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Chair

Mr. Bryan May

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

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• (0850)

[English]

The Chair (Mr. Bryan May (Cambridge, Lib.)): Good morning, everyone. Welcome to today's meeting on Bill C-81, an act to ensure a barrier-free Canada. The objective of today's meeting is to continue the committee's thorough review of the bill.

I have a fairly substantive preamble here, so please bear with me.

I would like to take a moment to remind both those participating in the proceedings, as well as those observing the proceedings of the committee in person and on video, that the committee adopted a motion on September 18 that included instructions for the clerk to explore options to allow for full participation of all witnesses and members of the public on this study. As a result, the committee has made arrangements to make all meetings in relation to the study of Bill C-81 as accessible as possible in a variety of ways. This includes providing sign language interpretation and near real-time closed captioning in the room.

Please note that both American sign language and Quebec sign language are being offered to those in our audience. Those who would like to watch the American sign language interpretation should please sit on the benches to my left. If you would like to watch the Quebec sign language interpretation, please sit on the benches to my right. In addition, please note that the first two rows of benches have been reserved for those who wish to avail themselves of these interpretation services.

Screens displaying the near real-time closed captioning have also been set up, with the English text again to my left and the French text to my right. The sign language interpreters in the room are also being video recorded for the eventual broadcast of the meeting on ParlVu via the committee's website.

In light of these arrangements, the committee asks that if you need to leave the room during the meeting, please do not walk in front of the sign language interpreters. Instead, please use the extremities of the room. In addition, we ask that those in the room remain seated as much as possible during the meeting, so that everyone in the audience can clearly see the sign language interpretation.

Finally, if a member of the audience requires assistance at any time, please notify a member of staff or the committee clerk.

I want to just check with the interpreters if my speed and cadence are appropriate. If so, please could they give me a thumbs-up? Fantastic.

I ask that because in the previous meetings we have gone a little fast, whether it's with opening statements or with questions and answers. I'm going to apologize in advance. I will, if given an indication by the interpreters, slow you down. Don't worry about time. We're very conscious that everyone wants to get the message out and that we are limited in time, but I have been a little liberal—no pun intended—on the timing, and have given people a couple more moments to finish their statements and stay at a slower pace.

If I believe we need to slow down, I will indicate it this way.

I want to introduce those who are here with us today, both in person and via video conference.

Appearing as an individual, we have Jutta Treviranus, Professor and Director at the Inclusive Design Research Centre from OCAD University, by video conference, coming to us from France. Welcome.

Also joining us here by video conference, from Barrier-Free Canada, we have Donna Jodhan, Founder and Chair. Welcome.

Appearing here with us today, we have Michael Prince, Professor of Social Policy from the Faculty of Human and Social Development at the University of Victoria. Welcome.

From People First of Canada, we have Kory Earle, President, and Shelley Fletcher, Executive Director. Welcome.

From the Public Service Alliance of Canada, we have Marianne Hladun, Regional Executive Vice-president from the Prairies region, and Seema Lamba, Human Rights Program Officer from the Negotiations and Programs Branch. I thoroughly apologize if I butchered your names.

Each group will receive seven minutes for opening statements. We're going to start with Jutta Treviranus, coming to us from France.

The next seven minutes are all yours.

• (0855)

Ms. Jutta Treviranus (Professor and Director, Inclusive Design Research Centre, OCAD University, As an Individual): Thank you.

I am the director of something called the Inclusive Design Research Centre, which has the mission of proactively ensuring that emerging technologies are designed inclusively. We focus on inclusive design for our digitally transformed and complexly connected society. We turned 25 this year and are engaged in many collaborative and international projects.

In my statement, I want to focus on the area where we have the most unique expertise, and this is the impact of the domain of digitally transformed, complexly connected societies on people experiencing disabilities. I also take a systems view of the goal of accessibility for people with disabilities in order to address not just the symptoms of exclusion but the underlying systemic causes.

First I should tell you how we define disability within the design domain and within the data domain. From the design perspective, we see disability as a mismatch between the needs of the individual and the environment, product or service offered, not a defining personal trait. From a data perspective, disability is the outlying edge of the starburst that is the normal distribution, sufficiently far from the central cluster for whom most things are designed so that things are not designed for you and you have difficulty with or can't use the current designs.

People with disabilities are the outliers. The primary defining characteristic of disability is difference, difference from the norm, and thinking of that starburst, people experiencing disabilities are more different from each other than people who are clustered around the average. As you move from the centre, the dots are further apart.

This means that people experiencing disabilities are served by systems and processes that are designed for variability and complexity. Any evidence related to persons experiencing disabilities will be dispersed and diffuse. There are no large numbers of homogenous representatives, and therefore, there is no statistical significance. Also of note, "majority rules" does not serve people with disabilities.

How is a digitally connected domain different from other domains that you may hear about in terms of accessibility?

Interoperability is the most difficult and pernicious issue in the digital domain. Once adoption begins, barriers propagate and morph extremely quickly and are almost impossible to contain. Inaccessible conventions lock in and are impossible to reverse—try to get rid of the QWERTY keyboard. Therefore, retrofit, which is possible but expensive in other domains, is almost impossible in the digital domain. Timing is also extremely critical and does not follow a predetermined schedule. There's no benefit in scheduling a five-year review.

People experiencing disabilities are the most vulnerable to threats caused by the digital transformation, but also provide the most compelling benefits for emerging technologies. Technical systems can be designed to provide one-size-fits-one; they can present a different entry point or user experience to each individual.

What are the failures and weaknesses of current legislative frameworks? Technical regulations cannot keep up. They become outdated and then accessibility is seen as an impediment to innovation and progress. Most regulations treat the symptoms and not the cause. We have regulations regarding inaccessible documents

rather than the authoring tools that produce them. We focus on the products, not the process.

Accessibility is usually also in a gatekeeping role, which leads to resentment, and not as part of the design from the start, where we should be thinking about accessibility and the digital domain. We focus on accessibility as an obligation, not as a benefit. We should see it as an impetus for innovation, long-term cost reduction and longevity of design. We need to provide the economic modelling to highlight the significant return on investment. We have amassed evidence to this effect.

Also, any available supports, tools, training and expertise provided with respect to supporting the regulations are often fragmented, contradictory, confusing and redundantly produced. The all-too-common checklist approach requires reductionism and increases the barriers for anyone not included or served by the checklist.

- (0900)

We have promoted also, with respect to accessibility and computer access, an integrated not a segregated computer access strategy. Promoting an assistive technology industry as a separate non-integrated technology is not viable. It increases the cost and reduces the interoperability. This has become a barrier to digital equity when it was seen originally as a solution.

The emerging threats and opportunities that we need to pay attention to include our emphasis on evidence-based governance. The form of evidence requires large homogeneous groups. People with disabilities are not homogeneous and will not pass any thresholds with respect to evidence.

Artificial intelligence and decisions based on population data, for example, automated vehicles and outliers, do not take into account people who are outliers, and people with disabilities are outliers. Data-guided decisions perpetuate past exclusion, as they use data of the past. If you've never held an employment position, there's no evidence of your ability to perform within that position and so you will never get chosen for the job.

With respect to privacy, de-identification of people with disabilities does not work. People with disabilities are the easiest to re-identify and the most vulnerable to data abuse and misuse. Block chains and other disintermediated systems create the challenge of who you regulate. There is no service provider that you can ask to create accessible systems. Current project planning, monitoring and evaluation processes impose assumptions in unpredictable variable domains that people with disabilities experience.

There are some silver linings. Open platforms offer an opportunity. They can be a means of aggregating and sharing resources, tools and knowledge, matching unmet personal needs and connecting demands at the edge with producers at the edge. They can diversify demand and supply to reach the edges where people with disabilities are.

I have five recommendations.

