
A REVIEW OF DISABILITY POLICY IN CANADA

(3rd edition)

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Foreword

It has been nine years since the 1st edition of this policy scan was completed by Rachel Stevenson and myself in 2008. That report was one of the first research activities of the Canadian Disability Policy Alliance, and has served as the basis for much of our subsequent research and policy analysis. The 2nd edition by Rebecca Bond and myself (2013) broadened its focus from policy affecting people with mobility impairments to include policy affecting people with physical, cognitive and sensory disabilities. The 3rd edition further refines the methodology and includes live links to sections of the statutes that are most pertinent to disability policy analysis.

In the first two editions, I was very fortunate to work with two law students, Rachel Stephenson and Rebecca Bond, both of whom taught us a great deal about searching out legislation and legal databases. On this edition, I am privileged to work with CDPA's irreplaceable Project Manager, Lynn Roberts, and doctoral candidate in Rehabilitation Science, Atul Jaiswal. We also acknowledge the contributions of Mike Schaub, CDPA's first Project Manager. We include in this edition his chronology of disability policy in Canada, with a few updates added.

We invite you to download it, copy it, distribute it, use and share it as you wish. It is offered as a resource to disability scholars and spokespersons, with our compliments and our best wishes.

In conclusion, we offer a word about language concerning disability. We are acutely aware that there is considerable sensitivity, and no consensus around "correct" language referring to disability. There are clear preferences expressed in the literature for both the terms "people with disabilities" and "disabled people". In the Alliance, our guiding principle is inclusivity and respect. We seek to use language that invites others into dialogue, and that welcomes a variety of perspectives. We refer to federal guidelines for non-discriminatory language. We seek neutrality and clarity of communication in language.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Mary Ann McColl', is positioned above the printed name.

Mary Ann McColl, PhD, MTS
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About the **Canadian Disability Policy Alliance**

The **Canadian Disability Policy Alliance (CDPA)** is a national collaboration of disability researchers, community disability organizations, and federal and provincial policy-makers, aimed at creating and mobilizing knowledge to enhance disability policy in Canada, and to promote equity and opportunity for disabled Canadians. The Alliance was funded by the Social Sciences & Humanities Research Council's *Community University Research Alliance* (CURA) Program for five years (2009-14) and the Partnership Program for seven years (2014-21).

“Our vision for Canada is a place where people with disabilities enjoy full participation and citizenship, supported by a coherent framework of legislation, regulation and programs.”

Mission

- **United Voices:** Researchers, consumers, policy makers, providers, educators, employers working together, across jurisdictions, across boundaries, across barriers.
- **Learning Collaboratively:** Using collaborative, emancipatory research processes to produce context-relevant evidence through focused, interactive research cycles.
- **Creating Tools for Change:** Knowledge translation used effectively to promote evidence-based policy.

Goals

1. **Knowledge Creation:** To synthesize evidence and, where necessary, generate new knowledge regarding disability policy in Canada and its impact on the lives of people with disabilities.
2. **Knowledge Dissemination:** To share knowledge with policy makers and other stakeholders to enhance accessibility and inclusion for people with disabilities.
3. **Training and Development:** To develop capacity in the areas of policy analysis, disability studies and collaborative research among students, staff, partners associated with the CDPA.

Core Assumptions

At the heart of all the research and knowledge mobilization activities of the Alliance are three core assumptions that frame our approach to seeking enhanced disability policy in Canada:

1. Many of the problems experienced by people with disabilities can be tracked directly back to the policy environment.
2. We already know most of what is needed to support effective disability policy in Canada – in most instances, the research is available to provide evidence for good, sound disability policy. What is needed is context-specific, policy-relevant synthesis of the research.
3. People with a variety of expertise and skills are needed to translate knowledge about disability issues into effective disability policy – disabled consumers, their advocates and support systems; disability researchers and trainees; policy experts and public servants.

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Introduction

It is an exciting time to be involved with disability policy in Canada! After a decade of unfulfilled promises, the federal government is taking aggressive steps toward proposing legislation within the year (<http://news.gc.ca/web/article-en.do?nid=1089179>). Prime Minister Trudeau has directed the Minister of Sport and Persons with Disabilities -- the Hon. Carla Qualtrough -- to introduce legislation to ensure access and inclusion for all. Minister Qualtrough has asked for input from Canadians living with disabilities on how to achieve equality of opportunity and remove barriers to inclusion and participation.

According to the most recent data available, disability affects 4.3 million, or 14.3% of Canadians (CSD, 2012). Given that many people with disabilities are embedded in families, one might reasonably estimate that disability affects approximately 35% of the population.

What is disability policy?

Disability policy in Canada is a complex web of legislation, regulations and programs, crossing many departments within government and multiple layers of jurisdiction. There are 38 federal statutes explicitly pertaining to disability, as well as many more that have implications for people with disabilities even though they are not specifically stated. Legislation also exists in each of the 13 provincial and territorial jurisdictions, and municipalities also play a role in administering disability programs and standards, such as the Building Code and welfare services.

Disability policy is perceived by many people with disabilities as impenetrable and complex. It is a patchwork of legislation, regulations, programs, providers and entitlements that requires considerable probing to reveal, and considerable patience to understand. Disability policy in Canada has been described as conflicting, fragmented, incoherent, not user-friendly, a “hit-or-miss” affair (Boyce et al., 2001; Prince, 2004; Cameron & Valentine 2001).

