



**COUNCIL OF CANADIANS WITH DISABILITIES**  
**CONSEIL DES CANADIENS AVEC DEFICIENCES**

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**A Disability Rights Analysis of Canada's Record Regarding the Human Rights of Persons with Disabilities: A Submission by CCD to the Human Rights Council in Relation to the 2009 Periodic Review of Canada (8 September 2008)**

**Introduction**

The Council of Canadians with Disabilities (CCD) supports the Joint NGO Submission titled “Promise and Reality: Canada’s International Human Rights Implementation Gap”, because we are deeply committed to improved human rights protections for all Canadians. As an organization with unique expertise regarding the conditions that are necessary for people with disabilities to have full enjoyment of their human rights, CCD is sharing with the UN Human Rights Council its analysis of Canada’s human rights record as it pertains to persons with disabilities. In Appendix Two, CCD provides a summary of concerns and recommendations made by Treaty Bodies regarding the human rights of persons with disabilities. Founded in 1976 by people with disabilities, CCD has a long history working to promote the equality of persons with disabilities and CCD’s human rights/equality rights expertise has been recognized by Canada’s courts (See Appendix Three for a summary of CCD’s contribution to disability policy.)

In Canada, as elsewhere around the globe, poverty and disability are largely synonymous; poverty can lead to disability and disability can lead to poverty. A disproportionate number of Canadians with disabilities live in poverty (Fawcett 1996). Poverty is an even greater problem for Aboriginal persons with disabilities. Across the country, there is no coordinated policy response in place to address the poverty of people with disabilities. Instead, those who require income assistance and services rely on a patchwork of local/provincial/territorial and federal programs that overlap, grab back, and fail to provide adequate income and the basic supports required to remove barriers associated with disability. Indeed, the Treaty Bodies associated with CESCR, CEDAW, and CRC have expressed concern about the loss of national standards of social welfare. The CESCR and the CEDAW have recommended that Canada should establish a national program of cash transfers designed for social assistance/services, which includes universal entitlements, national standards, a legally enforceable right to adequate social assistance, a right to freely chose work, a right to change jobs, as well as a right to appeal. (CESCR 1998, para. 40; CEDAW 2003, para. 352).

In Canada’s federal state, constitutional responsibility for disability supports and services are shared across 13 provincial/territorial jurisdictions and the federal government. In 2005, Canadian federal, provincial and territorial Ministers of Social Services identified disability issues as a major concern. They stated, “The focus for achieving [the full inclusion of Canadians with disabilities] will be joint work with emphasis on improving access to and funding for disability supports and services and for income support for persons with disabilities, at the same time working to build public awareness and stakeholder and government support to address the challenges facing people with disabilities.” While a consensus exists that the issue of poverty and disability must be addressed, to date advancements have been very incremental.

Despite extensive reports and studies on the need to respond to the barriers and challenges to decent livelihoods for persons with disabilities, Canadians with disabilities remain one of the largest sectors living on social welfare (Prince 2004). In 2007, a disability rights coalition, led by CCD, the Canadian Association for Community Living and the Canadian Association of Independent Living Centres,

prepared the document “From Vision to Action”, which is now endorsed by CCD and 103 other signatories (See Appendix Four), that alerted the Federal Government to the inequality and discrimination faced by Canadians with disabilities and proposed an action plan to address the identified problems. In this submission, CCD draws upon the information shared in the aforementioned document and calls upon the UN Human Rights Council to: (1) encourage Canada to implement the National Action Plan endorsed by the disability community, and (2) encourage Canada to address barriers impeding access to justice for disadvantaged Canadians, including persons with disabilities.

## **Poverty**

The Government of Canada is well aware of the inadequacies of Canada’s income security system. Canadians with disabilities have repeatedly expressed concern to the Federal Government about the exclusion, poverty and isolation faced by the majority of the more than 12% of Canadians with disabilities and the 33% of Aboriginal/First Nations Canadians with disabilities. Canadians with disabilities are almost twice as likely to live in poverty compared to other Canadians (End Exclusion 2007). Moreover UN Human Rights treaty monitoring bodies have repeatedly expressed concern to Canada about the poverty of people with disabilities. In particular, the poverty of women with disabilities has been raised as a concern. The CEDAW has criticized that Canada’s anti-poverty programs tend to focus on poor children and ignore their mothers. (CEDAW 2003, para 357) The CESCR recommended that, “... the Government of Canada take additional steps to ensure the enjoyment of economic and social rights for people with disabilities, in accordance with the Committee’s General Comment No. 5. (CESCR 1998, para. 48)”

