age, cultural background, type of disability, or

how the disability was acquired. In addition, every effort should be made to ensure that people with disabilities can access, read and understand all information that is made available to the public.

It is necessary to ensure that government policies and practices

do not have unintended negative consequences on people with disabilities and their families. To prevent barriers to accessibility, policy and program design

should consider the needs of people with various types of disabilities.

### Policy Design

Checklist:

* Have you considered the needs of people with disabilities and the impact of your policies or programs on people with disabilities?
* Have you consulted existing data sources on people with disabilities that can be used to inform policy or program design?

Please see Annex 2 for a list of key statistical resources.

* Does the data on which your policy is based include quantitative and qualitative information about people with disabilities?

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* Have you consulted with internal experts on disability issues on the design of your policy

or program?

* Have you consulted with people with disabilities and disability organizations, where appropriate, on the design of your policy or program?
* Is your policy or program design consistent with legislation, Treasury Board policy or specific departmental guidelines that require inclusive or non-discriminatory approaches?

Please see Annex 1C for a list of key resources.

* Is your policy designed in such a way as to ensure that there are no obstacles in the physical environment that would prevent people with diverse physical abilities from fully participating?
* Does your budget contain sufficient funds to cover costs for the accommodation of people with disabilities, such as sign language interpretation, Braille and/or wheelchair access?

### Policy Implementation

Checklist:

* Have you ensured that there will be no physical or technological barriers that would prevent people with disabilities from benefiting from your policy or program?
* Have you considered the needs of special client groups such as Aboriginal people or immigrants with disabilities, who may experience additional challenges because of cultural characteristics and geographical barriers?
* In training for service providers, is there a mandatory component dedicated to diversity, accessibility and inclusion?
* If your program is delivered by a third party, do you ensure that they have the capacity necessary to ensure accessibility and usability by all Canadians?

### Policy Communication

Checklist:

* Do you use inclusive images and language that focus on ability rather than disability to convey messages about your program or service?
* Do you include positive images of people with disabilities in publications and reports, promotional and educational materials, and advertising campaigns?
* Do your activities/initiatives use every opportunity to challenge stereotypes that promote

dependency, isolation and powerlessness?

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* Do your activities/initiatives aim to increase knowledge within the disability sector of self-protection and protective environments, as well as recognition of personal vulnerabilities and environmental risk factors?
* Is the information you provide about your policy or program available in accessible multiple formats such as Braille, audio format, large print, captioning, clear and concise language?

### Policy Evaluation

Checklist:

* Will your evaluation mechanisms measure the efficacy of your policy or program for people with disabilities?
* Will you be able to consult people with disabilities in your evaluation process by providing sign language interpretation and/or DeafBlind interpretation?
* Is proper accommodation available for people with disabilities in order to ensure accessibility, safety and security?

Links to tools, policies, guides and other sources of information on policy and program development are provided in Annex 2.

# Monitoring and Evaluation

This section will help you ensure that monitoring and evaluation frameworks attached to programs and services take into account people with disabilities.

### Key Considerations:

The Guide can help ensure that monitoring and evaluation frameworks:

 integrate monitoring and evaluation mechanisms into program and service design from the outset, increasing the likelihood that the initiative will achieve positive policy objectives for people with disabilities;

 involve stakeholders in the monitoring process by inviting continuous feedback through a formal mechanism that allows everyone to participate in the improvement of a program or service;

 identify obstacles and suggest suitable measures that can facilitate the full inclusion of people with disabilities;

 raise questions about assumptions and strategies;

 use evaluation results to plan and allocate resources for future projects; and

 demonstrate results as part of accountability to key stakeholders, including people with disabilities.

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### Measuring Impacts on People with Disabilities

Checklist:

* Are you using qualitative as well as quantitative indicators to evaluate the impact of policies and programs on people with disabilities?
* Have indicators been included throughout the evaluation framework to assess short-, medium- and long-term impacts?
* Have you included indicators that will assess whether the policy or program has contributed to full participation, equality of opportunity, opportunities for independent living, and economic self- sufficiency for people with disabilities?