Disability policy exists to fulfil the role of government toward people with disabilities. We elect governments to enact collective solutions to shared problems in society (Department of Finance Canada, 2006). Governments create disability policy specifically in order to achieve 3 aims (Bickenbach, 2006):

1. Equity – to ensure that disabled citizens are not discriminated against, either willfully or inadvertently;
2. Access – to ensure that disabled citizens are able to participate in all aspects of society.
3. Support – to ensure that disabled citizens are able to acquire the goods and services necessary to meet their needs.

In developed societies, one of the key roles of government is to promote equity among citizens in terms of access to goods, services and opportunities.

- Horizontal equity is achieved when individuals in like circumstances are treated alike. Horizontal equity is easy – it is typically achieved by having rules and applying them uniformly.
- Vertical equity is achieved when individuals in different circumstances are treated differently, commensurate with those circumstances. Vertical equity is a much more challenging ideal to implement, requiring government to acknowledge the life situation of citizens (Technical Advisory Committee on Tax Measures for People with Disabilities, 2004).

Governments have at their disposal a number of options for achieving their goals.

- Legislation & regulations – Governments can pass laws that commit both government and citizens to act in certain ways.
- Official statements and publish documents (such as the Throne speech, public reports, web based resources and media releases) – These documents express the beliefs, culture and goals of government, and contribute to public awareness.
- Programs – by creating funded programs with specific eligibility criteria, governments attempt to meet the needs and desires of particular groups of Canadians, such as people with disabilities.
- Standards development – Governments can require organizations to live up to certain expectations or standards in order to qualify for funding.
- Bilateral agreements – Governments can enter into agreements with the provinces and territories to meet certain requirements on cost-shared programs.
- Procurement and contracting policies – Finally, government has considerable purchasing power, and it can require private sector companies from which it procures goods or services to operate in ways that are consistent with government's goals and aspirations.

In order to achieve the three goals listed above (equity, access and support), different policy instruments are typically used to meet different aims or objectives (Scanlon, 2006).

1. Equity is typically addressed with human rights and non-discrimination legislation, and with the support of advocacy organizations and citizen groups;
2. Access is typically addressed with specifications and standards, such as building codes, operating / training policies, and funding or incentives to enhance accessibility.
3. Support is usually addressed with a number of programs providing financial resources, goods and services, including:
 - a. pensions, compensation, income replacement;
 - b. taxation measures, credits and relief; and,
 - c. programs providing funding for specific assistance, such as drug benefits, adaptive equipment or attendant care.

The history of federal disability policy in Canada

The role of the federal government in Canada is spelled out in the British North America Act of 1867 – the act of British parliament that gave Canada its sovereignty: to maintain “peace, order and good government”, and to undertake such duties as not explicitly assigned to the provinces. The federal government uses its fiscal power to “bring innovative programs and responses to issues with strong clear national characteristics” (Department of Finance Canada, 2006). The graphic below summarizes the 21 functions that are central to the role of the federal government in Canada.

Unlike other western democracies, such as the US, Britain and Australia, there is no explicit national disability legislation in Canada. Some researchers argue that Canada is no worse off for that (Cameron & Valentine, 2001) -- that the combined effects of our federal and provincial human rights legislation, our Charter of Rights and Freedoms, employment equity legislation, our pension system and universal health care provide assurances of equity for people with disabilities. In fact, Canada is the only country that has disability rights enshrined in its constitution (Pooran & Wilke, 2005). Other researchers however disagree -- they identify a pattern of significant erosion of disability programs and supports in recent years (Boyce et al., 2006; Kovacs & Burns, 2010).

The following chronology illustrates the sustained attention that disability policy has received at the federal level in Canada between 1980 and 2017. It also however shows the variable progress in this policy area over the past thirty five years (Boyce et al., 2001; Driedger, 2006; McColl & Jongbloed, 2007). Canadian federal disability policy has evolved over three periods in Canada's history. These three periods can be categorized according to where the impetus for policy development originated: International Pull (1980-95), Provincial Push (1996-2005), and Federal Monitoring (2006-present).

International Pull (1980-1995)

The beginning of a deliberate focus on disability in Canadian federal policy came at the end of what social policy analysts refer to as the expansion of the welfare state in western liberal democracies, between the end of the Second World War and the mid-1990s. In Canada, generous social spending on federal programs, with less concern about national debt, led to disability becoming a policy issue in its own right. The Trudeau Liberals launched the period by appointing a Special Committee on the Disabled and Handicapped in 1980, to review federal legislation pertaining to disability.



Census &
Statistics



Corrections &
Penitentiaries



Criminal Law



Defense



Federal Civil
Service



Fisheries



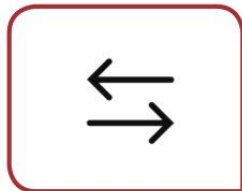
Foreign Affairs



Immigration &
Citizenship



Indigenous
Peoples



Inter-provincial
Matters



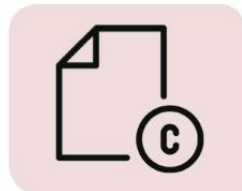
Marriage &
Divorce



Money & Banks



Navigation &
Shipping



Patents &
Copyrights



Postal Services



Taxation



Telecommunications
& Broadcasting



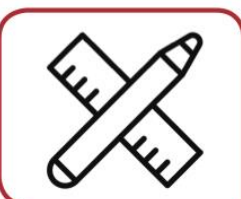
Trade &
Commerce



Transportation:
Rail, Air, Ferries



Unemployment
Insurance



Weight &
Measures

The role of the Federal Government is to maintain “peace, order, and good government” (*BNA Act. 1867*) and to undertake such duties as not explicitly assigned to the provinces or municipalities.

