

FIRST REPORT



CANADA

HOUSE OF COMMONS

SPECIAL COMMITTEE ON THE DISABLED AND THE HANDICAPPED

OCTOBER 1980

DAVID SMITH
CHAIRMAN

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Richard Rumas
Clerk,
Special Committee on the
Disabled and the Handicapped
House of Commons
Ottawa, Ontario
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RECOMMENDATIONS

PREAMBLE

It has become obvious from our hearings that the Government of Canada must demonstrate unequivocally its commitment to improve the condition of disabled persons in Canada. Because of this necessity, action cannot wait on this Committee's final report in December, 1980.

In this interim report, your Committee has identified two key areas for immediate action. One is substantive—an amendment to the Canadian Human Rights Act; the other is symbolic—providing full access to Parliament Hill.

Should it be the will of Parliament to entrench Human Rights in a patriated Constitution, your Committee believes that full and equal protection should be provided for persons with physical or mental handicaps.

1

HUMAN RIGHTS

That physical handicap be made a proscribed ground of discrimination for all discriminatory practices listed in the Canadian Human Rights Act, and not just for discriminatory employment practices.

That the Canadian Human Rights Act be further amended so that Tribunal orders can be made with respect to access to goods, services, facilities and accommodation and that it include a qualification that the changes ordered by a Tribunal should not impose undue hardship on the respondent.

That persons with mental handicaps (learning disability, retardation or mental illness) and persons with a previous history of mental illness or a previous history of dependence on alcohol or other drugs be added to the proscribed grounds of discrimination under the Canadian Human Rights Act.

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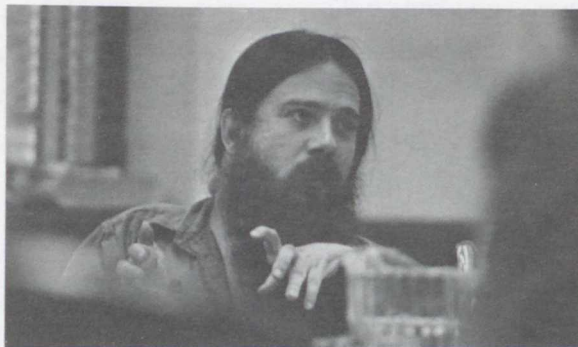
PARLIAMENT HILL

That the Parliamentary Complex be made immediately accessible to all disabled and handicapped persons, both as visitors and as employees.

That disabled and handicapped persons and their organizations be consulted about the most appropriate ways to provide accessibility.

1

HUMAN RIGHTS



Jim Derksen is an adviser to the Committee because of his experience with physically disabled self-help groups.

THE PROBLEM

The Canadian Human Rights Act applies to all Federal Government Departments, Agencies and Crown Corporations, as well as to business and industry coming under federal jurisdiction, such as banks, airlines and railway companies. The proscribed grounds of discrimination are listed in Section 2 of the Act: race, national or ethnic origin, colour, religion, age, sex, marital status, and conviction for which a pardon has been granted. However, the physically handicapped are protected only in matters relating to employment. The mentally handicapped are not afforded any protection under the Act.

When the Canadian Human Rights Act was discussed in 1977 by the Standing Committee on Justice and Legal Affairs, the Committee agreed not to include certain suggested proscribed grounds of discrimination, deemed to be contentious, in order not to imperil the swift and unanimous passage of the Bill. The Standing Committee concluded that after the Canadian Human Rights Commission had had a chance to establish its programs and to evaluate the effectiveness of its legislation, it could recommend the inclusion of other proscribed grounds of discrimination to Parliament.