## **Disability-Related Supports**

The Canadian disability community has raised with the federal Government the concern that: “Over two million Canadian adults with disabilities lack one or more of the educational, workplace, aids, home modification or other supports they need to participate fully in their communities. Slightly more than half of Canadian children with disabilities do not have access to needed aids and devices. (End Exclusion 2007)” Treaty bodies have expressed concerns with respect to reductions in services in Canada for persons with disabilities. In 1998, the CESCR expressed concern about “significant cuts in services on which people with disabilities rely, such as cuts in home care, attendant care, and special needs transportation systems, and tightened eligibility rules for people with disabilities. Programmes for people who have been discharged from psychiatric institutions appear to be entirely inadequate. (CESCR 1998, para 36)” The CESCR has recommended that “...the Canadian federal, provincial and territorial governments provide adequate support services to persons with disabilities. (CESCR 2006, para. 62)”

## **Unemployment**

Unemployment is a longstanding concern for the Canadian disability community. The disability community has alerted the Federal Government to the fact that: “Over 55% of working-age adults with disabilities are currently unemployed or out of the labour market. For women with disabilities the rate is almost 75%. (End Exclusion 2007)” The CESCR has recommended “the Government of Canada take additional steps to ensure the enjoyment of economic and social rights for people with disabilities in accordance with the Committee’s General Comment No. 5. (CESCR 1998, para. 48).”

The disability community has expressed concern to the Federal Government that, “More than 10,000 persons with intellectual disabilities remain warehoused in institutions across this country. (End Exclusion 2007)” The CCPR has also raised concern about the lack of community living arrangements in Canada: “The State party, including all governments at the provincial and territorial level, should increase

its efforts to ensure that sufficient and adequate community based housing is provided to people with mental disabilities, and ensure that the latter are not under continued detention when there is no longer a legally based medical reason for such detention. (CCPR 2006, para. 17).”

The disability community has repeatedly informed the Government of Canada about the rate of violence and abuse experienced by people with disabilities, in particular women with disabilities, and called upon Canada to take corrective action. The CCPR has raised concern about women prisoners, particularly women with disabilities, because men are employed in front line positions in women’s prison (CCPR 2006, para 18).

## **A Framework for a National Action Plan on Disability**

The Canadian disability community has called for the implementation of a comprehensive national disability strategy. The community has taken the position that: “Solutions are complex and multi-jurisdictional, however, this CANNOT be an excuse for inaction. (End Exclusion 2007)” The Canadian disability community developed a shared vision for an inclusive and accessible Canada and presented this to the Federal Government in 2006 and then in 2007 presented the National Action Plan for ensuring that supports and services needed for the full inclusion and active citizenship of people with disabilities and their families are being provided. This action plan transcends Canada’s traditional fragmented, reactive approach to disability and presents comprehensive short and long range plans to develop a national environment where people with disabilities achieve their full potential. Many recommendations made by the disability community in the National Action Plan are reminiscent of recommendations made by Treaty Bodies to Canada.

The disability community told the Government of Canada that to achieve an inclusive and accessible Canada, it must lead and enhance its role in four key areas: (1) enhanced disability supports to enable Independent Living, active citizenship and full participation; (2) poverty alleviation of persons with disabilities and their families thus freeing up dollars at provincial/territorial levels for new investments in disability supports; (3) labour force inclusion measures; (4) a national social development role to promote accessibility and community inclusion.

1. New Investments in Disability-related Supports—This investment is the priority of the disability community and is the foundation of a comprehensive National Action Plan on Disability. Central to this initiative is a commitment to deinstitutionalization and removing the stigma attached to disability. The disability community has called upon the Government of Canada to:

- Create the national social, economic and political conditions for people with disabilities to empower themselves and to achieve their full potential.
- Work with provinces, territories and Band Councils to explore ways of increasing access to and improving the range of available disability supports in all Canadian communities including First Nations communities.
- Work with provinces and territories to provide support for the building of safe, affordable, accessible and supportive housing.
- Finish the process of closing residential institutions for persons with disabilities.