Canada's impetus for developing disability policy came largely from an international consensus that the needs of people with disabilities required more attention (Prince, 2010). In 1981, the United Nations declared the *International Year of Disabled Persons* (1981), and Canada responded with the highly influential *Obstacles* report (1981), which recommended rights-based omnibus legislation, as well as a full array of enhancements to government programs and services. This was the first official mention of the idea of a national disability act, aimed at ensuring full citizenship, and it set the agenda for policy over the next 15 years.

In 1982, disability policy achieved a major milestone, when disabled people were designated as one of five groups whose rights were specifically guaranteed in Section 15 of *Canadian Charter of Rights and Freedoms* (1982). At the same time, the UN's *Decade of Disabled Persons* (1983-1992) prompted the development of rights-based disability legislation in other English-speaking countries – the American's *with Disabilities Act* in 1990, Australia's *Disability Discrimination Act* in 1992, and the UK's *Disability Discrimination Act* in 1995. Although the previously-passed *Canadian Human Rights Act* (1985) did not specifically mention disability, the *Employment Equity Act* (1986) explicitly provides for the situation of disabled workers and job applicants. This period culminated in the five-year *National Strategy for the Integration of Persons with Disabilities* (1991-96).

Provincial Push (1996 to 2005)

The second time period is characterized by growing provincial leadership in disability policy. It began in 1996 with the delivery of the report of the *National Strategy for the Integration of Persons with Disabilities*, known as the *Scott Report*. The Scott Report recommended a larger role for the federal government in disability policy, and again recommended a national disability act for Canada.

At the same time that the Scott Report (1996) was calling for less talk and more action on disability issues, provinces were facing significant fiscal challenges because of unprecedented cuts to federal transfers. In response to growing national debt, program development was stalled in most policy areas. Provinces banded together under the *Federal / Provincial / Territorial (FPT) Council on Social Policy Renewal*, and advocated for renewal of the Social Union under terms that would not disadvantage the provinces if the federal government decided to downsize again (1996). The emphasis of the FPT Council was on recovering millions of dollars of lost transfers for Health and Social Services, and disability issues were high on the First Ministers' agenda. The provinces picked up the main recommendations of the Scott Report and pushed to make disability issues a collective priority in the pursuit of social policy renewal in 1996 and again in 1997.

In 1998, the FPT Working Group on Disability Issues was created, and several more landmark reports were produced: *In Unison* (1998), *Future Directions* (1999), and *In Unison 2000* (2000). These documents outlined the federal government's goals for the policy area, including a number of lasting initiatives, such as the *Opportunities Fund* and the *Social Development Partnerships Program*. In 2001, the Office of Disability Issues was created by consolidating a small hub of people in the federal civil service to coordinate disability issues and report annually on their progress. The federal government also implemented the *Multilateral Framework for Labour Market Agreements for Persons with Disabilities*, resulting in a series of bilateral agreements with provinces in 2003 aimed at promoting employment for people with disabilities. While many of the initiatives launched during this period failed to produce all of the results that were intended, this time period saw important building blocks put in place. The last real challenge from the provinces on disability was issued in December 2004, when the working group continued to apply pressure by releasing their report entitled, *Supports and Services for Adults and Children with Disabilities*.

Federal Monitoring (2006-2014)

Despite an auspicious beginning in late 2005, when Prime Minister Stephen Harper promised that his government would develop a Canadians with Disabilities Act (and subsequently reiterated that promise until 2008), there was little decisive action on the disability file in the next few years. Prince (2006) described the Harper government's response to people with disabilities as "delivering, dithering and declining", despite the obvious support of Finance Minister Flaherty. The federal government "delivered" by introducing a number of financial measures, such as the *Registered Disability Savings Plan* (2006) and the *Accessibility Fund* (2007), the *Tax free Disability Savings Account*, the *Canada Student Grants for students with Permanent Disabilities*, and *Caregiver grants and expenses*. The focus in this period was on economic self-sufficiency, rather than citizenship and inclusion (Torjman, 2014).

Between 2006 and 2009, the federal government also contributed to the final stages of development of the *UN Convention of the Rights of Persons with Disabilities*, and in 2007 signed and 2010 ratified the agreement (CCD, 2010; UN, 2010). With the ratification of the Convention and the subsequent development of monitoring instruments, the government adopted a "wait and see" policy on any legislative agenda. Disability was included in government initiatives along with other priority populations, but has not been the focus of much sustained policy attention. The period of Federal Monitoring consisted mainly of monitoring disability concerns while continuing to implement tax-based instruments and financial incentives to support individuals and families living with disability. As Torjman (2014) notes however, non-refundable tax credits, as many of these measures were configured, only benefit those with enough income to qualify for tax relief.

One reason for the lack of progress on federal disability legislation may be the paucity of sound evidence base upon which to build disability policy. Difficult questions and significant ideological tensions persist about how disability policy should be framed (Prince, 2004). These issues have made it difficult for policy-makers to relate to the disability community and to achieve consensus on the needs of people with disabilities (Joiner, 2006; Prince, 2006b). Furthermore, the debate is typically highly polarized, and inflamed by the rhetoric of rights (Bickenbach, 2006). A number of areas exist where there are strong disagreements about how disabled citizens should be viewed, what they need and how they can be best served by governments in Canada (McColl & Jongbloed, 2006).

Purpose of this report

As of 2014, a new era appears to be dawning in disability policy. The current government has appointed a Minister with the explicit portfolio of disability issues, and she has made clear her intention to hear from Canadians about what type of legislation would ensure their access to opportunities and inclusion. Consultations are currently underway, and draft legislation is expected within the year. Furthermore, discussions are afoot about Canada's signing the Optional Protocol of the UNCPRD in 2017, representing a commitment to be held accountable for the articles of the Convention.