The first is that we should support inclusive research and innovation. There's currently a systemic bias against research in this area because there is a lack of statistical significance and there are not enough peers to review the research. We should integrate accessibility into all research support throughout the process, the call for proposal and determining the success criteria, and in the peer review.

Second, we should emphasize systemic processes for long-term change and encourage diversification, not competition, for one winning alternative, participation of informed diverse perspectives in our decision-making processes, and the integration of exclusive design training for all relevant roles.

My third recommendation is that our interventions should be timely and proactive. We should designate and empower a role for vigilant monitoring, and for power to intervene in emerging technology processes or in a watchdog role for emerging technologies and practices. Within this domain, that is the only way we will stop catching up and be able to equitably participate.

Fourth, we need to produce and provide authoring and development tools that produce accessible content programs and services through procurement. You'll save innumerable hours and effort in remediating inaccessible content if you design it accessibly from the start and this is supported in the authoring and development tools.

Finally, I recommend that we establish a community portal that pools resources, tools, research and constructive feedback from the public and from other individuals who are innovating in this domain, thereby reducing fragmentation.

This doesn't need to mean that the government is supporting any one solution, but that it is pooling the resources such that the public and people with expertise, especially individuals experiencing disabilities, can review and support the systems.

• (0905)

The Chair: Now, for seven minutes, from Barrier-Free Canada, coming to us by video conference from Toronto, Ontario, we have Donna Jodhan, Founder and Chair.

The next seven minutes are all yours.

Ms. Donna Jodhan (Founder and Chair, Barrier-Free Canada): Good morning. My name is Donna Jodhan, and I'm the President and Chair of Barrier-Free Canada. We are a grassroots, non-partisan organization. We were founded in late 2014, and we were instrumental in kick-starting the campaign for the Canadian government to pass legislation to impact the Canadians with disabilities act for a barrier-free Canada.

At the present time, we are supported by over 25 national organizations across Canada, and we have been endorsed by the

cities of Toronto and Halifax. Individual support continues to grow steadily with the present base of about 2000 persons across the country.

Our founding organizations include the CNIB, the MS Society, March of Dimes, Accessible Media Inc. and the Canadian Hearing Society. We continue to advocate for legislation to make Canada a barrier-free country. As part of our initiative, we have developed 14 principles which we believe can help form the foundation of said legislation.

You can find out about our principles by going to www.barrierfreecanada.org. In our appendix A, which we have submitted, we have included the list of the 14 principles, along with a comparison of what we believe has not been included in this proposed legislation. For brevity, I will propose what the legislation does not include in each of our principles.

Barrier-free Canada is grateful for having been given this opportunity to have our voice heard. We believe that when this act is passed, it will go down in history as one of the most important pieces of legislation as it pertains to the rights of Canadians with disabilities, their friends and their families. We look forward to continued collaboration with the Canadian government on this very important piece of legislation.

I will now talk about the comparisons as they pertain to each of the Barrier-Free Canada principles.

On principle one, this principle, in our respectful view, has not been endorsed. There are no meaningful deadlines or time horizons specified by the legislation. Even if a deadline were established in a regulation, there is nothing in the legislation that prescribes a penalty for failing to meet such a deadline.

For principle two, this principle has been partly endorsed. The legislation does appear to cover all persons with disabilities, to address the range of barriers anticipated in this principle, and to apply to the federal government and regulated entities and organizations. However, the legislation does not appear to extend requirements to organizations that receive federal grants, subsidies, loans or other funds. The legislation does not appear to extend requirements to organizations which provide goods and services to the federal government.

For principle three, in principle the legislation is drafted and is not intended to override or displace any existing protections or mechanisms for enforcement that are available to people with disabilities. Given that the regulations have not yet been developed, it is not possible to assess at this time whether the act is stronger or weaker than existing provisions.

• (0910)

For principle four, the act does not really aim for full accessibility or inclusion. It strives to achieve "through the progressive realization...of a Canada without barriers". Progressive realization does not imply any particular deadline or metre stick against which progress is to be measured.

For the fifth principle, to the extent that regulated entities provide goods and services in this manner, the legislation does require that implementation plans be made to identify and remove barriers. It is not clear that the legislation could drive product development and accessibility requirements, e.g., Shared Services information technology services.

For principle six, there are presently no prescribed timelines, but this is otherwise included in the act.

For principle seven, the legislation does not clearly demonstrate how Canada will take a lead role in implementation. Taking that lead role could begin today. Canada should not wait for the legislation or regulations to be finalized before taking proactive steps towards implementation within its own departments. Canada should be seen as leading the charge.

For principle eight, the act does provide for another complaint resolution process outside of the traditional court venues; however, the act does not appear to include any mandatory enforcement provisions. The accessibility commissioner has broad enforcement powers, but those powers “may” be used, not “shall” be used.

For the ninth principle, the act does provide some sector-by-sector separations, at least in respect of a few designated sectors. It is not clear how input from affected groups and organizations will be gathered or consolidated. There is a suggestion in the act, but not a hard rule, that a majority of the board of directors of the standards-setting body will be people with disabilities, but absolutely no requirement that persons with disabilities will dominate on the technical and advisory committees.

For principle 10, these issues do not appear to be addressed by the legislation at all.

For principle 11, these issues do not appear to be addressed by the legislation at all. Certainly, there is no mention in the legislation of applying a disability lens to policy and legislative development.

For principle 12, these issues do not appear to be addressed by the legislation at all.

For principle 13, this may be happening at a policy level, but there is no direct reflection of it in the federal legislation.

Finally, for principle 14, the degree to which the act is permissive but not mandatory undermines its potential to have real force, effect and teeth.

Thank you very much.

The Chair: Thank you very much.

Now, appearing as an individual, we have Michael Prince, professor of social policy at the faculty of human and social development, University of Victoria.

Welcome, sir. The next seven minutes are all yours.

● (0915)

Professor Michael Prince (Professor of Social Policy, Faculty of Human and Social Development, University of Victoria, As an Individual): Thank you, Mr. Chair. It's a pleasure to be here.

Let me just read some opening remarks.

Members of this standing committee will hear from a variety of witnesses on a wide range of issues regarding this bill and the vision of a barrier-free Canada. There is much to applaud in this historic bill, which seeks to advance the principles of full and equal participation of Canadians with disabilities in all areas of society, whatever a person's abilities and disabilities.

There are also areas of concern with this bill. As Donna has just laid out, these include the absence of measurable targets with specific deadlines; the permissive language in the bill in many sections; the extent of exemptions; the lack of a disability lens; the absence of duties on the Government of Canada for promoting accessibility on the 600-plus first nation communities across the country; the status of ASL and LSQ and rights to communication; the complex model of federal bodies involved in enforcement and adjudication; and, the status of the proposed chief accessibility officer as a Governor in Council appointee rather than an officer of Parliament.

I'm happy to talk about any of those later in discussion. My focus this morning is on what Donna has identified as principle number two in the list of principles by Barrier-Free Canada. I wish to focus on the topic of the scope of application of the proposed act, that is, the entities to which the act will be relevant and seek to influence and support in advancing the inclusion and participation for Canadians with disabilities.

The application of the act is set out in clause 7 of the bill. It outlines various types of entities related to the federal public service, the Canadian Forces and other related parts of the federal public administration.

The question I wish to pose to the committee for your consideration is this: Is this the full scope of application that we should have and that we need to have in order to achieve the fundamental purpose of this act?

Canadians, I believe, have higher expectations and larger ambitions in ensuring a barrier-free society. This certainly is apparent from the extensive cross-country consultations on the planned legislation that took place from July 2016 to February 2017.

I wish to recommend that the scope of the bill and its intended barrier-free objectives be extended to non-federally regulated employers and other organizations: to federal contractors, those organizations, whether federally or provincially regulated, that wish to do business with the Government of Canada, whether that's in producing and providing goods and services on behalf of Parliament and the Government of Canada, and those organizations receiving significant grants, loans and subsidies.