Attitudes towards persons with disabilities or handicaps, particularly mental handicaps, are slowly changing. The efforts of organizations of disabled persons, parents and friends, and professionals have been important in promoting greater understanding and a more positive attitude. However, there are many disabled persons whose rights, whose dignity, and whose lives must be protected through an immediate amendment of the Canadian Human Rights Act. Therefore, your Committee recommends

- **That physical handicap be made a proscribed ground of discrimination for all discriminatory practices listed in the Canadian Human Rights Act, and not just for discriminatory employment practices.**
- **That the Canadian Human Rights Act be further amended so that Tribunal orders can be made with respect to access to goods, services, facilities and accommodation and that it include a qualification that the changes ordered by a Tribunal should not impose undue hardship on the respondent.**
- **That persons with mental handicaps (learning disability, retardation or mental illness) and persons with a previous history of mental illness or a previous history of dependence on alcohol or other drugs be added to the proscribed grounds of discrimination under the Canadian Human Rights Act.**

DISCUSSION

Your Committee believes that the time has come to amend the Canadian Human Rights Act to ensure that certain discriminatory situations are clearly included within its coverage. Throughout our hearings, there was widespread concern expressed about the necessity of amending the Canadian Human Rights Act and the importance of these amendments in encouraging the development and improvement of access to services and facilities to persons with disabilities.

It is evident that expenditures will be incurred in providing access to goods, services, facilities and accommodation. Accordingly, it will be necessary, in some instances, to schedule these changes over a reasonable period of time.

Many persons with a previous addiction or a mental handicap are denied access to employment opportunities and services on purely discriminatory grounds. These persons should be evaluated according to the same criteria as any other potential employee: is this person capable of carrying out the requirements of the job? This principle should be applied to *all* persons who are willing and able to work. Disqualification is justifiable only when a particular individual does not meet a bona fide occupational requirement. Rejection because of previous psychiatric treatment in particular should be morally and legally unacceptable in this country.

Nevertheless, some employers may be concerned with the addition of mental handicap or a previous addiction to the list of proscribed grounds of discrimination. Your Committee appreciates their concern and wishes to reassure them that Section 14(a) of the Canadian Human Rights Act makes provision for the establishment of a bona fide occupational requirement.* This provision protects employers against complaints of discrimination where it can be demonstrated that the job requires particular abilities which cannot be met by the applicant.

The Government of Canada has a responsibility to ensure that all Canadians are considered equal before the law; to eliminate the present situation in which certain individuals are considered less worthy than others; to promote the dignity and rights of every Canadian citizen and particularly those persons who have special needs. The Government of Canada can enhance the quality of life for every person in this country by promoting human rights in general and, in particular, by safeguarding the rights of those individuals who need special consideration.

* Section 14(a) of the Canadian Human Rights Act is as follows:

14. It is not a discriminatory practice if
 - (a) any refusal, exclusion, expulsion, suspension, limitation, specification or preference in relation to any employment is established by an employer to be based on a *bona fide* occupational requirement;

**THE GOVERNMENT OF CANADA CAN ENHANCE
THE QUALITY OF LIFE
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BY PROMOTING HUMAN RIGHTS IN GENERAL
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WHO NEED SPECIAL CONSIDERATION.**

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PARLIAMENT HILL



This photo simulates a session of the House of Commons as seen by a person with a visual impairment.

THE PROBLEM

Parliament Hill is the most popular tourist attraction in the nation's capital and each year hundreds of thousands of Canadians visit these beautiful stone buildings. Usually their visit includes a tour of the Senate and the House of Commons, the Library of Parliament and the Peace Tower; it may also include meeting with their Member of Parliament or attending a sitting of Parliament. A visit to Parliament Hill is the highlight on the travel itinerary of many Canadians, and it is important that all Canadians, not just able-bodied ones, are able to enjoy the beauty, charm and dignity of these buildings.

In addition to tourists, there are others who come for business reasons, to meet with a Member of Parliament or to attend a sitting of the House of Commons or a Parliamentary Committee. It is equally important that these individuals have full access throughout Parliament Hill.