A supportive disability policy environment is one of the factors that has been identified as essential to full participation and inclusion for people with disabilities. It is therefore necessary to understand the policy context within which people with disabilities operate and attempt to carve out a life for themselves in the community.

The purpose of this report is to provide a comprehensive survey of disability policy in Canada with the potential to effect access and inclusion for people with disabilities.

The present report focuses on federal disability policy, and a follow-up document will be available by Summer 2017, providing similar information on all 13 provincial and territorial jurisdictions.

Methodology

The methodology for the scan was similar to a scoping review of academic literature (Arksey & O'Malley, 2005; Levac, Colquhoun, & O'Brien, 2010). The scoping review typically unfolds in five stages:

1. Identify the research question
2. Identify all relevant studies
3. Select the studies for detailed analysis
4. Chart the data according to key concepts

5. Collate and summarize the findings of the selected studies.

1. Identify the research question

The research question for this study was:

What policy exists at the federal level in Canada that explicitly addresses the issues that affect people with disabilities?

2. Identify all relevant data

Relevant data for the review were identified by searching provincial government websites using the search terms: **disability, disabled, injured, handicap, incapacity, deaf, blind, impairment, wheelchair**. Beginning with each government home page, an initial attempt was made to identify a Disability Issues office or a similar department. If such an office existed, the search proceeded to identify programs, benefits and services that were available to citizens. The links at the disability office site would lead to programs offered in numerous departments, i.e. education, parking, housing, employment or income assistance. In instances where searches did not yield results, broad searches using Google and the keywords above were used to confirm the absence of policy.

The purpose of the search was to identify legislation, regulations and program descriptions (including eligibility criteria) for all policies directly related to disability. Often the federal website would link directly with legislation and program descriptions. If so, that information was logged for further analysis. If the legislation was not available through the federal website, Canadian Legal Information Institute (CanLII; <http://www.canlii.org/en/>) was used. CanLII is a non-profit organization managed by the Federation of Law Societies of Canada, with the goal to make Canadian law accessible for free on the Internet.

3. Select data for detailed analysis

The next step was to begin to select information to populate tables for the federal jurisdiction. By this point, it had become clear that there were ten areas into which most disability policy could be classified:

- General disability
- Transportation
- Employment
- Housing
- Education
- Participation
- Income replacement
- Recreation and leisure
- Taxation, and

- Health.

All publicly-available information that was provided free-of-charge by the government was collected and archived for further analysis.

4. Chart the data according to key concepts

For each jurisdiction, charts were developed that were organized according to the 10 policy areas outlined above. An attempt was made to provide comprehensive information on:

- existing legislation, regulations or explicit policy statements
- bureaucracies or agencies charged with administering the policy
- a description of the service, program or entitlement
- contact information for further inquiries

Hyperlinks are provided to relevant information according to the following scheme:

- If there are no regulations and/or programs then a link is provided only to the act under 'Website'
- If there are regulations and/or programs available then a link to the act is provided under 'statute' and a link to the relevant regulation or program is provided under 'website'

The descriptions of the policies/regulations/programs was charted using the following guidelines:

- Where policy/regulation/program information was unclear, an effort was made to clarify or simplify the language used
- Instances of outdated disability terminology were updated

5. Collate and summarize the findings of the selected studies.

In order to fully exploit the data assembled for this study, the next step would be detailed policy analyses and cross-jurisdictional comparisons of the policy context in Canada.

*Note: The definition of the term “persons with disabilities” varies across jurisdictions and sectors. It is advised to refer to the respective policy for clarity in definition of the term.

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FEDERAL DISABILITY POLICY

FEDERAL – GENERAL

Statute	Governing Body	Regulation/ Program	Description	Website
The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK)	NA	NA	Section 15 (1) states that every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination based on mental or physical disability. Section 14 states that any person who is deaf or does not understand or speak the language in which legal proceeding are conducted has the right to the assistance of an interpreter.	http://laws-lois.justice.gc.ca/eng/Constitution/page-15.html#h-38
Employment Equity Act , SC 1995	Employment and Social Development Canada	NA	The purpose of the Act is: (a) to achieve equality in the workplace by removing barriers to employment for the designated groups, including persons with disabilities; (b) to correct the conditions of disadvantage in employment for the four designated groups; and (c) to give effect to the principle that employment equity means more than treating people in the same ways. It also requires special measures and the accommodation of differences. Section 9 and Section 18 discuss self-identification of persons with disabilities to their employer and Section 25 refers to non-compliance measures.	http://laws-lois.justice.gc.ca/eng/acts/E-5.401/index.html
		Canadian Forces Employment Equity Regulations	Pursuant to the <i>Employment Equity Act</i> , the Canadian Forces have been specified as a portion of the public sector employing one hundred or more employees by Order in Council. The employment equity regulations provide detailed information regarding the inclusion of persons with disabilities.	http://laws.justice.gc.ca/eng/regulations/SOR-2002-421/
Canadian Human Rights Act, RSC 1985	Department of Justice	NA	The purpose of this Act is to ensure that all individuals have an opportunity to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered or prevented by discriminatory practices based on disability. Sections 17 , 18 & 19 refers to approval to adapt services, premises, equipment or operations to meet the needs of persons with disability; Section 24 refers to regulations prescribing standards of accessibility.	http://laws.justice.gc.ca/eng/acts/H-6/