Examples of such indicators could include whether the policy or program will:

* + provide people with disabilities with increased opportunities for social, economic and civic participation;
  + reduce disparities for people with disabilities with regard to income, employment, health, housing, education, transportation and information; and
  + help people with disabilities overcome barriers to self-sufficiency and independence (e.g., transportation, physical barriers to accessibility, cost, home and work supports).
* Are beneficiaries passive recipients or does the process enable them to take part in decision-making processes?
* Do your evaluation mechanisms measure whether the policy or program creates any direct or indirect obstacles to the full participation of persons with disabilities? For example:
  + lack of supports for disability-related costs (transportation, equipment);
  + eligibility criteria which may not be justified;
  + physical accessibility; and
  + accessible service delivery.
* Is the initiative sustainable, or will its impact cease when the program ends? Will there be any specific consequences for people with disabilities if the program’s impact does cease?
* Do you involve a variety of stakeholders, including people with disabilities, in the creation of solutions when problems are revealed during the monitoring process?
* What is the satisfaction rate of people with disabilities participating in the program or receiving the service?

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# Service Design and Delivery

This section will help you to design and deliver services that are accessible from the outset and that can accommodate the needs of people with disabilities.

**Key Considerations:**

 To ensure services are accessible, it is important to be aware of the obstacles encountered by people with disabilities. Obstacles can result from service design (systems, policies and procedures) and service delivery (practices, communications, the physical environment, outreach strategies, and the level of awareness held by service providers about disability).

 There can be considerable variation in the type and severity of disability. Because of this, multiple and accessible service-delivery channels are necessary for ensuring equality of opportunity and the full participation of people with disabilities. Extra time and flexible approaches in service delivery may be required.

 The way in which information is communicated can have an impact on how people with disabilities perceive a program or service, and on how people with disabilities are perceived. Using language and images that recognize the diversity, ability, and strengths of people with disabilities can help to challenge negative attitudes and promote positive ones.

 It is important that those responsible for designing, overseeing and delivering programs and services be provided with training and learning opportunities to raise awareness about disability and accessibility issues. These activities can challenge myths and stereotypes about people with disabilities and lead to an increased understanding of the tangible and intangible barriers they may face.

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### Service Delivery Strategies

Checklist:

* Are your services delivered in physically accessible locations (e.g., access ramps, automated door openers, accessible parking spaces, accessible elevators, low service counters, accessible washrooms, appropriate lighting)?
* Do you provide TTY for telephone service?
* Can you arrange for sign language interpretation, given reasonable notice?
* Is your information technology (hardware and software) accessible?
* Is the information you provide about your programs and services available in multiple accessible formats such as Braille, audio format, large print, captioning, clear and concise language?
* Are persons with disabilities informed of the availability of materials in multiple formats?
* Is your website accessible?
* Do you allow for flexibility in your service delivery? For example:
  + application processes;
  + timelines;
  + management processes; and
  + communication processes.

### Training for Accessible Service Delivery

Checklist:

* In training for service providers, is there a mandatory component dedicated to diversity, accessibility and inclusion?
* Do you provide information on disability-related training courses to your colleagues and employees?
* If your program or service is delivered by a third party, do you ensure that they have the capacity (knowledge and understanding of accessibility issues) necessary to ensure usability by all Canadians in the related service agreement and that they are contractually obligated to comply? Considerations include:
  + transportation needs;
  + communication needs;
  + equipment needs; and
  + physical accessibility.

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### Analysing Service Delivery Strategies

Checklist:

* Do you conduct analyses to find out how services are being used by people with disabilities, and if there are any barriers to full participation?
* Do you consult with stakeholders and people with disabilities in your analyses to increase the likelihood that solutions are appropriate and practical?
* Do you promote measures, solutions, and best practices so that the general public, and most importantly people with disabilities, are made aware of them?
* Do you have enough flexibility in your services and programs to adapt processes to respond to accessibility issues?