I propose that subclause 7(1) be amended by adding a new item, which would state, “Any entity, business or organization with 100 or more employees and in receipt of goods and services contracts valued at \$200,000 with the Government of Canada”.

This recommendation recognizes the substantial and strategic role of the Government of Canada as a funder and as a contractor. It is a role well within the constitutional authority of Parliament and a long-standing practice in federal public policy and financial arrangements. It refers to what some might call the federal spending power.

The idea for this proposed amendment is informed not only by the work of Barrier-Free Canada but in practice by the federal contractors program, first established in 1986 to advance the implementation of the Employment Equity Act. As an established platform, the federal contractors program has real potential to encourage positive changes in human resources policies and in raising awareness and shifting attitudes, thus empowering persons with disabilities.

The federal contractors program could be updated to add, alongside its long-standing goal of promoting the diversity of workforces, the goal of ensuring the accessibility of workplaces, both as built environments and as places of human relations and attitudes, as well as advancing the accessibility of services and program delivery in those places.

This recommendation is also compatible, I think, with the application of certain powers for the proposed Canadian accessibility standards development organization. Under paragraph 19(a) of the bill, that organization can “enter into contracts, agreements or other arrangements with any person or entity, including any government,” as stated.

• (0920)

Under clause 20, the Canadian accessibility standards development organization would be authorized to develop accessibility standards for any person or entity, including any government in Canada or elsewhere.

To support this recommendation, a new series of clauses would need to be added in part 4 of the bill, largely following the format and content of the clauses already contained therein for regulated entities in broadcasting, telecommunications and transportation. I assume that some of those clauses may well be the subject of amendments too.

Part 4 could be amended by adding new clauses, provisionally clauses 73 to 79, that would outline the requirements for entities that I've suggested be added to subclause 7(1). These entities would be required to have in place accessibility plans and actions.

This new part in part 4 could be called “regulated entities in receipt of federal contracts or loans or subsidies for goods and services and others”. These new sections would therefore address the requirements for organizations that receive federal funding or contracts to have in place an initial accessibility plan, the establishment of process, etc.

In conclusion, in my submission I identify two recommended amendments to the bill. I'm happy to talk more about the application or many other aspects of this historic piece of legislation.

Thank you, Mr. Chair.

The Chair: Thank you very much.

Now, from People First of Canada, we are joined by Kory Earle, President, and Shelley Fletcher, Executive Director.

Thank you both for being here. The next seven minutes are yours.

Mr. Kory Earle (President, People First of Canada): Good morning, Chair and members of the committee.

For those of you who do not know who we are, People First of Canada is the national voice for people labelled with intellectual disabilities. We want to thank you for the opportunity to be here today and for allowing us the chance to have our voices heard.

We would first like to say that we're very pleased that Canada is moving forward with a federal accessibility act that will help remove and prevent barriers to inclusion that people with disabilities experience every day in this country.

Since the beginning of this act, People First of Canada has been part of the work and consultations held across this country. We have worked with the national disability community and the federal government to get as many people with disabilities as possible to give their input on this act as it was being built. We also went to great efforts to ensure that the voice of people with intellectual disabilities was represented in the consultations right across this country.

Having a disability is not cheap. Many people with disabilities cannot afford all the supports they need to fully participate in society. By and large, people with disabilities live in poverty more than most other groups in society. Within the disability community, people with intellectual disabilities live in poverty more than other people with disabilities.

In the principles section of the act, 6(b), (c), and (d), it states, “all persons must have the same opportunity to make for themselves the lives that they are able and wish to have”, and “all persons must have barrier-free access to full and equal participation in society,” and “all persons must have meaningful options and be free to make their own choices, with support if they desire, regardless of their abilities or disabilities”. However, without disability supports, many people with intellectual disabilities will not have these opportunities, access or meaningful options, because they do not have the disability supports to take part. Disability supports are an important part of having full and equal participation in society and should be addressed in this act.

Plain language has been a long-standing concern for people with intellectual disabilities. This is an accommodation right: to receive information in a format that is accessible to our members.

Since the beginning of the work on the act, People First of Canada has been pushing for documents and information in plain language, but rarely have we been accommodated. In fact, most documents about the act that are in plain language were either requested by or produced by People First of Canada.

We have seen some regulations that mention plain language, but they are not written in plain language. We are concerned that further documents around the act will not be accessible to people with intellectual disabilities. We are asking that the government produce plain-language documents about the act. This will accommodate people with intellectual disabilities, and it will also make the information more accessible to many others, like people with low literacy and print disabilities, as well as seniors and new Canadians.

● (0925)

Ms. Shelley Fletcher (Executive Director, People First of Canada): We feel that the act needs to have timelines and deadlines listed for the changes required, as well as for reporting on these changes. Without deadlines, organizations may not do what they need to in order to increase accessibility and remove barriers.

As well, there need to be timelines for putting regulations in place. Without timelines and deadlines in the act, how can we check to see that the act is working? We ask that the bill be changed to include timelines and deadlines for changes and reporting.

People First of Canada strongly believes that all complaints about the act not being followed need to go to the accessibility commissioner. Right now, the act has different ways to make complaints, which are based on what organization is being complained about. It is confusing and will make it harder for people with intellectual disabilities to make complaints when an organization is not following the act.

We also strongly believe that the act needs to be enforced by the accessibility commissioner and not by individual organizations or agencies. We believe that the act must be the same in all areas and that certain organizations should not get to make their own rules. We ask that the bill be changed so that there is one complaint process and that the process be done through the accessibility commissioner.

We're concerned about standards in the new Canadian accessibility standards development organization, CASDO. This new standards organization will develop the standards that will become regulations to be followed.

We feel that this organization must include people with intellectual disabilities on their board and in their work. This organization needs representation from people with lived experience in order to do its job of identifying, removing and preventing barriers through creating accessibility standards. We also believe that people with intellectual disabilities need to be included in the monitoring of the act to make sure government is making changes based on what the United Nations says it must do for people with disabilities.

We think there is too much time before the act is reviewed to see if it's working. We think it should be reviewed much sooner than is stated in the bill, which is five years after the first regulation under the act is made.

Mr. Kory Earle: Intellectual disability is complex when it comes to accommodation. In the past, we have not done a good job of including and supporting people with intellectual disabilities in our society. Historically, our group has been devalued in some of the worst ways: through institutionalization, forced sterilization, abuses and murder.

We were probably the last group to the tables where decisions about us were being made. To this day within the larger disability community, people with intellectual disabilities are still referred to as "the left behind of the left behind".

For us, this act is a positive step forward towards ensuring an inclusive and accessible Canada that values everyone. With the necessary changes to the bill, we believe this is a chance for us to have a more accessible country where we are truly valued, present and included.

Thank you.

● (0930)

The Chair: Thanks very much to both of you.

Finally, from the Public Service Alliance of Canada, we have Marianne Hladun, Regional Executive Vice-President, Prairies Region, and Seema Lamba, Human Rights Program Officer, negotiations and programs branch.

Thanks to both of you for joining us. You have seven minutes.

Ms. Marianne Hladun (Regional Executive Vice-President, Prairies Region, Public Service Alliance of Canada): Thank you.

The Public Service Alliance of Canada strongly believes that persons with disabilities should be able to fully and equitably participate in all aspects of Canadian society.

Our union represents thousands of federal public sector workers, so I'll be focusing on accessibility in employment and the impact on employees with disabilities in the federal sector.

Both Bill C-81 and the 20-year-old federal Employment Equity Act require federal employers to create plans to eliminate barriers in employment for persons with disabilities. While the Employment Equity Act is imperfect, it does provide an established framework that employers and unions have been working under for many years.