Access to Information Act, RSC 1985	Treasury Board of Canada Secretariat	NA	The Act gives Canadian citizens the right to access information in federal government records, including alternative formats for persons with sensory disabilities.	http://laws.justice.gc.ca/eng/acts/A-1/
Criminal Code, RSC 1985	Public Safety	NA	The <i>Criminal Code</i> contains several provisions regarding supports for witnesses, jurors or victims who have a disability. Section 718.2 states a court shall take into consideration during sentencing, if an offence was motivated by bias, prejudice or hate based on mental or physical disability. Section 153.1 discusses sexual exploitation of person with disability; and Section 241.2 refers to eligibility for medical assistance in dying.	http://laws.justice.gc.ca/eng/acts/C-46/
Trust and Loan Companies Act, SC 1991 Insurance Companies Act, SC 1991 Bank Act, SC 1991	Finance	Public Accountability Statements (Banks, Insurance Companies, Trust and Loan Companies) Regulations	Under subsection 459.3(4) of the <i>Bank Act</i> , subsection 489.1(1) of the <i>Insurance Companies Act</i> or subsection 444.2(1) of the <i>Trust and Loan Companies Act</i> , a Public Accountability statement must contain an overview of initiatives undertaken to improve access to financial services for low-income individuals, senior citizens and persons with disabilities.	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-133/FullText.html
Copyright Act, RSC 1985	Industry Canada	NA	Section 32 states that it is not an infringement of copyright for a person with a perceptual disability, or for a person acting at the request of such a person, or for a non-profit organization acting for the benefit of such a person to reproduce, translate or perform a literary, musical, artistic or dramatic work (other than a cinematographic work) in a format specially designed for persons with a perceptual disability.	http://laws.justice.gc.ca/eng/acts/C-42/
Customs Act, RSC 1985	Canada Border Services Agency	Duty Free Shop Regulations	The regulations specify the need for public washroom facilities and public telephones that are easily accessible to persons with disabilities in every duty free shop.	http://laws-lois.justice.gc.ca/eng/regulations/SOR-86-1072/page-2.html

Broadcasting Act , SC 1991	Canadian Radio-television and Telecommunications Commission	Television Broadcasting , Pay Television , Specialty Services , Radio and Broadcasting Distribution Regulations	Programming accessible by persons with disabilities should be provided within the Canadian broadcasting system. No licensee shall distribute programming that contains any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of physical disability.	http://laws-justice.gc.ca/eng/regulations/SOR-97-555/index.html
Privacy Act, RSC 1985	Treasury Board of Canada Secretariat	NA	The Act governs the right to access personal information held by the government and protection of that information against unauthorized use and disclosure. Section 17 indicates that where the individual has a sensory disability, access shall be given in an alternative format upon request, if the information already exists under the control of a government institution in an alternative format that is acceptable to the individual; or if it reasonable for the information to be converted.	http://laws.justice.gc.ca/eng/acts/P-21/
Personal Information Protection and Electronic Documents Act SC 2000	Office of the Privacy Commissioner of Canada	NA	The Act governs how private sector organizations may collect use or disclose personal information in the course of commercial activities, including alternative format for individuals with sensory disabilities who has a right of access to personal information under the Act, if the information already exists in that format or its conversion into that format is reasonable and necessary in order for the individual to be able to exercise their rights under the Act.	http://laws.justice.gc.ca/eng/acts/P-8.6/

FEDERAL – TRANSPORTATION

Statute	Governing Body	Regulation/ Program	Description	Website
Canada Transportation Act , SC 1996	Transport Canada	NA	Section 170 Transportation Canada makes regulations to eliminate undue obstacles in the transportation network to the mobility of persons with disabilities. Section 171 states that the Agency and the Canadian Human Rights Commission shall coordinate their activities in relation to the transportation of persons with disabilities to foster complementary policies and practices and to avoid jurisdictional conflicts. Section 172 refers to inquiry re obstacles to persons with disabilities.	http://laws-justice.gc.ca/eng/acts/c-10.4/

		Personnel Training for the Assistance of Persons with Disabilities Regulations	The Regulations require transportation companies to train their employees and contracted personnel to provide services to persons with disabilities. Key requirements are in Section 4 (Interaction with the persons with disabilities), Section 5 (Provision of Physical Assistance), Section 6 (Handling of mobility aids) and Section 7 (Assistance with Special Equipment or Aids). Section 10 states that every carrier and terminal operator shall keep its training program current. There are codes of practice for passenger aircraft with 30 or more seats operating in Canada contain accessibility standards developed to improve communication of transportation-related information; (a) general provisions such as transportation-related information in multiple formats, website accessibility, automated self-service kiosks, telecommunication systems for reservations and information; (b) terminal provisions ; and (c) provisions regarding onboard communication .		http://laws-lois.justice.gc.ca/eng/regulations/SOR-94-42/
		Air Transportation Regulations	Sections 107 and 122 stipulate that tickets shall clearly state the air carrier's policy regarding persons with disabilities. Section 153 states that where a person identifies the nature of the disability, an air carrier shall inform the person of those seats that are most accessible. Accessible seats shall be the last seats assigned to passengers without disabilities.		http://laws-lois.justice.gc.ca/eng/regulations/SOR-88-58/
			Section 2 states that tickets issued by a railway company shall include terms and conditions relating to persons with disabilities, or an explanation of where the terms and conditions can be found.		http://laws-lois.justice.gc.ca/eng/regulations/SOR-96-338/
Government Property Traffic Act, RSC 1985	Motor Vehicle Safety Act, SC 1993	Transport Canada	Restraint Systems and Booster Seats Safety Regulations	The regulations specify the prescribed standards that every restraint system for persons with disabilities must conform to.	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2010-90/
		Public Works and Government Services	Government Property Traffic Regulations	The regulations stipulate that no person shall park a vehicle in the area designated for persons with disabilities unless they display a valid parking permit for persons with disabilities issued by a provincial or municipal authority.	http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c._887/
			Airport Traffic Regulations	Section 25 (1) states that where an area is designated as reserved for persons with disabilities, no person shall park a vehicle unless the vehicle is identified for the transport of a person with disabilities. Section 40 refers to \$50 as a penalty for offenses in contravention of subsection 25(1).	http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c._886/

