

II. WHERE NEXT?

When we advocate change and accountability, we do not want to re-live the past but to put in place mechanisms that will shape the future. We recognize that the paradigm that was in place ten years ago has changed and we seek to find contemporary solutions to current problems. *Obstacles* recommendations sought to meet the needs of the 1980s. What is needed now is action to respond to the needs of the 1990s — and beyond.

Definite goals and public support are critical but we still have to ask the questions — how can things get moving? What alternatives for action will best assure both progress and accountability?

A. THE AMERICAN MODEL

On May 24, 1990 the House of Representatives of the United States Congress passed the *Americans with Disabilities Act* (ADA) by a vote of 403 to 20 and joined the Senate which eight months earlier had approved the *Act* by a similar overwhelming margin (79 to 6). While the legislation was under consideration in the House, we visited Washington from 18 to 20 March, to study the proposed Act and its consequences. Our interest was sparked by the similarity in the history both of the disability movement and, to a certain extent, of past legislative activities in Canada and the United States.

We found that in the context of the United States, this Act is the result of a comprehensive re-thinking of the place of persons with disabilities. It is a successful effort to come to grips with the need for action and accountability in government and in the private sector to speed up social change. The ADA represents the conclusion by American legislators that educational measures, and advisory bodies, have had only a limited effect in creating a more positive attitude, and substantial progress for disabled persons. Compulsion in the form of legislation, therefore, will henceforth supplement educational efforts. In short, within matters in its jurisdiction, the United States government is making an effort to face up to its responsibility for integrating disabled persons more completely into the economic and social life of the American people as a whole.

The relevance of the ADA for Canadians is not restricted to the specific clauses of the legislation itself but encompasses the factors that brought it about and the methods of implementation. What political, social and economic forces promoted the re-thinking of the place of disabled persons on a national scale? Would the emphasis on equality of opportunity placed in the ADA be more effective than the Canadian prohibition of discrimination found in Section 15 of the *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act*? How did the legislation arrive at the strict time limits on the introduction and promulgation of regulations and how will these be enforced?

The answers in the ADA are plain. The attractiveness of the legislation lies in its linking of the discrimination experienced by disabled people to the social costs of such