We recommend improving the Employment Equity Act and referring the employment aspects of Bill C-81 to the Employment Equity Act provisions for several reasons.

Bill C-81 only mentions the Employment Equity Act twice and makes no reference to how the two pieces of legislation will work together. This overlap and lack of clarity will create confusion for employers, employees with disabilities and unions.

In order to comply with both pieces of legislation, employers will have to create two plans which at least in part do the same thing. What if the two plans conflict? Will one plan override the other?

The Employment Equity Act requires employers to consult and collaborate with bargaining agents in preparing, implementing and revising their employment equity plans. Bill C-81 only requires employers to consult with persons with disabilities when creating accessibility plans.

Bill C-81 is vague about what should be included in those accessibility plans, while the Employment Equity Act is very specific about what must be included in employment equity plans.

We strongly recommend amending paragraph 5(a) of Bill C-81 to clarify that accessibility in employment must be dealt with under the provisions of the Employment Equity Act and that all regulated entities are responsible for implementing employment equity for persons with disabilities. All other references to employment in the bill should then be amended to reflect this change.

Bill C-81 does not address hiring and supporting employees with disabilities, nor does it mention the role of the Treasury Board as the employer for the federal public service, or the role of the Public Service Commission, which oversees federal public service staffing. The Employment Equity Act does include these responsibilities.

The duty to accommodate in the workplace is also an important aspect of accessibility in employment. Even with the protection of the Canadian Human Rights Act, public service workers continue to be routinely denied accommodation at work.

The Treasury Board directive on leave and special working arrangements effectively discriminates against many employees with disabilities who are on long-term sick leave by effectively forcing them to retire from the public service after two years. Accommodation-related grievances and human rights complaints often take years before they're resolved.

The Joint Union/Management Task Force on Diversity and Inclusion in the Public Service recommended that a centralized, systematic approach be developed for accessibility and accommodations, including centralized funding for accommodations.

Right now, the responsibilities are devolved to departments, resulting in a patchwork of approaches and applications of the employer's duty to accommodate. To fix this, Bill C-81 should be amended to require Treasury Board and the Public Service Commission to make annual public progress reports to the accessibility commissioner; to require departments and agencies in the core public service to provide progress reports to Treasury Board; to require Treasury Board to set up a central accommodation fund for the public service; and to require that all federal government policies be reviewed to examine and eliminate any barriers to persons with disabilities.

We also recommend making consequential amendments to the Financial Administration Act and the Public Service Employment Act to centralize disability-related issues and accessibility in the public service, and to ensure that Treasury Board and the Public Service Commission are responsible for those issues and cannot delegate that responsibility.

Bill C-81 provides that individuals can file complaints regarding a contravention of the regulations, but there is no way to file a complaint about a violation of the act. This unfairly limits the

substance of complaints. For example, an individual can't file a complaint if an organization doesn't even have an accessibility plan.

● (0935)

The complaints provisions are also unevenly applied to unionized employees in the federal sector. Bill C-81 allows for workers covered under all the federal public service labour laws to take their complaints through the grievance process. However, it does not do the same for federal public and private sector workers covered under the Canada Labour Code. All workers who have recourse through a collective agreement should be allowed to have their complaints heard through the grievance process, and the arbitrator should have the power to interpret and apply the proposed accessible Canada act.

The grievance process has embedded within it a right to appeal and review decisions. It allows workers to file a grievance that addresses multiple workplace issues, including accessibility, without making them pursue multiple parallel complaint processes.

We recommend amending subclause 94(1) to allow a complaint to be filed in relation to a contravention by a regulated entity of any provision of this act, or any regulations made under subclause 117 (1). We also recommend including an additional exception, similar to those in subclauses 94(2), 94(3) and 94(4), that applies to all unionized workers under the Canada Labour Code, and that will ensure these workers can access the grievance and arbitration process.

Finally, we recommend that adequate funds be allocated to the proposed accessibility commissioner, the Canadian accessibility standards development organization and the Canadian Human Rights Commission to ensure that these organizations can fulfill their mandates under the new act.

Thank you.

Ms. Lamba and I are pleased to answer any questions.

The Chair: Thank you very much.

Thank you to all of you.

We're going to start questions with MP Barlow, please.

Mr. John Barlow (Foothills, CPC): Thank you very much, Mr. Chair.

Thank you, witnesses, for your excellent input. It is certainly beneficial when you come to the table with suggestions and potential solutions. That helps us a great deal as we weave our way through this.

Several of you brought up concerns that we have also raised regarding the lack of timelines and meaningful deadlines to establish standards, in terms of exactly what this bill is intended to achieve.

I'll start with Ms. Jodhan. You were the first to bring up that there are no meaningful timelines or deadlines in this legislation. In your opinion, or in Barrier-Free Canada's opinion, if you've done some work on this, what would you like to see as part of this bill regarding deadlines and a timeline to have standards in place? What would Barrier-Free Canada like to see as part of this legislation?

Ms. Donna Jodhan: As far as Barrier-Free Canada is concerned, it is very important that timelines and deadlines be firmly in place. In our humble opinion, maybe there could be a timeline or deadline of two years after this legislation is passed whereby we can judge what has gone on, what needs to be put in place or what needs to be worked on.

Mr. John Barlow: Thank you.

Mr. Prince, you also brought up this issue. Would you share that opinion about a two-year timeline at least? I think she's right in terms of there being no metrics in this bill to understand what we're trying to achieve and what the goal is.

Prof. Michael Prince: Right.

Mr. John Barlow: What would be your recommendation when it comes to a timeline?

Prof. Michael Prince: The concept of progressive realization, which is identified earlier on as one of the guiding principles of this bill, certainly reflects international practice at the UN, and thinking in other jurisdictions. I think what we need to do is flesh out what that actually means.

I'm of the school of thought that, as we have seen in some provincial laws on accessibility—whether that's Ontario, Manitoba, or Nova Scotia now—there be an aspirational statement. For example, in 2005, the Ontario act put out a 20-year time horizon for a barrier-free Ontario. That's working towards 2025, with five-year updates and reviews.

Another feature in some of the laws is what might be called “put your own house in order first”. That's the idea of the Government of Canada, the Parliament of Canada and the larger federal public service being a model employer and model organization, so that the obligations may be phased in first on timelines and deadlines that would pertain to federal public administration.

Some of the sectors I'm suggesting be included further out, such as some of the non-profits, foundations, even my own university. Perhaps that's the second phase. On private sector conversations, there would be a staggered wave of deadlines and timelines for different sectors that would cascade out. That would be another approach. You see that across a lot of countries and other jurisdictions.

Certainly the reviews then would be more timely than waiting until the first regulations and then five years after that. That probably suggests that we wouldn't have our first review until about 2025 or 2026. That's very troubling in terms of an age of accountability and transparency.

I hope that helps.

• (0940)

Mr. John Barlow: Yes. That's excellent.

You touched on my next question briefly in your answer as well.

In our opinion, I think all of us here would agree that this is a very important step forward. It is something that is needed and certainly welcomed, but we also want to ensure it's done correctly. There's not a lot of point in rushing something like this through so we can put a sticker on it or check a box off, without really having any meat to this legislation.

One of the other issues that concerns me with this bill in the way it is written now is that there is a lot of “do as I say, not as I do”. With the number of exemptions in this legislation, almost every federal government department can apply for an exemption. However, federally regulated private-sector industries cannot.

That's my opinion, and I'd like your opinion. Should this be treated equally among all these different organizations?

To me, it sends a very poor message that we want the federally regulated industries to do this, but the government departments are probably not going to do this. What is your opinion on that?

Prof. Michael Prince: I used to teach at Carleton in the school of public administration. I lived here for many years. Both of my daughters were born here. I now live on the west coast, in Victoria.