		Traffic on the Land Side of Airports Regulations	The regulations state that no person shall park a vehicle in a parking area reserved for persons with disabilities unless the vehicle is identified as designated for the transport of a person with a disability, and a person with a disability is using the vehicle at the time.	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2006-102/
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FEDERAL – EMPLOYMENT

Statute	Governing Body	Regulation/ Program	Description	Website
Canada Shipping Act, 2001	Transport Canada	Safe Working Practices Regulations	The regulations state that no person with a disability shall be assigned to any work of any kind when, owing to the nature or location of the work, the disability is likely to endanger that person or any other person.	http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c_1467/
Western Economic Diversification Act, RSC 1985	Western Economic Diversification Canada	Entrepreneurs with Disabilities Program	Western Canadians who have a disability can access a network of business professionals and a world of resources through Western Economic Diversification Canada's (WD) Entrepreneurs with Disabilities Program (EDP). The program provides business information, training and development, mentoring and one-on-one counseling service to entrepreneurs who are seeking to start up or expand a small or medium-sized business.	http://www.wd.gc.ca/eng/13643.asp
Department of Employment and Social Development Act, SC 2005	Service Canada	Opportunities Fund for Persons with Disabilities	Through funding for organizations, the Opportunities Fund for Persons with Disabilities program helps people with disabilities prepare for, obtain, and maintain employment or self-employment. The Fund program offers funding for local, regional, and national projects to provide and improve employment services and increase the labour market participation of people with disabilities across Canada.	https://www.canada.ca/en/employment-social-development/services/funding/disability-opportunity.html

FEDERAL – HOUSING

Statute	Governing Body	Regulation/ Program	Description	Website
Budget Implementation Act, SC 2009	Canada Mortgage and Housing Corporation (CHMC)	Residential Rehabilitation Assistance Program for Persons with Disabilities (RRAP — Disabilities) On-Reserve	RRAP-D On-Reserve offers financial assistance to First Nations members to modify dwellings for occupancy by persons with disabilities. Modifications must be related to the occupant's disability, such as ramps, handrails, chair lifts, bath lifts, height adjustments to countertops and cues for doorbells/ fire alarms.	https://www.cmhc-schl.gc.ca/en/first-nation/financial-assistance/renovation-programs/residential-rehabilitation-assistance-program-persons-disabilities-on-reserve.cfm
		Accessible Housing program	The Accessible Housing program assists with the cost of including accessibility features in new homes and apartments, including: house designs, floor plans, living spaces, bathrooms, kitchen, appliances, exterior spaces, ramps, lifts and residential elevators, residential hoists and ceiling lifts, fire safety, home automation, and visitability.	https://www.cmhc-schl.gc.ca/en/inpr/bud e/acho/index.cfm
		NA	Section 314 states that a sum not exceeding twenty-five million dollars may be paid to the Canada Mortgage and Housing Corporation to provide funding to the provinces and territories through the Affordable Housing Initiative for the construction of housing units for persons with disabilities.	http://laws-lois.justice.gc.ca/en/schl.gc.ca/en/acts/B-9.858/

FEDERAL – EDUCATION

Statute	Governing Body	Regulation/ Program	Description	Website
Canada Student Financial Assistance Act, SC 1994	Employment and Social Development Canada (ESDC)	Severe Permanent Disability Benefit	The Severe Permanent Disability Benefit allows for the forgiveness of Canada Student Loans for persons who have a severe permanent disability and are experiencing hardship repaying their loans due to their disability. ¹ Section 11.1 of the Act refers to all obligations of a borrower in respect of a loan made under an agreement entered into under section 6.1 terminate if the Minister is satisfied, on the basis of information specified by the Minister and provided by or on behalf of the borrower, that the borrower, by reason of the borrower's severe permanent disability, is unable to repay the loan and will never be able to repay it.	https://www.canada.ca/en/employment-social-development/services/student-financial-aid/student-loan/student-loans/student-loans-permanent-disability-benefit.html
		Canada Student Grant for Students with Permanent Disabilities	Under this grant, students with permanent disabilities may receive \$2,000 per academic year to help cover the costs of accommodation, tuition, and books in their studies (including undergraduate and graduate levels).	https://www.canada.ca/en/employment-social-development/services/student-financial-aid/student-loan/student-loan-student-grants-for-students-with-permanent-disabilities.html
		Canada Student Grant for Services and Equipment for Students with Permanent Disabilities	This grant provides up to \$8,000 in non-repayable assistance per academic year for students with permanent disabilities, for exceptional education-related services or equipment, such as tutors, note-takers, interpreters, brailers or technical aids.	https://www.canada.ca/en/employment-social-development/services/student-financial-aid/student-loan/student-grants/csg/disabilities-service-equipment.html

¹ The *Canada Student Financial Assistance Act* governs the provision of financial assistance issued to students as of August 1, 1995. The *Canada Student Loans Act* governs the provision of loans issued to students up to August 1, 1995 and contains a similar provision.