(The disability community’s recommendations are in the spirit of recommendations made by Treaty Monitoring bodies. See: on social, economic and political conditions (CRC 1996, para. 21; CRC 2003, para. 43; on supports (CESCR 2006, para. 62); on housing (CESCR 1998, paras. 24, 34; CESCR 2006, para. 28; CCPR 1999, para. 12; CCPR 2006, para. 17; CRC 2003, para. 40))

2. New initiatives to alleviate poverty—First steps could include: Making the Disability Tax Credit refundable, making those eligible for Canada Pension Plan Disability Benefits automatically eligible for the Disability Tax Credit, making the Canada Pension Plan Disability Benefits non-taxable, expanding Employment Insurance Sick Benefits to 52 weeks, ensuring new federal benefits such as the Registered Disability Savings Plan are not clawed back by provinces and territories from social assistance recipients. Long-term reforms should include an expanded federal role in income support for Canadians with disabilities thus freeing resources at provincial and territorial levels for re-investment in supports and services. (The disability community's recommendations are in the spirit of recommendations made by Treaty Monitoring bodies. See: on the inadequacy of Canada's social assistance provisions (CESCR 1998, paras. 21, 25; CESCR 2006, paras. 11, 21; CEDAW 1997, para. 331) and on EI (CESCR 1998, para. 20; CESCR 2006, para. 22).

3. New supports to increase access to labour force participation—Through Advantage Canada and the recent budget, the Government of Canada committed to increasing access to training, education, accommodation and labour market attachment for people with disabilities. The disability community recommended a two-track strategy:

1. Establish specific targets for Canadians with disabilities in Labour Market Development Agreements (LMDA) negotiated with the provinces. Having a specific target for Canadians with disabilities should be a requirement of transfer of both EI and Consolidated Revenue Funds to the provinces/territories.
2. Transforming provincial/territorial labour market systems to address barriers to people with disabilities will take time. In the interim both the Multilateral Framework Agreement on Labour Force Participation of People with Disabilities and the Opportunities Fund (OF) should be expanded to ensure greater capacity at the provincial/territorial level to address barriers, and through the OF to demonstrate innovation in labour force inclusion. These funds must not be amalgamated into the LMDAs or new labour market transfers to the provinces and territories until it is demonstrated that LMDAs are capable of addressing disability in a substantive way; and that the lessons, incentives and strategies are being incorporated into these generic systems from those developed through the Multilateral and OF programming.

4. New initiatives to promote access, inclusion and full citizenship—The Canadian disability community has argued that to achieve positive outcomes within the building blocks of employment, income and disability supports, additional investments are required in complementary areas. To this end, the disability community called upon Canada to:

- Develop accessibility regulations for all federally regulated modes of transportation and restructure the Ministerial Advisory Committee on Accessible Transportation with the majority being representatives of disability organizations.
- Initiate a transparent process of work with the provinces/territories and the disability community to ensure ratification of the Convention on the Rights of Persons with Disabilities within the next two years. (It has been nine months since the recommendation was originally made.)
- Establish a procurement policy for the Government of Canada requiring purchase only of accessible technology, thus increasing employment opportunities within the public service and accessible service to the Canadian public.
- Support disability community knowledge mobilization and transfer by renewing for 5 years and expanding the Social Development Partnerships Disability Program, including the enhancement of the Community Inclusion Fund. Support the establishment of a disability community controlled and directed national research institute.
- Create a Universal Design Centre that would act as a cross-departmental focal point of responsibility to harmonize, track and deliver results in the area of barrier removal. It would become a centre of

excellence in universal design and become a resource to governments, community and the private sector.

- Update the National Building Code to ensure Universal Design principles are respected. Ensure that universal design principles guide all Infrastructure program initiatives.
- Reform the federal electoral process to ensure that persons with disabilities can participate in all aspects of election campaigns and vote in an independent and secret manner.
- Amend the *Official Languages Act* to recognize ASL/LSQ as official languages<sup>1</sup>.
- Re-establish a specific Parliamentary Committee on the Status of Canadians with disabilities which would submit to Parliament an annual report on the status of Canadians with disabilities.

CCD has been working to improve access to justice by people with disabilities. CCD has raised with the federal Government the concern that its de-funding of the Court Challenges Program, which provided test case funding for equality rights cases, has compromised the disability community's ability to seek legal redress when rights are violated. Moreover the Federal Government is opposing in court the human rights claims of persons with disabilities (i.e. the appeal of the Brown case). Human rights treaty bodies have brought similar concerns to Canada's attention (CERD 2007, para. 26; CESCR 1998, para. 59; CESCR 2006, para. 42, CESCR 1998, para. 50; CESCR 2006, para. 41).