If this Committee is going to suggest measures to improve the quality of services provided to disabled and handicapped persons, it must begin by ensuring that its own facilities and services are accessible to everyone. Therefore, your Committee recommends

- **That the Parliamentary Complex be made immediately accessible to all disabled and handicapped persons, both as visitors and as employees.**
- **That disabled and handicapped persons and their organizations be consulted about the most appropriate ways to provide accessibility.**

DISCUSSION

Work has been underway to ensure that facilities on Parliament Hill meet the standards as outlined in Supplement 5 to the National Building Code,¹ and officials from the Department of Public Works met with the Committee in July 1980 to discuss these renovations. A report entitled "Facilities Provided and/or Proposed for the Handicapped in the Parliamentary Complex" was appended to the Committee's Proceedings of July 23, 1980. There has been progress in the alterations to make Parliament Hill accessible, but more work needs to be completed as quickly as possible so that the disabled and handicapped community will see that Parliament is truly committed to the principle of equality. Equal physical access to the Parliament Buildings is regarded as a symbol of a commitment to the principle of equal access in all aspects of life, such as human rights, employment, housing, transportation, and recreation.

Providing accessibility to heritage properties such as the Parliament Buildings poses some special problems, but your Committee is confident that the traditional character and atmosphere of these magnificent buildings can be maintained. Work has been completed on alterations to make an entrance accessible to wheelchairs under the Peace Tower, but curb cuts are necessary in order to use this entrance. Other areas which need immediate attention include access to the Parliamentary Restaurant and to the various galleries in the House of Commons. A further area which deserves immediate attention is that of parking. While public parking is not provided on Parliament Hill, adequate parking arrangements must be made to enable disabled and handicapped persons to park their vehicles while visiting or conducting business on Parliament Hill.

Implementation of the Committee's recommendation requires action to improve facilities not only for those individuals in wheelchairs, but also for those with visual and hearing impairments. Indeed, one of the main criticisms of Supplement 5 to the National Building Code has been the omission of standards for those persons with reduced hearing or seeing ability. The new Saskatchewan Accessibility Standard² was prepared by a committee which included deaf and blind representatives and it is specifically designed to meet the needs of all handicapped and disabled persons.

Accessibility to Parliament Hill also includes the availability of the various services provided to visitors such as tours and information pamphlets. There should be a general awareness among protective staff and guides about the best way to assist disabled and handicapped persons so that their visit to Parliament Hill is a pleasant experience. Tours should be provided in sign language on reasonable notice. Pamphlets and brochures should be available in braille and in large print.

Certain individuals with impaired vision may use magnifying devices and some difficulty has been experienced in using these devices in the House of Commons galleries because of the general prohibition about taking any item into the galleries. A further inconvenience for disabled persons, particularly the blind, is the prohibition regarding the use of recording equipment during Committee meetings. Individuals may use a pen and paper to take any necessary notes, but blind individuals who wish to take notes with a tape recorder are prohibited.

Deaf individuals are able to use a special form of a telephone device, a tele-typewriter known as the "Visual Ear". Information about tours, times of tours and about the availability of sign language services should be available via such phone services. Such telephone devices should be available on Parliament Hill.

The second part of your Committee's recommendation relates to the need to consult with members of the handicapped and disabled community. Recently, there has been an increasing awareness of the disabled consumer movement and of the role of disabled consumers in planning those activities which directly affect their lives. The various suggestions for improving accessibility which have been listed in this report, have been provided as examples of items which should be considered. Consultation with disabled consumers will produce a comprehensive list and will include the type of changes which handicapped and disabled persons really feel are necessary. Moreover, in the implementation of these proposals there should be continuing consultation with representatives of disabled consumers to ensure that the planning and design of these changes truly meet their needs. Furthermore, representatives of disabled consumers should act in an on-going advisory capacity, thus enabling Parliament to be aware of various technological advances which would improve accessibility of Parliament Hill.

¹ National Research Council of Canada, National Building Code, Supplement No. 5, *Building Standards for the Handicapped*.