### Communications

Checklist:

* Do you provide people with disabilities with appropriate and accessible information so they can make informed choices?
* Do you provide family caregivers and other members of a person’s network with the tools, knowledge and resources they need to support that individual?
* Do you use inclusive images and language that focus on ability rather than disability to convey messages about your program or service?
* Do you include positive images of people with disabilities in publications and reports, promotional and educational materials, and advertising campaigns?
* Do you engage key stakeholder organizations in outreach and distribution strategies?

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# Summary Checklist

1. Have you considered the impact of your policy or program on people with ❏

disabilities?

1. Have you consulted the Canadian legislative framework that protects the ❏

equality of rights of people with disabilities?

1. Does the data/research collected to inform the development of your ❏

policy or program include quantitative and qualitative information about people with disabilities?

1. What analyses have you conducted to examine the impact of your policy ❏

or program on people with disabilities?

1. Have you consulted disability experts, including people with disabilities, ❏

about the design of your policy or program?

1. Does your policy, program or service help people with disabilities ❏

overcome barriers to accessibility, training, safety and security so that they can live as self-sufficiently as they wish?

1. What steps could be taken to leverage the policy / program / service ❏

direction in favour of vulnerable groups / people with disabilities?

1. Have you ensured that people with disabilities have the information to ❏ make informed choices? For example, will you provide forms and other communications products in plain language and in a variety of alternate

accessible formats, such as Braille and large print?

1. Have you used inclusive images and language to convey messages about ❏

your policy or program?

1. Will your evaluation mechanisms measure the efficacy of your policy, ❏

program or service for people with disabilities?

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# ANNEXES

### 1A. Defining Disability in Canada

The Government of Canada does not have a single, official definition of disability. However, it is advisable to consult the definitions of disability used by the World Health Organization (WHO) and by the United Nations (UN) in its *Convention on the Rights of Persons with Disabilities*.

According to the WHO, disabilities are not defined in terms of specific categories of individuals, but rather, as the interactions between people and the societies in which they live. For a complete explanation of the WHO’s approach to disability, please consult the following link: [http://www.who.int/classifications/icf/en/index.html.](http://www.who.int/classifications/icf/en/index.html)

The UN *Convention on the Rights of Persons with Disabilities* describes persons with disabilities as 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. For more information, please consult the following link: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

People with disabilities often face the stigma of being labelled “dependent.” These types of labels are offensive, as they ignore the abilities of people with disabilities and their real and potential contribution to society. In order to contribute to an inclusive environment for people with disabilities, it is essential to use terms that promote equality, independence and value of all individuals in society. For more information on correct usage of terms pertaining to people with disabilities, please review the following document:

*A Way with Words and Images*

<https://www.canada.ca/en/employment-social-development/programs/disability/arc/words-images.html>

It is advisable to consult the definitions of disability used by the World Health Organization (WHO) and by the United Nations (UN) in its

*Convention on the Rights of Persons with Disabilities*.

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### 1B. Disability in Canada: Demographic Profile

This annex provides a statistical snapshot of people with disabilities in Canada. All data and statistics come from Statistics Canada’s 2012 Canadian Survey on Disability (CSD) and the 2011 National Household Survey.

### General Observations

###  Among Canadians aged 15 and older, 3.8 million, amounting to almost 14 % of Canadians, reported having a disability in 2012.

 The prevalence of most types of disabilities (hearing, seeing, and physical disabilities) rises with age. In 2012, only 1 % of Canadians aged 15 to 24 reported having a mobility disability, compared to 27% of adults aged 75 or older.

 The most common types of disabilities among adults are pain, flexibility and mobility-related disabilities. In 2012, Canadians aged 75 or older reported having these types of disabilities much more frequently than those in other age groups.

### Education and Training

* Approximately 83% of Canadians with disabilities aged 25-44 had completed at least a high school diploma. The highest level of educational attainment for 27% of this demographic was high school graduation.
* Approximately 78% of Canadians with disabilities aged 45-64 had completed at least a high school diploma. For 29% of this demographic, high school graduation was the highest level of education attained.
* Approximately 18% of Canadians with disabilities aged 25-44, and 14% aged 45 to 64, were university graduates.
* Education and skills development are key factors in closing the employment gap between people with and without disabilities. This gap is narrowest between people with and without disabilities with postsecondary credentials.