Canada Student Loans Act, RSC, 1985	Employment and Social Development Canada (ESDC)	NA	Section 13 states that if the Minister is satisfied, on the basis of prescribed information provided by or on behalf of a borrower, that the borrower, by reason of severe permanent disability, is unable to repay a guaranteed student loan and will never be able to repay it, all rights of any lender against the borrower in respect of that guaranteed student loan terminate, and the Minister shall pay to any lender whose rights against a borrower are terminated under this section the amount of principal and interest determined in the prescribed manner to have been payable by the borrower at the time the borrower provided the Minister with the information required under this section.	http://laws-lois.justice.gc.ca/eng/acts/S-23/
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FEDERAL - PARTICIPATION

Statute	Governing Body	Regulation/ Program	Description	Website
Centennial Flame Research Award Act, SC 1991	Parliament of Canada	Centennial Flame Research Award for Persons with disabilities	The purpose of the monetary award is to provide funding to enable persons with disabilities to conduct research and prepare reports on the contributions of one or more Canadians with disabilities to the public life of Canada or the activities of Parliament.	http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=1585012
Canada Evidence Act, RSC 1985	Department of Justice	NA	Section 6 of the Act states that if a witness has difficulty communicating because of a physical or mental disability, the court may permit that witness to give evidence by any means that is intelligible.	http://laws-lois.justice.gc.ca/eng/acts/C-5/

Cree-Naskapi (of Quebec) Act, SC 1984	Canada Elections Act, SC 2000	Indian Affairs	Elections Canada	NA	<p>Section 18 of the Act states that the Chief Electoral Officer may inform electors about the exercise of their democratic rights; and that any information provided must be accessible to electors with disabilities. Section 95 refers to the notice of confirmation of registration to electors with disability focussing on their particular needs – interpreter or level access. Sections 154, 159, 216, and 243 all deal with electors who are unable to vote in the prescribed manner due to physical disability. Provision is made for a designated election officer to provide various types of assistance including transfer certificate to vote at another polling station with level access in the same electoral district, going to the elector's dwelling place and, in the presence of a witness chosen by the elector, assist the elector to complete the declaration and mark the ballot. Section 378, Section 476 & Section 478 state that financial assistance is available for the personal expenses incurred by a candidate with disability in their nomination or leadership campaign. Section 538 refers to polling stations in institutions for seniors or people with physical disabilities.</p>	http://laws-lois.justice.gc.ca/eng/acts/E-2.01/
		Cree-Naskapi Band Elections Regulations			<p>The regulations state that an elector who is unable to vote without assistance because of an inability to read or to understand the language in which the ballots are printed or because of blindness or any other physical disability may be assisted in voting by the Returning Officer or, where accompanied by a friend or relative, by the friend or relative.</p>	http://laws-lois.justice.gc.ca/eng/regulations/SOR-88-315/

FEDERAL - INCOME REPLACEMENT

Statute	Governing Body	Regulation/ Program	Description	Website
Canada Disability Savings Act, SC 2007	Canada Revenue Agency	Registered Disability Savings Plan	<p>The Registered Disability Savings Plan (RDSP) helps Canadians with disabilities and their families save for the future. Canadian residents under age 60 who are eligible for the Disability Tax Credit may be eligible for an RDSP. Earnings accumulate tax-free, until the RDSP is redeemed. The RDSP is exempt from most provincial disability and income assistance benefits.</p>	http://www.esdc.gc.ca/eng/disability/savings/index.shtml

	Employment and Social Development Canada (ESDC)	Canada Disability Savings Grant	The Canada Disability Savings Grant is a matching grant up to 300 percent, depending on the beneficiary's family income and contribution. The maximum Grant amount is \$3,500 per year, with a limit of \$70,000 over the lifetime. Grants are paid into the RDSP until the end of 49 th years of age.	http://www.esdc.gc.ca/eng/disability/savings/grants_bonds.shtml
	Employment and Social Development Canada (ESDC)	Canada Disability Savings Bond	The Canada Disability Savings Bond is a Government contribution to the Registered Disability Savings Plans (RDSPs) for low- and modest-income Canadians up to \$1,000 a year, with a limit of \$20,000 over the lifetime. Bonds are paid into the RDSP until the end of the year the beneficiary turns 49 years of age. Beneficiaries do not need to make any contributions to the RDSP to receive the Bond.	http://www.esdc.gc.ca/eng/disability/savings/grants_bonds.shtml
Canadian Forces Members and Veterans Re-establishment and Compensation Act, SC 2005	Veterans Affairs	Disability Award	The Disability Award provides injured Canadian Forces members or Veterans with a tax-free cash award for an injury or illness resulting from military service. The Disability Award is designed to provide immediate financial support to those who have been injured while serving. Injured Canadian Forces members or Veterans may also qualify for additional allowances and benefits for survivors.	http://www.veterans.gc.ca/eng/services/disability-benefits/disability-award
Canadian Forces Members and Veterans Re-establishment and Compensation Act, SC 2005	Veterans Affairs	Disability Pension	Disability pensions provide monthly tax-free payments to eligible: War Service Veterans of the Second World War or the Korean War; Civilians who served in close support of the Armed Forces during wartime; current and former members of the Royal Canadian Mounted Police (RCMP); Canadian Armed Forces (CAF) members and Veterans. Survivors / Surviving dependents can also qualify for benefits. Additional pension amounts may also be awarded for qualified dependents (e.g. spouse, common-law partner and/or children). You may also qualify for related allowances and the Exceptional Incapacity Allowance if you receive a Disability Pension.	http://www.veterans.gc.ca/eng/services/after-injury/disability-benefits/disability-pension
Canada Pension Plan, RSC 1985 Employment and Social Development Canada		Canada Pension Plan Disability Benefit	The Canada Pension Plan (CPP) provides disability benefits to people who have contributed to CPP, and who have a "severe" and "prolonged" disability that prevents them from working at any job on a regular basis. Benefits may also be available to dependent children.	https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-disability-benefit.html