² Provincial Accessibility Committee of Saskatchewan, *Accessibility Standard*, 1980.

COMMITTEE ACTIVITIES



A guest expert appearing before the Committee in the library of the Canadian Embassy, Washington, D.C.

ORDER OF REFERENCE

On Friday, May 23, 1980 the House of Commons adopted a motion establishing the Special Committee on the Disabled and the Handicapped.

To act as a Parliamentary Task Force on the Disabled and the Handicapped to evaluate the scope and effectiveness of existing government programs for the disabled and handicapped, as well as the degree to which they interlock with voluntary programs and services, with the objective of suggesting measures to improve the quality of services provided to such persons, provided that the examination shall include the following subjects:

- fundamental and civil rights
 - employment opportunities
 - vocational training
 - business incentives
 - income supplement programs
 - health services and medical rehabilitation
 - quality of life of institutionalized persons
 - community support services
 - access to public buildings and services
 - coordination within and between jurisdictions
 - transportation
 - housing
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BRIEFINGS

To thoroughly review the role of the federal government with respect to the handicapped and the disabled, your Committee held briefing sessions with various government departments and agencies to examine existing programs and activities. In addition to 13 departments and agencies who appeared before the Committee, to date, written responses were invited from a wide number of federal and provincial departments and agencies whose mandates included at least one of the subjects outlined in the Order of Reference. Your Committee also met with major corporations such as Air Canada, Bell Canada and Via Rail whose corporate policies greatly affect disabled persons.

VISITS

On several occasions your Committee visited various facilities in Ottawa and throughout Canada dealing with rehabilitation, technical aids, independent living and group accommodation.

To become familiar with the approaches taken by other countries, your Committee met with several international authorities and visited a wide range of services for the handicapped and disabled. Immediately following its organization meeting in June, the Committee attended the 1980 World Congress of Rehabilitation International in Winnipeg. In mid-summer, the Committee went to Washington, D.C. and Boston for a thorough briefing on American federal and state legislation for the handicapped. Later, your Committee travelled to Great Britain, Sweden, France and the Federal Republic of Germany to examine their policies and programs for the handicapped and disabled.

HEARINGS

To hear first hand the views, concerns and recommendations of Canadians, your Committee divided into two Sub-committees and travelled to 18 cities and towns. The 408 deputations making presentations to the Sub-committees came from a broad cross-section of Canadians interested in the needs of the disabled and handicapped. Individuals, disabled consumer groups, voluntary associations, professional associations, rehabilitation institutes, provincial governments, municipalities and agencies were among those who appeared before the Committee. In addition, your Committee has received hundreds of written briefs and papers from individuals, organizations, municipalities, provincial Governments and federal departments and agencies.

To increase public awareness of the major issues affecting disabled Canadians, several Committee members participated in hot-line shows, appeared on local and national television and radio programs, and gave numerous press interviews.

LOCATION OF HEARINGS

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| • St. John's | • Chicoutimi | • Winnipeg |
| • Halifax | • Woodstock (Ont.) | • Brandon |
| • Charlottetown | • Kitchener | • Regina |
| • Moncton | • Toronto | • Calgary |
| • Montreal | • Ottawa | • Vancouver |
| • Sherbrooke | • Timmins | • Whitehorse |

FINAL REPORT

Work is currently underway on the final report which is to be tabled in the House of Commons no later than December 19, 1980.

This report will contain your Committee's recommendations on all subjects outlined in the Order of Reference.

