

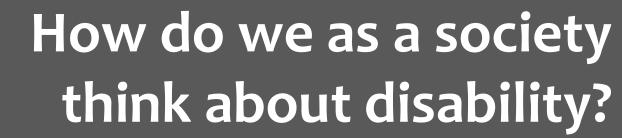
FEDERAL DISABILITY POLICY

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A fishing story:

"Once upon a time, on a lake not far from here, an old man, a little girl, and a man in a wheelchair went fishing...





The dilemma of disability policy

What is society obliged to do for people with disabilities?

Objectives of disability policy:

- Equity freedom from discrimination
- Access ability to participate
- Support resources to address special
 needs (Bickenbach, 1993)

What do we mean by policy?

 a framework for action to address identified social problems

(Boyce et al., 2002)

a course of action (or inaction)
 chosen by public authorities to
 address a given problem or inter related set of problems

(Pal, 1992)

Different policy instruments for different purposes

- Equity usually addressed with human rights / antidiscrimination policies, and support of advocacy groups
- Access usually addressed with specifications and standards; e.g.., building codes, training policies, funding / incentives to enhance accessibility
- Support usually addressed with programs to provide goods and services – e.g., pensions, compensation, taxation measures, drug benefits, assistive devices

How can government exercise leverage/power/influence?

- Legislation and regulations
- Statements of intent or principle (e.g.., Throne speech, election platform, public reports)
- Program guidelines & eligibility criteria
- Organizational policies for transfer payment agencies
- Bilateral agreements with provinces/municipalities re: cost-shared programs
- Procurement/ contracting policies

The role of the federal government

To maintain "peace, order, and good government" (BNA Act. 1867)

To undertake such duties as not explicitly assigned to the provinces



Areas of federal jurisdiction

- 1. Census & statistics
- 2. Corrections & penitentiaries
- 3. Criminal law
- 4. Defence
- 5. Federal civil service
- 6. Fisheries
- 7. Foreign affairs
- 8. Immigration & citizenship
- 9. Indigenous peoples
- 10. Inter-provincial matters
- 11. Marriage & divorce



Areas of federal jurisdiction

- 12. Money & banks
- 13. Navigation & shipping
- 14. Patents & copyrights
- 15. Postal services
- 16. Taxation
- 17. Telecommunications & broadcasting
- 18. Trade and commerce
- 19. Transportation rail, air, ferries
- 20. Unemployment insurance
- 21. Weights & measures



- 37 statutes in all that explicitly mention disability
- many more that affect people with disabilities without referring to them explicitly
- 5 layers of human rights protections



- Charter of Rights & Freedoms
- Canadian Human Rights Act
- Employment Equity Act
- Labour Market Agreements for Persons with Disabilities
- Canada Pension Plan
- Income Tax Act



Provinces: property and civil rights; administrative justice; natural resources & environment; education, health & welfare; municipalities

Municipalities: water & sewage; waste management; public transportation; land use; libraries; emergency services; animal control; economic development.

How do we assess the effectiveness of disability policy?

- 1. Does it explicitly mention the case of people with disabilities?
- 2. How is disability defined? Who is included / excluded from consideration under the policy? Who decides who qualifies as disabled? Does the definition conform with a particular model of disability (e.g., biomedical, social, charitable)?

- 3. What does the policy aim to achieve?
 - a. Equity freedom from discrimination
 - b. Access ability to participate
 - c. Support resources to address special needs
- 4. Does the policy address the situation of individuals or of society as a whole?

- 5. What type of equity does the policy aim to achieve:
 - a. Outcome equity whatever it takes to achieve equal outcomes with non-disabled;
 - b. Vertical equity special considerations to create equal opportunity for disabled people;
 - c. Horizontal equity equal treatment; treating disabled people the same as everyone else.
- 6. How does the policy relate to other legislation, regulations and programs in the jurisdiction in the same Ministry, in other Ministries; in other jurisdictions (national, provincial, regional, municipal)?

7. How is the allocation of scarce resources affected by this policy? Who wins and who loses when this policy is implemented? What is the impact on: other disability groups; business / private sector; other minority groups; other citizens generally / taxpayers?

8. How did this policy come into effect? What is the history associated with it? Who were the champions / detractors? Where might one anticipate support / opposition?



Thank you for your interest & attention

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