This bill, to me, with respect, reflects that it was written in the bubble of Ottawa. This is written from the point of view of traditional management focus, organizational focus. This is not people-centred. This is about departments making sure that in the negotiations and drafting of this bill, exemptions and deals were cut.

I understand that every legislation is a bunch of compromises. This one is all over it in terms of broadcasting, transportation and others, and sectors that should be in this bill are missing. Let's do this right, and let's do it thoughtfully.

The fact that in almost page after page in parts 4 and 5 there are exemptions and exceptions is a terrible message in talking about fundamental human rights. I don't know if we do this with other groups, but we've signed the UN convention, so I find it disturbing. I think there should be a level playing field.

This is basically a machinery-of-government bill. There's not much social policy or public policy in this bill. This should be about people front and centre. I get that we have to have administrative enforcement and compliance, and on that note I'd like to see a lot more about incentives and education.

The minister has talked quite eloquently over the last year, and when she was the minister before—a few years back—about education. If we're going to roll out this as an effective implementation, we have to have education happening at the same time. We have to prepare Canadians to accept addressing some systemic attitudinal barriers, and what Jutta talked about, some of the systemic practices in the digital domain and others.

That's going to take education. I'd like to see more carrots in this, and not a bunch of real or implied sticks.

Mr. John Barlow: Thank you very much.

Prof. Michael Prince: I believe in enforcement. We need a strong law, but we also need to send message of support and education and persuasion as well.

● (0945)

The Chair: Thank you very much.

We have MP Long, please.

Mr. Wayne Long (Saint John—Rothesay, Lib.): Thank you, Chair.

Good morning to our witnesses. Thank you for your presentations.

In my riding of Saint John—Rothesay, Bill C-81 certainly has been met with a lot of excitement, anticipation and hope. I work directly with organizations like CCRW, and key industries and other organizations that finally see, maybe things aren't perfect, but the light at the end of that tunnel where as a government we are moving forward and changing the culture. This isn't only an opportunity for people with disabilities, but an opportunity for all Canadians.

I have so many questions to ask. I'm going to start with how the CASDO board is comprised. I know part 2 of the bill proposes 50 plus one of CASDO board seats be allocated to people with disabilities. We certainly heard some concerns around the table about the composition of that board.

My first question is for Ms. Jodhan. How do you believe this clause could be rewritten in order to address your concerns regarding the degree to which these appointments are considered?

Ms. Donna Jodhan: These appointments are to be ones that would be of value to this act. I believe that these appointments should be made so that persons with disabilities have a voice at the table and that the appointees will not be influenced by any outside or internal forces. It is very important for persons who are living with a disability—and I am vision impaired—to really feel that they are being heard and understood, because, as Professor Prince mentioned a little while back, there are so many barriers for us to face, not just artificial barriers, but attitudinal barriers, tangible and intangible barriers. Coming back to your question, sir, I think the appointments should be closely examined and take into consideration a lot of things that would determine that these appointments are legitimate and not just window dressing.

Thank you.

Mr. Wayne Long: Thank you for that.

Kory and Shelley, would you like to see seats explicitly allocated to individuals from each disability community?

Mr. Kory Earle: Yes, absolutely, we would like to have a seat up there and have the voices heard.

Mr. Wayne Long: Okay.

Do you have any thoughts, Shelley?

Ms. Shelley Fletcher: To have specific seats representing specific disabilities, is that your question?

Mr. Wayne Long: Yes.

Ms. Shelley Fletcher: Yes, we would. We think it's important that each disability have representation as the experts on issues that arise around that specific disability.

Mr. Wayne Long: Okay.

Does the public service have any input on the composition of the board?

Ms. Marianne Hladun: As we deal with anything, it does need to be from members of the disabilities community because—

Mr. Wayne Long: Exclusively?

Ms. Marianne Hladun: Well, as much as possible.... The way the legislation is worded, it says “a majority of”, but you need to go above that mark. Just because it says “a majority of”, that doesn't mean 50.1% as much as possible. Persons with disabilities are very diverse, so that should be considered.

Mr. Wayne Long: Okay.

Michael, do you have anything with respect to it? Yes or no?

Prof. Michael Prince: In a few countries.... I think it's Peru where they actually in the legislation enumerate by disability or types of impairment. They have broad categories, but they do that.

Another thing you might want to consider specifying in the bill is that the vice-chair or the chair be designated, or that they rotate. The Americans do that. Some other countries do that. So you name in positions. You build in not just a floor number, like a minimum of 50% plus one, but you identify certain key roles.

● (0950)

Ms. Jutta Treviranus: I do work in quite a number of countries with respect to regulation. Where there is representation of the high-incidence groups of individuals with disabilities and specific groups that have well-organized advocacy groups, what tends to happen is that there are always individuals with disabilities who are left out.

I agree completely that we require representation of people experiencing disabilities, but we also need to continually ask who we are missing and who has not had a voice at this table. Quite frequently, for example, individuals who are non-speaking and low-incidence individuals and are part of very small minorities do not get to speak.

Also, the usual groups frequently go from one consultation to another, resulting in consultation fatigue, and there is repetition of specific opinions. I think we need to be inclusive in how we include individuals with disabilities.

Mr. Wayne Long: Thank you.

The Chair: MP Hardcastle, please.

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): Thank you, Mr. Chair.

Thank you very much for your presentations, all of you. This has been a really thought-provoking discussion, and I'm glad we're having it.

I'm going to try to use plain language as much as I can, Mr. Earle. Thank you for that.

I want to go back to timelines and deadlines, because I feel that we started talking about it and then moved away from the real point.

On the day this bill is passed, nothing has to happen. Let's go back to that. That is the problem, isn't it?

What are some of the practical ways...? They're not the big-picture ways, maybe, but there are some practical ways for us to address that right now, aren't there? Maybe all of you can talk about what you would envision. Right now, on the day this passes, what should we be giving notice of? I'm not trying to hint around at an amendment, but I'll give you an example of what it could be.

We'll get to those amendments and that question afterwards, Marianne.

It could be that from the day this passes, everybody who is involved has 18 months to come up with a plan, or they have six months to formulate the advisory committee.... What kinds of deadlines do you think are most practical for our role here in the limited amount of time that we have to study this? What do you think we should be really concentrating on?

Who wants to go first? It looks like we have a few people thinking.

The Chair: Go ahead, Donna.

Ms. Donna Jodhan: I think it is important for us to lay down a timeline as to when this advisory committee will be in place. I think it's very important.

The other thing that I think is important is that we lay down a timeline/deadline for people to file their plans. If we don't, it will be an open-ended process and people will just keep putting it off. Government departments will be told that they have one year to do this, and they'll wait until the eleventh hour to do it. Any entity would, if they're not given a timeline. I do believe in timelines/deadlines.

I think that those two things, the advisory committee and the time limit for filing plans, are important. If those are not put in place, and if, for example people are not told that they have 18 months, let's say, to file a plan, they'll keep postponing it, and finally it will just get put on the back burner.

Thank you.

• (0955)

Ms. Cheryl Hardcastle: I don't know if any of you have something to add, but maybe we can move on.

Ms. Lamba and Ms. Hladun, I was very intrigued by your presentation.

Right now, what we have is a disconnect and potential conflict. It's not just a disconnect, but a potential conflict.

I'd like to hear a bit more about how you think we should be approaching that. You discussed some of the sections with the Employment Equity Act. How can we make sure that we're including those provisions throughout...or do you have a specific approach that we should be taking, like the Treasury Board? Is there an example of something we should be following?

Ms. Seema Lamba (Human Rights Program Officer, Negotiations and Programs Branch, Public Service Alliance of Canada): I'll start, and then Marianne can add to it.

There have been references to Ontario, Nova Scotia and Manitoba. They don't have employment equity acts, so the accessibility plan kind of makes sense. It doesn't make sense in the federal realm, because we have the Employment Equity Act, which has timelines and requirements that are very concrete about what should be in an employment equity plan.