### Employment and Income

* In 2011, about 47% of Canadians with disabilities aged 15-64 were employed as opposed to 74% of people aged 15-64 without a disability. The median employment earnings of adults (aged 15-64) with disabilities were $26,700, compared to $34,400 for those without disabilities.
* As the severity of an individual’s disability increases, their employment rate tends to decrease. For example, the employment rate among men with very severe disabilities was 29%, and 24% among women with very severe disabilities.
* Of people with disabilities aged 15-64 who were not employed in 2012, the majority were not in the labour force. However, about 411,600 Canadians with disabilities who were not employed have been identified as potential workers.

### Workplace Accommodations, Job Search Barriers, and Perceived Discrimination

* According to analysis using data from the 2012 CSD, approximately 42% of employed people with disabilities and 59% of potential workers with disabilities reported requiring an accommodation at work.

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* Among both employed people with disabilities and potential workers with disabilities, the accommodation most commonly required was modified or reduced working hours.
* The three most common job search barriers for potential workers with disabilities included: the availability of local jobs, inadequate training or experience, and past lack of success in finding employment. Additional job search barriers identified by potential workers with disabilities included past experiences of discrimination (17%) and accessibility issues while applying for work (12%).
* This analysis also revealed that potential workers with disabilities reported different levels of perceived discrimination than persons with disabilities who were employed. For example, approximately 28% of potential workers with disabilities reported that they were denied an interview, a job, or a promotion, while the percentage among employed persons with disabilities that perceived similar discrimination was 16%.

### Disability Rates by Age Group

* According to the 2012 CSD, the prevalence of disability rose from 4% among 15- to 24-year-olds to 43% for persons aged 75 years or older.
* One in 10 people of working age (15 to 64 years) reported having a disability; among the senior population (65 years or older), the figure was 33%.
* The average age at which persons with disabilities started to have difficulty associated with their main condition was 43. Men reported an earlier age of onset than did women: 41.5 years versus 44.5 years.
* About half of seniors (65 years or older) with disabilities reported that they began having difficulties or activity limitations before age 65. Around 13% of those of working age (15 to 64 years) reported that their disability existed at birth.

The prevalence of disability among other age groups was:

* 7% among 25- to 44-year-olds;
* 16% among 45- to 64-year olds; and
* 26% among 65- to 74- year olds.

### Sources:

Arim, Rubab. 2015. “A profile of persons with disabilities among Canadians aged 15 years or older, 2012.” *Canadian Survey on Disability, 2012*. Statistics Canada Catalogue no. 89-654-X. ISBN 978-1-100-25046-5. <http://www.statcan.gc.ca/pub/89-654-x/89-654-x2015001-eng.htm>

Till et al. 2015. “A Profile of the Labour Market Experiences of Adults with Disabilities among Canadians aged 15 years and older, 2012” *Canadian Survey on Disability, 2012.* Statistics Canada Catalogue no. 89-654-X2015005. ISBN 978-0-660-03177-4. <http://www.statcan.gc.ca/pub/89-654-x/89-654-x2015005-eng.htm>.

Gilbert et al. 2015. “Income & Employment of Adults with Disabilities: Findings from the 2012 CSD.” *Social Research Division, Strategic and Service Policy Branch.* Internal Research Note.

