



Canadian Disability Policy Alliance & Canadian Disability Participation Project

FEDERAL DISABILITY POLICY

Mary Ann McColl, PhD, MTS

Canadian Disability Policy Alliance
Centre for Health Services & Policy Research
School of Rehabilitation Therapy
Queen's University, Kingston, ON, Canada

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*A vision of Canada where people with disabilities enjoy full participation and citizenship,
supported by a coherent framework of legislation, regulation and programs.*



How do we as a society think about disability?

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 / anti-discrimination 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



Federal Legislation

- 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



Key pieces of federal legislation

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



Other levels of government

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.



The disability policy lens

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)?



The disability policy lens

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?



The disability policy lens

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)?



The disability policy lens

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?



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policy, come and visit us at:

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