To be clear, employment equity is about representation, promotions and retention. It is about getting people in, but it's also about removing barriers in the workplace. Sometimes people confuse that. They think it's about numbers, but it's not. It is about a cultural shift.

Our thought is to strengthen and make amendments to the Employment Equity Act. It hasn't been amended since 2002, so we have recommendations on how to make it better around accountability. Enforcement is a really big issue, and I think it is for this new legislation as well.

It just needs to be strengthened in the Employment Equity Act when it comes to employment. I'd point out that under the Employment Equity Act, the federal contractors program is also there. It covers that broader group as well, contracts that are coming in related to services and goods for the federal public service.

With regard to the conflict, the Canadian Human Rights Commission is also required to do audits on employment equity. You have this group already monitoring employment equity plans and things like that, and then you have this.... There is that sort of conflict, even though there's the accessibility commissioner and all these other things.

Treasury Board and the Public Service Commission are central agencies and in an ideal world they would be responsible, as employers, for the federal public service for the employment equity. They do annual reports to Parliament on employment equity. There needs to be more strengthened mechanisms.

I want to point out that the task force on diversity and inclusion, which I sat on, points out that employment equity is still very important. It's still a priority.

Our fear with this legislation is that the thought might be that we don't have to worry about employment equity anymore and we just have to do this. It's going to cause some tensions.

As we suggested in the beginning, the amendment is to take the employment piece, strengthen it into the Employment Equity Act, do the Employment Equity Act review, and strengthen areas around there.

The Chair: Thank you very much.

Next is MP Hogg, please.

Mr. Gordie Hogg (South Surrey—White Rock, Lib.): Thank you very much.

Ms. Treviranus, I think you had some comments that you wanted to make, and I'm happy to give you a few minutes to provide those comments.

Ms. Jutta Treviranus: It was just a very quick comment regarding the issue of an aspirational deadline.

I think that gives an inaccurate impression, because it implies that there is some point where accessibility or inclusion is complete, that we can know and will know everything that needs to happen to make Canada accessible. This is a moving target—not to imply that this means it's difficult—but I think what we need to focus on more are the deadlines for the specific process steps and then additional deadlines as we move along, as we become aware of things that need to be done.

We are in the process of reviewing the AODA, and certainly if you were to ask us what is everything we need to do by 2025 to make Ontario accessible, you would get very, very different opinions. Also, there's no way to anticipate all of the barriers that will arise between now and 2025.

• (1000)

Mr. Gordie Hogg: Thank you. I'll be sharing a little of my time with Ms. Sidhu.

Contextually, we've talked a lot about culture. When the minister introduced this and came before us, her issue was that we have to get moving now and do something as a country and move this legislation forward. She commented about the need to have something legislated and in place. We're hearing a number of issues and concerns, which I think are all valid and important within that context. These are issues about the effective change of culture and how we effect a cultural change, which is crucial to ensuring that the personality of the legislation and our country is accurately reflected.

I'm interested contextually in terms of where we sit today with other OECD countries and others that are looking at accessibility. Where would Canada sit within that framework? Are there other jurisdictions that have pieces of legislation that might be informative, if not directive, in terms of being able to assist us?

If anyone or everyone would like to respond to that, I'd be delighted to hear it.

After that, I'd like to move on to some of the accountability issues.

Prof. Michael Prince: The remarks about the employment equity plan are a really important reminder of what we already have within Canada at the national level, and similarly with the court challenges program, connected with the Charter of Rights. When the charter was brought in, there was a debate. There was the famous "Obstacles" report of 1980-81, looking at disability. The debate then was whether we should bring in something like the Americans with Disabilities Act, which didn't follow until later. There was rehabilitation legislation in the United States and people thought that since we had the charter and the Canadian Human Rights Act, we didn't need it. We also have the Employment Equity Act.

Here we are a generation later and we're bringing in a bill to address this, which tells us something about the need.

Canada will be catching up, to put it politely, to Australia, the United Kingdom, the United States, Ireland and several European countries that have various forms of disability rights or accessibility laws. The United States has perhaps invested the most heavily, but again, different federations have different social and political contexts, and we need to make sure this works for our context and our experiences.

We do need to hit the road running. I sense that desire by the minister herself, but you're right; without presuming how Parliament may eventually land on what this bill looks like, I would hope there are plans afoot for implementation, such as advisory committees, the creation of a design organization or variations thereof.

The chief accessibility officer... I actually think the names are backwards. The person who I think should be responsible for the administration, enforcement and compliance should be called the officer. The person who should be about the culture change should be the commissioner. The titles are a bit confusing.

What the disability community has called on for a long time is a commissioner who would be like the Auditor General; an officer of Parliament who would play that cultural role and engage from day one on education, information and raising public awareness in plain language and in a variety of alternative formats. That could be something to start from day one. You could announce the person who represents a new beginning, and with that person there's an array of other organizations and legislation that already exists. You could say that this is a journey we're about to start on and here are the timelines.

I said it was aspirational and I still believe that. I get what you just said, but we need incremental and phased ones too at year three, five, seven, 10, 12, or whichever, for accountability.

What's currently called the chief accessibility officer, I would respectfully say rename it. Change the titles to what should be the commissioner, and that should be an officer of Parliament. There's a real potential as the promoter and educator of the change in the dialogue in the country.

• (1005)

Mr. Gordie Hogg: How much more time do I have?

The Chair: You have literally nine seconds.

Ramesh, you're up next. I'm going to suggest that if you have time to share, maybe you could share it with Sonia.

Sonia, you don't have time for a question, I'm afraid.

MP Sangha, please.

Mr. Ramesh Sangha (Brampton Centre, Lib.): Thank you, Mr. Chair, and thank you, everyone, for coming today and giving this great input to the committee.

In Brampton Centre, I have consulted many people on these accessibility studies they were doing. Harvinder Bajwa is in a wheelchair, runs an NGO and is doing a great job.

Jeevan Bains doesn't have eyesight. She's my niece. I talked to her at length just to have first-hand knowledge. She gave me great points. She said she was happy to be part of the consultation process. She's proud of that. She is proud that her uncle is going to be part of this study with the HUMA committee. I too am really proud to be part of this committee. Her main concern was that this barrier-free Canada should be for each and every one.

Mr. Prince, you raised the issue of the amendment to clause 7 on the applicability of the act and said that it should not be limited to certain ones, that it should be for each and every part of the organizations and institutions in Canada. I was really impressed that you are giving us that information and that you want the committee to move a little more forward with that.

Please indicate to the committee how much the amendment you are seeking would help.

Prof. Michael Prince: The way I would answer is to say that my own university has an employment equity plan. It probably wouldn't without the federal legislation. We briefly had employment equity laws in B.C., as did Ontario, briefly. Both had governments that removed those laws.

In my opinion, we only have employment equity in my university because of the federal contractors program. We have to bid on federal dollars. We want funding from the Social Science and Humanities Research Council and other councils.

Through the federal spending power, there's a whole host of organizations in Canada that introduced or went well beyond the constitutional limits or the formal division of powers under the Constitution and have employment equity and are committed. We've embedded it now for 30-odd years.

I think the expectation in the disability community is to see a similar approach so that we reach out, that we have these practices. The expectation is that this will build on and complement equity. Accessibility is the next part of that story of diversity, equity and inclusion.

Mr. Ramesh Sangha: Do you think that in the long run there may be a charter issue constitutionally? If certain people are getting the right and others are not getting the right, do you think there will be a charter issue?

Prof. Michael Prince: There's always a potential for charter issues.

In B.C. many years ago—Mr. Hogg will remember this—we had a court case around the right to have interpreters in hospitals. That became a charter case. That perhaps has not been as well implemented as it ought to have been, but different groups have tended it.... This has been part of the problem. Different groups, by impairments and different conditions, are going to court and litigating the rights for their particular group with their particular condition. That's very a fragmented, piecemeal, slow, tough journey to advance the rights of all Canadians who have some limitations and face barriers.