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### 1C. Disability within the Federal Legal Framework

1. Anti-discrimination legislation:

 *Charter of Rights and Freedoms*: The Charter guarantees rights and freedoms to all Canadians, including those with mental or physical disability. <http://laws-lois.justice.gc.ca/eng/Const/page-15.html>

 *Canadian Human Rights Act*: The Act ensures equality of opportunity and freedom from discrimination in all areas of federal jurisdiction. Federal jurisdiction includes federal departments, agencies and Crown corporations. <http://laws-lois.justice.gc.ca/eng/acts/h-6/>

1. Ad hoc legislation with disability provisions:

 *Canada Evidence Act*: The Act regulates evidence-gathering involving persons with mental and physical disabilities. <http://laws-lois.justice.gc.ca/eng/acts/C-5/>

 *Criminal Code*: The Code ensures the protection of persons with mental and physical disabilities.

http://laws-lois.justice.gc.ca/eng/acts/C-46/ *Employment Equity Act*: The Act ensures that federally regulated employers provide equal opportunities for employment to the four designated groups: women, Aboriginal peoples, persons with disabilities, and visible minorities. Federally regulated employers include federal departments, agencies and Crown corporations.

<http://laws.justice.gc.ca/en/E-5.401/>

1. Treasury Board Secretariat policies:

 *Policy on the Duty to Accommodate Persons with Disabilities in the Federal Public Service* (Treasury Board and Public Service Commission): The Policy aims to ensure the full participation of federal employees by creating an inclusive, barrier-free environment in the federal public service through accommodation, the design of accessible systems, and the identification and removal of barriers <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12541>

1. Individual programs and services subject to specific legislation requiring inclusive approaches:

 *Elections Act:* The Act requires that polling stations be accessible (e.g., providing material in multiple formats, open and closed caption videotapes for voters who are hearing impaired, a voting template for people with visual disabilities, and many other services). <http://laws-lois.justice.gc.ca/eng/acts/E-2.01/>

To search for federal legislation that might be relevant to your particular program or service, visit:

<http://laws-lois.justice.gc.ca/eng/index.html>.

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### 1D. Safety and Security Resources

### *Planning for Safety: Evacuating People Who Need Assistance in an Emergency* is a guide that provides building occupants and emergency managers with information regarding the needs of at-risk individuals in emergencies, along with practical strategies to ensure their safety. <http://publications.gc.ca/site/eng/9.692724/publication.html>

*Note for Government of Canada readers:* A number of federal departments have

in-house Adaptive Computer Technology services. To find out whether such services are offered by your department, please contact your systems branch.

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### 1E. Key Policy Publications and Court Decisions

Table 1.1 – Key Publications

|  |  |  |
| --- | --- | --- |
| **Year** | **Title** | **Significance** |
| 2013 | *Exploring Employment Opportunities for Persons with Disabilities* - Report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities  <http://www.parl.gc.ca/content/hoc/Committee/411/HUMA/Reports/RP6213884/humarp12/humarp12-e.pdf>  http://www.parl.gc.ca/content/hoc/Committee/411/HUMA/Reports/RP6213884/humarp12/humarp12-e.pdf | Final report by HUMA on key issues affecting the employment of Canadians with disabilities. |
| 2013 | *Rethinking DisAbility in the Private Sector* – Report from the Panel on Labour Market Opportunities for Persons with Disabilities  <https://www.canada.ca/en/employment-social-development/programs/disability/consultations/rethinking-disabilities.html> | This was the final report of a Panel appointed by the Government of Canada to consult with private sector businesses regarding successes and challenges in employing people with disabilities. |
| 2006 | *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada*  <https://sencanada.ca/content/sen/committee/391/soci/rep/rep02may06-e.htm> | Final Report of the Standing Senate Committee on Social Affairs, Science and Technology. This was the first national report on mental health and led to the creation of the Mental Health Commission of Canada in August 2007. |
| 2001 | World Health Organization releases new framework, *the International Classification of Functioning, Disability and Health (ICF)*  <http://www.who.int/classifications/icf/en/> | The ICF intended to “mainstream” the experience of disability and recognize it as a universal human experience by shifting the focus from cause to impact. The ICF takes into account the social aspects of disability and does not see disability only as a medical or biological dysfunction. |