Corrections and Conditional Release Act , SC 1992	Public Safety	Corrections and Conditional Release Regulations	Section 122 of the Act states that the Minister or authorized person may pay compensation to an inmate or parolee for medical care related to a disability acquired while participating in an approved program. Section 126, 127, and 128 refer to the claims for compensation, entitlement to compensation, and amount of compensation payable for a disability acquired/aggravated while participating in an approved program.	http://laws-lois.justice.gc.ca/eng/r/egulations/SOR-92-620/
Veterans Review and Appeal Board Act, SC 1995	Veteran Affairs	NA	Section 34 of the Act states that a person who has been refused a pension or benefit, may apply to the Board for a compassionate award. The Bureau of Pensions Advocates provides free legal assistance to individuals who want to appeal rulings on Veterans Affairs Canada's disability pension or allowance applications.	http://laws-lois.justice.gc.ca/eng/acts/V-1.6/
Civilian War-related Benefits Act , RSC 1985	Veterans Affairs	Disability Benefits- Civilians	Civilian members of specified groups who suffered injury as the result of action during the Second World War may apply for pension benefits under the <i>Civilian War-related Benefits Act</i> .	http://www.veterans.gc.ca/eng/services/disability-benefits/civilian
War Veterans Allowance Act, RSC 1985	Veterans Affairs	NA	Section 4 of the Act states that an allowance is payable to any veteran or survivor of a veteran who is permanently unemployable because of physical or mental disability. Section 37 refers to a 'commuted pension' available to Canadian veterans, this is a final payment under the Pension Act in lieu of an annual disability pension.	http://laws-lois.justice.gc.ca/eng/acts/W-3/
Pooled Registered Pension Plans Act , SC 2012	Finance	Pooled Registered Pension Plans Regulations	Section 38, 39, 40 & 41 state that a registered pension may be paid in a lump sum to a fund-holder whose physician certifies that his or her life expectancy is likely to be considerably shortened due to mental or physical disability. The regulations allow withdrawal for expenditures on medical or disability-related treatment or technology.	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2012-222/
		Disability Vocational Rehabilitation Program	The Disability Vocational Rehabilitation Program is a voluntary program that helps Canada Pension Plan (CPP) disability benefit recipients return to work through vocational counseling, financial support for training, and job-search services. CPP disability benefits continue while participating in the program.	https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-disability-benefit/vocational-rehabilitation.html

FEDERAL – TAXATION

Statute	Governing Body	Regulation/ Program	Description	Website
Income Tax Act, RSC 1985	Canada Revenue Agency	Tax credits and deductions for persons with disabilities	A person with a disability or someone who supports a person with a disability may claim the following deductions and tax credits: child care expenses; disability supports deduction; spouse or common-law partner amount; amount for an eligible dependent; amount for infirm dependents age 18 or older; caregiver amount; disability amount (for self); disability amount transferred from a dependent; tuition, education and textbooks amounts; tuition, education and textbook amounts transferred from a child; amounts transferred from your spouse or common-law partner; medical expenses for self, spouse or common-law partner; children's fitness tax credit; family caregiver amount for children under 18 years of age; home accessibility tax credit; home buyer's amount; children's arts amount; refundable medical expense supplement; and working income tax benefit (WITB).	http://www.cra-arc.gc.ca/tx/indvdlis/sgmnts/dsblts/ddctns-eng.html
Excise Tax Act, RSC 1985	Canada Revenue Agency	Federal Excise Gasoline Tax Refund Program	The program refunds a portion of the federal excise tax on gasoline bought for use by persons with permanent mobility impairments who cannot safely use public transportation.	http://www.cra-arc.gc.ca/tx/indvdlis/sgmnts/dsblts/xcs-tx-eng.html

FEDERAL – HEALTH

Statute	Governing Body	Regulation/ Program	Description	Website
Indian Act, RSC 1985	Aboriginal Affairs and Northern Development Canada	NA	Section 66 of the Act states that with the consent of a band council, the Minister may authorize funding to promote the welfare of any member of the band, including expenditures to assist sick, disabled, aged or destitute members.	http://laws.justice.gc.ca/eng/acts/I-5/

Department of Veterans Affairs Act, RSC 1985	Veteran Affairs	N/A	Section 5 regulations specify free transportation in Canada, in the case of a person pensioned for total blindness or for a disability necessitating an escort when travelling; for providing, maintaining and replacing grave markers and for providing financial assistance towards the expenses of last sickness, funeral, burial and cremation, in respect of a person, in cases where (i) the death of the person was caused wholly or in part by a disability in respect of which an award was payable under the Pension Act or under any enactment incorporating that Act by reference, (ii) the person was, at the time of death, in receipt of care or treatment in respect of a disability.	http://laws-lois.justice.gc.ca/eng/acts/V-1/
Department of Veterans Affairs Act, RSC 1985	Veteran Affairs	Pensioners Training Regulations, 1581	Section 3 states that the Minister may approve a course of training to assist in employment (including vocational training, training-on-the-job, or home instruction) for anyone awarded a disability pension in respect of military service whom a full-time medical officer of the Department deems unable to pursue his regular or any secondary occupation for a period of one year or more.	http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c_1581/
		Health Care Benefits (Treatment Benefits)	Financial support is provided to qualified Veterans for the health-care services or benefits available through VACs 14 Programs of Choice. Travel expenses incurred to receive treatment and services may also be reimbursed.	https://www.veterans.gc.ca/eng/services/treatment-benefits