The potential of this bill, if it's designed right, is to make this a much more generic and universal approach, so that groups, families, parents and disability groups such as People First don't have to invest the very limited dollars they have on very expensive court

cases to advance the rights across groups. That's what I see as troubling right now. It's the fragmentation around disability groups. There's a very understandable frustration by a lot of parents, whether it's around autism or diabetes; everyone wants a national strategy for their group and their condition. With respect, that's not the way to go.

•(1010)

Mr. Ramesh Sangha: Thank you very much.

Chair, I can share the rest of my time with Ms. Sidhu.

The Chair: You have 40 seconds. Go ahead.

Ms. Sonia Sidhu (Brampton South, Lib.): Thank you, Chair.

Thank you to all the panellists for being here.

I'm pleased to see a sign language interpreter present at committee today. I met with hearing-impaired Canadians who told me that the United States has sign language interpretation for emergency alert broadcasts for things that happen, like natural disasters, but the same service is not offered in Canada. That is a concern.

Is that an issue raised by those with a disability?

The Chair: A very brief answer, please.

Ms. Shelley Fletcher: I don't represent the hearing-impaired community. However, we do sit on a committee with the folks from the hearing-impaired community. Absolutely, that is identified as an issue here in Canada.

The Chair: Thank you.

We will come back to Sonia in the next round.

Next is MP Diotte for six minutes, please.

Mr. Kerry Diotte (Edmonton Griesbach, CPC): Dr. Prince, welcome. I know you had some pretty strong words about the bill as it is now. You talked about it seeming to be a machinery-of-government bill. It should be about people. It's disturbing. Thanks for your honesty.

Can you give us some specific examples of how this bill fails people with disabilities?

Prof. Michael Prince: There's only so much you can push for in legislation. I think what I'm hearing from my colleagues, particularly from People First, is...and I know the minister has talked about this briefly before. Again, on day one if this is passed and gets royal assent, what I think Canadians with disabilities are looking for in the larger context is an agenda of accessibility and inclusion that would be around programming and services and investments. Those get into budgetary items, of course, and programming, which are not necessarily in Bill C-81.

There are limits to what you can do in the bill, but there are the ideas of investments in disability supports and services, whether it's for people who are deaf, hard of hearing or hearing impaired.... There are other kinds of investments in services and in labour market agreements that have been recently retooled for employment opportunities.

To really give this bill its best chance of success is in the larger context of investments in other policies and programs, many of which are provincial not federal, in fact. But where does the federal government have a role, whether it's through the enabling accessibility fund, which would be a very important way of...?

In my call for amending clause 7 and bringing in other entities, and when I talk about incentives...either some grants or contributions, or looking creatively at tax credits or tax measures that would provide incentives for employers on accessibility in a way that we haven't. We toy around with that with home modifications for seniors and people with disabilities. We've dipped into it that way, but why can't we do similar things around other incentives?

With the enabling accessibility fund and the opportunities fund, the disability tax credit, the RDSP, the registered disability savings plan, which is a fantastic public program in this country, and we're the first country in the world to bring in something like that, there's that larger context.

I might be criticizing parts of this bill. It has a lot of room for improvement. But I would also make a plea to the committee to make this a people's bill and a social policy-oriented piece of legislation, some of which could maybe be in here, but a lot of it's going to be things that parallel and complement this. This is the right committee to be doing that.

Mr. Kerry Diotte: To help people who don't have disabilities, what are some things in the workplace that have to change?

This question is for Dr. Prince or anybody else who might have some knowledge on that.

What has to change? We all see the accessible washrooms and wheelchair ramps, but what are other things that most able-bodied people would not even think about?

• (1015)

Ms. Shelley Fletcher: I would quickly comment on something Michael just said. The RDSP program, for example, is fantastic. Canada is very fortunate to have that.

In our world, the number of people with intellectual disabilities who have taken advantage of the RDSP program is minimal because they can't get to it. They don't understand it. Somebody with an intellectual disability walks into a bank and says, "I would like to

access the RDSP." There are a ton of issues with banks. None of that is written in a language that people with intellectual disabilities understand. Here we have a great opportunity. We can't access it.

Mr. Kerry Diotte: Is there anyone else?

Ms. Shelley Fletcher: Your question was around employment specifically.

Do you want me to stop?

Mr. Kerry Diotte: I just want to give Dr. Treviranus some time to comment.

Ms. Jutta Treviranus: One of the things I want to comment on is that we've been involved in quite a few discussions on the future of work. There is the discussion about how work will be changing, how automation and many of the new innovations that are coming about are going to be quite disruptive in work for everyone. What I would suggest is that we insert or infuse those with thoughts of accessibility and greater equity for people with disabilities.

Some of the changes that need to happen to our employment are things that will benefit everyone, but will definitely benefit individuals with disabilities. In fact, if we have the impetus of making them more accessible.... For example, our HR practices assume replaceable workers with a particular job description, as opposed to a team of workers. We try to fit the person to the job, rather than the job to the person. There are all sorts of benefits to thinking more inclusively about jobs that will improve Canada's performance with respect to the future of work and the transformation of work that will also benefit people with disabilities.

In every area where we are talking about new policies, change of policies, new innovations or changes within our practices, we should be infusing the interests of individuals with disabilities.

The Chair: Thank you very much.

Now we are going to MP Long.

Mr. Wayne Long: This is for everybody on the panel.

Sometimes my Conservative friends across the aisle talk just about the concerns of the cost of Bill C-81. You know, "How much is it going to cost? Can we bear that cost?"

Should there be a cost to creating an accessible Canada?

Mr. Prince.

Prof. Michael Prince: Well, there are costs to everything. There are the opportunity costs of all that talent and energy that's been lost over the years of the people who haven't been able to participate.

We need to recognize that part of the reason for the perpetuation of systemic barriers and obstacles is that there are real concerns.... Legal liability is one of the reluctances around employment barriers at times. Part of it are the fixed costs of retrofitting or making facilities and services more accessible.

That's what I mean by these broader policy tools around tax measures, or the grants or contributions, for investments. We need to have a frank, honest conversation that there are costs around accommodation. There are huge benefits and opportunities, but we need to look at both and have a balanced conversation on that.

Again, that's not to hold up or delay fundamental human rights on the altar of a cost-benefit analysis that will mean a further delay and a further perpetuation of barriers to Canadians who have been left out for far too long.

• (1020)

Mr. Wayne Long: Jutta, go ahead.

Ms. Jutta Treviranus: I want to mention a number of economic studies that have been done on accessibility, and the costs of accessibility.

It's a myth that it will cost more in the long term; it actually costs less in the long term.

In comparing services that were designed for everyone, versus services where you have the service designed for the average group and then a separate segregated...or afterthought with respect to disability, what you find is that if you include people with disabilities right at the beginning in developing a service, it may cost a little more and take a bit more time initially, but over a five-year period, it will cost less. That's because a service that isn't designed for people with disabilities in mind will continuously have additional issues or features that need to be added, and it will become unstable, and there will be an end of life much more quickly. The long-term costs of that are far more.

There is also this notion of full social costing. I would refer you to a study that was done by the Martin Prosperity Institute called "Releasing Constraints", which shows that in fact there are many GDP gains to be made, and other economic gains.

Mr. Wayne Long: I would agree.

Again, I'm somewhat new to HUMA and this thought process. I'll give you the example of a community centre in my riding where I parked in the parking garage, came upon a door to go into the community centre and a lady in a wheelchair was sitting outside the door. There was no way for her to come in unless somebody was coming in or out of that door and saw her. I asked her how long this had been going on and she said, "Forever."