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### Table 1.2 – Key Court Decisions

|  |  |  |
| --- | --- | --- |
| **Year** | **Title** | **Significance** |
| 2015 | *Carter v. Canada* | On February 6, 2015, the Supreme Court of Canada released its decision in the landmark case Carter v. Canada. In its decision, the Supreme Court unanimously declared that the Criminal Code provisions prohibiting medical assistance in dying violate the Canadian Charter of Rights and Freedoms and are unconstitutional. |
| 2010 | *Ontario (Disability Support Program) v. Tranchemontagne* | The Ontario Court of Appeal upheld a decision of the Social Benefits Tribunal, which had found that s. 52 of the *Ontario Disability Support Programs Act* (Act) was discriminatory under section 1 of the Ontario Human Rights Code. The provision disqualified  one category of people with disabilities, who were otherwise eligible, from income benefits under the Act: those who have a disability solely because of dependence on alcohol, drugs or some other chemically active substance. |
| 2010 | *Donna Jodhan v. Canada (Attorney General)* | The Federal Court of Appeal (FCA) confirmed that section 151 of the *Canadian Charter of Rights and Freedoms* guarantees a right to equal access to government information and services provided online to the public. The FCA further confirmed that the requirement to provide equal access over the  Internet does not apply to government historical and/ or archived information which is stored in a database. The FCA upheld the Federal Court’s finding that,  on the facts of this case, the failure to ensure equal access by Ms. Jodhan and by those who are visually impaired unjustifiably violated her rights under section 151. The FCA declared that the Treasury Board is required to use its best efforts to ensure the implementation of its Web accessibility standards by federal government institutions under its supervision. |
| 2007 | *Council of Canadians with Disabilities v. VIA Rail Canada Inc.* | The Supreme Court of Canada confirmed that the Canadian Transport Agency must apply human rights legislation in identifying undue obstacles to the mobility of people with disabilities. |
| 2003 | *Nova Scotia v. Martin; Nova Scotia v. Laseur,* 2 S.C.R. 504, SCC 54 | The Supreme Court overturned the previous decision of *Cooper v. Canada (Human Rights Commission)* (1996), and struck down provisions within Nova Scotia’s Workers’ Compensation Act that prohibited people who were disabled by chronic pain from benefits as a violation of section 15(1) of the *Canadian Charter of Rights and Freedoms*. |
| 2000 | *Granovsky v. Canada (Minister of Employment and Immigration)* | The Supreme Court reviewed whether a person with a temporary disability should receive the same treatment as someone with a permanent  disability under Canada Pension Plan (CPP) eligibility requirements. The Court viewed the basis of the distinction between persons with permanent and temporary disabilities as one which was founded upon the recognition that those with temporary disabilities enjoy greater economic strength than those with permanent disabilities. The case was dismissed. |
| 2000 | *Quebec (Commission des droits de la personne et des droits de la jeunesse)*  *v. Montréal (City); Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Boisbriand (City),* 1 S.C.R. 665 | The issue raised in three separate cases was whether it is necessary to manifest “functional limitations” for a person to have a disability. The municipal employers claimed that it is, entitling an employer to fire or refuse to hire someone with  a (potential) disability even if he or she was not currently manifesting symptoms. The Supreme Court of Canada concluded that there can be a  disability even in the absence of functional limitations. Perception of disability can itself create barriers of the type that human rights legislation is designed  to remove. Thus, a purposive interpretation makes it necessary to adopt a broad notion of disability in human rights legislation.1 |
| 1997 | *Eaton v. Brant County Board of Education,*  1 S.C.R. 241 | The Supreme Court of Canada ruled that the decision of a school board to place a child with disabilities in a class for children with special needs does not amount to discrimination. |
| *Eldridge v. British Columbia (Attorney General),*  3 S.C.R. 624 | The Supreme Court ruled that sign language interpretation should be a free service under the *Canada Health Act* (Medicare). This decision has been interpreted to apply to all publicly funded services. |
| 1986 | *E v. Eve, 2 S.C.R. 388* | Supreme Court of Canada decision that the non-therapeutic sterilization of adults requiring a  substitute decision maker because of legal incapacity cannot be authorized by the courts. |

1 Pothier, D. (2005). Appendix: Legal Developments in the Supreme Court of Canada Regarding Disability.

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