The steps outlined by the disability community provide the foundation for a comprehensive National Action Plan on Disability by the Government of Canada which would address the issues of Canadians with disabilities and their families and strike a new balance in federal and provincial/territorial government roles, in particular in the inter-relationship between income/disability supports programming. CCD encourages the Human Rights Council to reiterate the recommendations made by the Canadian disability community in its national action plan and CCD's concerns regarding access to justice by people with disabilities.

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<sup>1</sup> This recognition has occurred in other countries—notably New Zealand.

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## **Appendix Number Two—The Concerns and Recommendations of Human Rights Treaty Bodies with Regard to Canada’s Failures to Uphold the Rights of Persons with Disabilities**

### **Part I**

Part I of this document outlines the concerns and recommendations of human rights treaty bodies with regard to Canada’s failures to uphold the rights of persons with disabilities. I reviewed the two most recent “Concluding Observations” from each of the following committee’s reviews of Canada, extracting all references (if any) to persons with disabilities:

- Committee on Economic, Social and Cultural Rights (1998; 2006)
- Committee against Torture (2000; 2005)
- Committee on the Elimination of Discrimination Against Women (1997; 2003)
- Human Rights Committee (1999; 2006)
- Committee on the Elimination of Racial Discrimination (2002; 2007)
- Committee on the Rights of the Child (1995; 2003)

### **Poverty**

Treaty bodies have expressed concerns about the prevalence of poverty in Canada among people with disabilities:

- “The Committee is concerned that, despite Canada’s economic prosperity and the reduction of the number of people living below the Low-Income Cut-Off, 11.2 per cent of its population still lived in poverty in 2004, and that significant differences in levels of poverty persist between provinces and territories. The Committee also notes with particular concern that poverty rates remain very high among disadvantaged and marginalized individuals and groups such as... persons with disabilities...” (CESCR 2006, para. 15)
- “While appreciating the federal Government’s various anti-poverty measures, the Committee is concerned about the high percentage of women living in poverty, in particular... women with disabilities, for whom poverty persists or even deepens, aggravated by the budgetary adjustments made since 1995 and the resulting cuts in social services. The Committee is also concerned that those strategies are mostly directed towards children and not towards these groups of women.” (CEDAW 2003, para. 357)

### **Inadequate Supports and Housing:**

Treaty bodies have expressed concerns with respect to reductions in services for people with disabilities, the inadequacy of programs following discharge from psychiatric institutions, and the insufficiency of community-based supportive housing:

- “The Committee is also concerned about significant cuts in services on which people with disabilities rely, such as cuts in home care, attendant care and special needs transportation systems, and tightened eligibility rules for people with disabilities. Programmes for people who have been discharged from psychiatric institutions appear to be entirely inadequate. Although the Government failed to provide to the Committee any information regarding homelessness among discharged psychiatric patients, the Committee was told that a large number of those patients end up on the street, while others suffer from inadequate housing, with insufficient support services.” (CESCR 1998, para. 36)

- “The Committee is concerned about information that, in some provinces and territories, people with mental disabilities or illness remain in detention because of the insufficient provision of community-based supportive housing (arts. 2, 9, 26).” (CCPR 2006, para. 17)

Treaty bodies have made a number of recommendations with respect to redressing the poverty, inadequate housing and services, and homelessness that is experienced by many persons with disabilities:

- “The Committee recommends that the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency by reinstating or increasing, as the case may be, social housing programmes for those in need, improving and properly enforcing antidiscrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels, providing adequate support services for persons with disabilities, improving protection of security of tenure for tenants and improving protection of affordable rental housing stock from conversion to other uses. The Committee urges the State party to implement a national strategy for the reduction of homelessness and poverty.” (CESCR 1998, para. 46)
- “The Committee reiterates its recommendation that the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency by reinstating or increasing, where necessary, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels, and providing adequate support services for persons with disabilities. The Committee urges the State party to implement a national strategy for the reduction of homelessness that includes measurable goals and timetables, consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms, in keeping with Covenant standards.” (CESCR 2006, para. 62)
- “The Committee recommends that federal and provincial agreements should be adjusted so as to ensure, in whatever ways are appropriate, that services such as mental health care, home care, child care and attendant care, shelters for battered women and legal aid for non-criminal matters, are available at levels that ensure the right to an adequate standard of living.” (CESCR 1998, para. 42)
- “The Committee recommends that the State party undertake a detailed assessment of the impact of the reduction of federal transfers for social assistance and social services to provinces and territories, on the standard of living of people depending on social welfare, in particular...persons with disabilities.... The Committee strongly recommends that the State party reconsider all retrogressive measures adopted in 1995.” (CESCR 2006, para. 52)
- “The Committee recommends that the Government of Canada take additional steps to ensure the enjoyment of economic and social rights for people with disabilities, in accordance with the Committee’s General Comment No. 5.” (CESCR 1998, para. 48)
- “The State party, including all governments at the provincial and territorial level, should increase its efforts to ensure that sufficient and adequate community based housing is provided to people with mental disabilities, and ensure that the latter are not under continued detention when there is no longer a legally based medical reason for such detention.” (CCPR 2006, para. 17)