To your point, people in wheelchairs stopped going there, stopped shopping there, and stopped eating there, so there is an economic cost to not doing this.

Shelley and Kory, do you want to add to this?

Mr. Kory Earle: Thanks for the question.

First of all, having a cost should not be the barrier aspect.... It's one thing to have costs, but in the long run, we're talking about fundamental rights of people with disabilities. Put the cost aside and look at the economics of people having full participation.

Each and every day as we fight to be included, we don't wake up and think about how much this is going to cost. We think about how we are going to be included in today's society. Let's not focus on the cost. Let's focus on people being part of every day.

We've talked about having supports. In terms of this act, if I go and complain, what if I don't have supports that are available for me for that? That needs to be really seriously addressed.

Thank you.

Ms. Shelley Fletcher: Could I quickly add one thing?

Mr. Wayne Long: Sure.

Ms. Shelley Fletcher: Economically speaking, in the intellectually disabled world, there is a gentleman by the name of Mark Wafer, who owns a bunch of Tim Hortons—

Mr. Wayne Long: We interviewed him.

Ms. Shelley Fletcher: Pardon?

Mr. Wayne Long: We interviewed him in a previous study on Tim Hortons.

Ms. Shelley Fletcher: You've met Mark? Who tells a greater story from a business aspect on the benefits of hiring somebody with a disability? You want to look at numbers, right?

Mr. Wayne Long: Yes. Randy Lewis from Walgreens is another example of a total leader.

Ms. Shelley Fletcher: There you go.

The Chair: Thank you very much.

Ms. Seema Lamba: May I add to that?

The Chair: Very briefly, please.

Ms. Seema Lamba: I was just going to say that in the employment realm, costs are often not really valid, because it generally costs \$500 or less for accommodating people with disabilities. There is actually an attitudinal barrier where people say, "Oh no, it's going to cost a lot." If you look into it, things can happen that are very cost-effective.

It's a myth, basically. That's what I'm trying to say.

Mr. Wayne Long: Thank you very much.

The Chair: Next is MP Falk, please, for five minutes.

Mrs. Rosemarie Falk (Battlefords—Lloydminster, CPC): Thank you, Mr. Chair.

First of all, I want to thank all of the witnesses for sharing their stories today.

There's one thing that I do want to mention. I know that our colleague across the way is making it seem that all we are concerned with is the cost. This is a piece of legislation that hasn't had any costing done on it yet, so there is the act of being prudent, just to know what the cost analysis is on this and not write a blank cheque at the end of the day, right? We need to go in, again, by just using some prudence on costing.

That said, I don't recall who said this, but I think it was Mr. Earle who asked who has not had a voice at this table. I really like that, because I think it can be used in more than just legislation. I think it can be used every day, right?

I think we've seen this, too, with the current government in their last budget. One could argue that they definitely used a gender lens on their budget, but using a disability lens and having that opportunity to have a disability lens on legislation to begin with.... When legislation is being drafted, it doesn't matter what it is, it's about having that ability to actually use a disability lens.

I really appreciated those words and the thoughts that they provoked. Thank you.

I believe, Ms. Jodhan, that you mentioned lead roles that Canada or the government could take on now. As Ms. Hardcastle mentioned, the way the legislation is written now, on the day that it receives royal assent, nothing would happen, technically. We wouldn't have a tangible change that would come into effect. I'm wondering if I could get some examples from you of how government departments could take lead roles and achieve this now, before legislation is implemented.

•(1025)

Ms. Donna Jodhan: Thank you very much.

One of the roles that government could take is that although a lot of the external websites, the governmental websites, have been improved in the last few years, a lot of the internal websites have not followed suit. One of the things that I think this government can do is to walk the walk and have internal websites follow suit. From what I've been told, and I don't work for the government, quite a few colleagues have said that, as of now, a lot of these departmental websites are not accessible, not usable, not terribly navigable.

I'm wondering if this is one of the things that can be worked on. And let's just forget about cost. Everything costs something.

I want to make a quick comment, and I'll end it here. I find that when it comes to persons' disabilities, it is always about cost. Why is it like that? Why is it that we are always being told let's see how much it costs when it comes to doing things for persons with disabilities?

When it comes to doing things for other types of persons, sighted persons or others, the cost matter is not brought up as frequently and regularly.

Thank you.

Mrs. Rosemarie Falk: Okay, thank you.

My next question I believe would again be directed to Mr. Earle and Ms. Fletcher.

You mentioned disability supports. I am wondering in what context you were referring to them, and if you could give me some examples of disability supports.

The Chair: Make it a brief answer, please.

Ms. Shelley Fletcher: An example of disability support is me being here with Kory.

In the intellectually disabled world, the accommodation rights, as he said, are complex. It's the ability to have somebody—I'll use our language—a non-labelled person, somebody without an intellectual disability, beside a person with a disability to translate into plain language when needed.

That's an example.

Mrs. Rosemarie Falk: It could mean different things within different parts of the disability community.

Ms. Shelley Fletcher: Absolutely, and there is a cost to that. We're two people, so every cost to bring Kory somewhere is times two.

Mrs. Rosemarie Falk: Thank you.

The Chair: Next is MP Hardcastle, for three minutes, please.

Ms. Cheryl Hardcastle: Three minutes.

Quickly, Donna, if you can hear me, when the question was asked about what's it like in the workplace environment, I think only my screen shows when you put your hand up. I want to give you a chance to talk about that a little bit.

If you can keep it short, then, I have one more minute.... I don't get a lot of time on this committee.

Thank you.

•(1030)

Ms. Donna Jodhan: Thank you very much.

I am someone who is vision impaired. The attitudinal barriers, the artificial barriers, need to be worked on. This has to do with creating more awareness and more education.

When many employers take a look at someone like me, they don't look at what I bring to the table. They look at what I do not bring to the table. They look at me as someone who cannot contribute economically.

That is one of the barriers in the workplace. Thank you.

Ms. Cheryl Hardcastle: Thank you.

Ladies, going back to the Employment Equity Act and areas in which it is specific where Bill C-81 is vague, very quickly, do you see any low-hanging fruit that you can discuss with us?

Ms. Marianne Hladun: I'm not exactly sure—

Ms. Cheryl Hardcastle: On duty to accommodate—

Ms. Marianne Hladun: There are two things that I think we hear as a union representing federal public sector workers. Employers are not fulfilling their requirements under duty to accommodate. The number of grievances and complaints that we're required to do...and this is when we have legislation in place where employers have a responsibility and a duty to accommodate in the federal public service, and it's not happening.

If you look at the diversity task force report that Ms. Lamba referenced earlier, you see the other issue we have is staffing. I will tell you as a union representative that I have had members come to me who say they are in a staffing pool. They've identified as a person with a disability or an equity-seeking member. They were the last one left in the pool, and guess what, they closed the pool because there wasn't enough in there. This is the reality of what's happening to equity-seeking members in the federal public sector. This is the reality of what's happening with persons with disabilities because of the perception that it's going to cost thousands to accommodate someone when it could be as simple as providing software to enable them to do voice to text.

I want to say one quick thing. We were talking about representation on the board. Yes, we need representation from persons with disabilities. We need representation from people like

Professor Prince who have that academic background. As bargaining agents in the federal public service, we spend a lot of time representing our members, and we have the expertise. I also believe that we should have a seat at that table just as we do under the Employment Equity Act, where the employer is not just required to consult with us, but to collaborate with us, which is a whole different level from consultation.

The Chair: Thank you very much. I'm afraid that brings us to the end of this meeting.

We will need to suspend so that we can go in camera to conduct some committee business.

Before we do that, I would like to thank all of you here in person and also via video conference for joining us this morning and contributing to what I think is going to be a good piece of legislation. Hopefully we can make it better through this process.

Thank you very much, everybody.

We're going to suspend briefly.

[Proceedings continue in camera]

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