MEMBERS OF COMMITTEE

DAVID SMITH
Chairman

WALTER DINSDALE
Vice-Chairman

THÉRÈSE KILLENS
Vice-Chairman

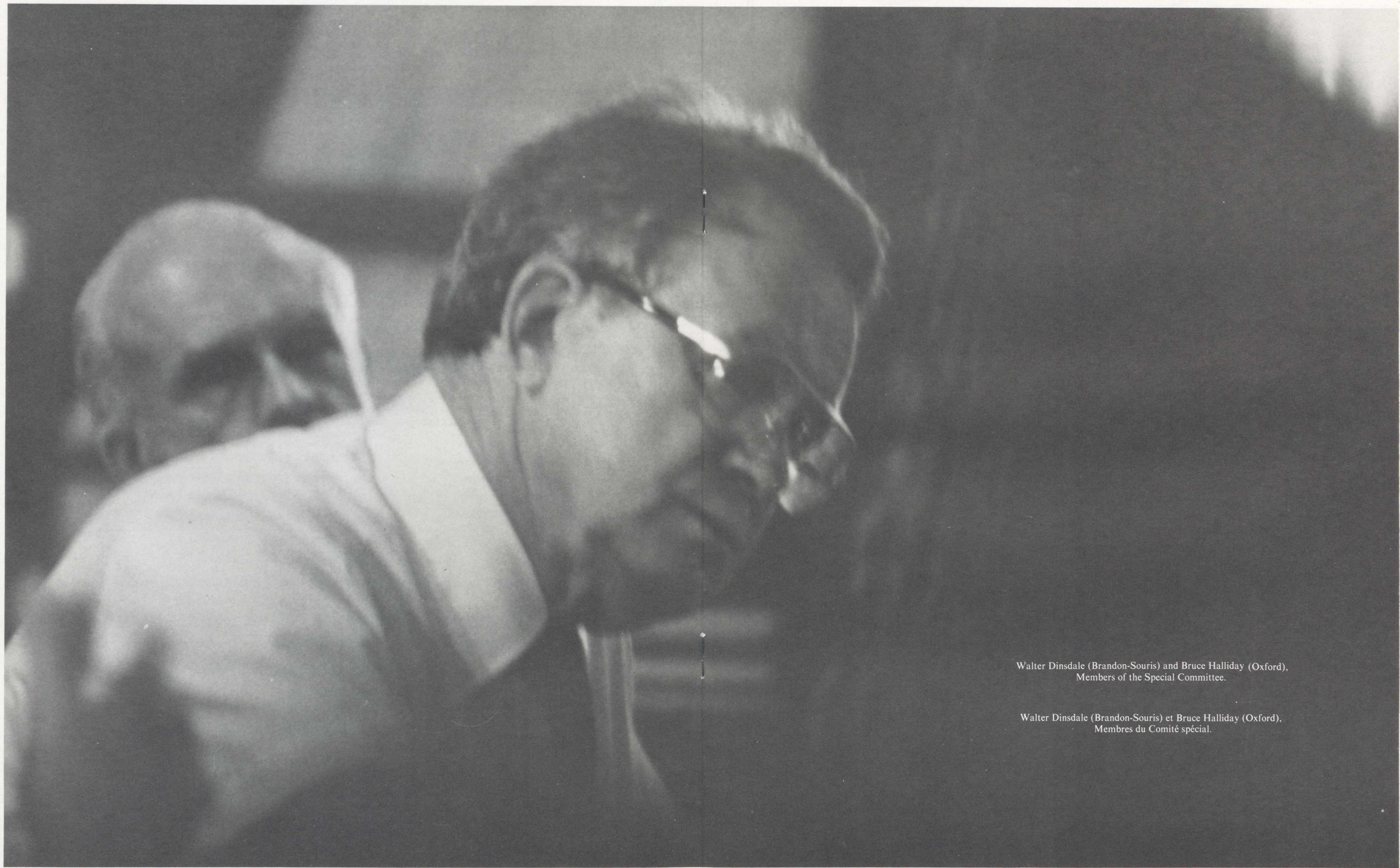
J. RAYMOND CHÉNIER

BRUCE HALLIDAY

PETER LANG

NEIL YOUNG

RICHARD RUMAS
Clerk of the Committee



Walter Dinsdale (Brandon-Souris) and Bruce Halliday (Oxford),
Members of the Special Committee.

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Membres du Comité spécial.