### **Women with Disabilities in Prisons:**

The Human Rights Committee has expressed concern about the experience of women with disabilities in prisons:

- “The Committee expresses concern about the situation of women prisoners, in particular ...women with disabilities. While welcoming the information provided by the State party on measures adopted or planned in response to the findings of the Canadian Human Rights Commission, the Committee remains concerned by the decision of the authorities to maintain the practice of employing male front-line staff in women’s institutions (arts. 2, 3, 10 and 26).” (CCPR 2006, para. 18)

The following recommendation was issued in response to concerns about the experiences of women prisoners, including women prisoners with disabilities:

- “The State party should put an end to the practice of employing male staff working in direct contact with women in women’s institutions. It should provide substantial information on the implementation of the recommendations of the Canadian Human Rights Commission as well as on concrete results achieved, in particular regarding the establishment of an independent external redress body for federally sentenced offenders and independent adjudication for decisions related to involuntary segregation, or alternative models.” (CCPR 2006, para. 18)

### **Children with Disabilities:**

The Committee on the Rights of the Child made the following recommendations to Canada with respect to fulfilling its obligations to children with disabilities:

- “The Committee recommends that the State party strengthen and centralize its mechanism to compile and analyse systematically disaggregated data on all children under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups (i.e....children with disabilities...). The Committee urges the State party to use the indicators developed and the data collected effectively for the formulation and evaluation of legislation, policies and programmes for resource allocation and for the implementation and monitoring of the Convention.” (CRC 2003, para. 20)
- “The Committee recommends that the State party continue to strengthen its legislative efforts to fully integrate the right to non-discrimination (article 2 of the Convention) in all relevant legislation concerning children, and that this right be effectively applied in all political, judicial and administrative decisions and in projects, programmes and services that have an impact on all children, in particular children belonging to minority and other vulnerable groups such as children with disabilities... The Committee further recommends that the State party continue to carry out comprehensive public education campaigns and undertake all necessary proactive measures to prevent and combat negative societal attitudes and practices. The Committee requests the State party to provide further information in its next report on its efforts to promote cultural diversity, taking into account the general principles of the Convention” (CRC 2003, para. 22)

## **Part II**

Part II of this document outlines the concerns and recommendations of human rights treaty bodies regarding Canada’s failures to uphold its international human rights obligations. I have extracted concerns

and recommendations from the same “Concluding Observations” as above. This section outlines the comments that might not explicitly mention disability, but are particularly relevant for people with disabilities.

### **Poverty:**

The treaty bodies have expressed concerns about:

- The prevalence of poverty, particularly among disadvantaged groups (CESCR 1998, para. 34; CESCR 2006, para. 15; CEDAW 2003, para. 357; CRC 2003, para. 41).
- The prevalence of poverty among children, particularly among those who belong to vulnerable groups (CRC 1995, para. 12; CRC 2003, para. 41; CESCR 2006, para. 15).

The treaty bodies have made the following recommendations:

- Canada should address the factors responsible for the increasing poverty among women (particularly female lone parents and women who are members of vulnerable groups) and children (CEDAW 1997, para. 336; CRC 1995, para. 21; CRC 2003, para. 43).
- Canada should take steps to ensure that all families have adequate resources and facilities (CRC 1996, para. 21; CRC 2003, para. 43).

### **Homelessness:**

The treaty bodies have expressed concerns about:

- The severity of homelessness and the inadequacy of housing in Canada, particularly for disadvantaged and marginalized groups (CESCR 1998, paras. 24, 34; CESCR 2006, para. 28; CCPR 1999, para. 12; CCPR 2006, para. 17; CRC 2003, para. 40)
- Homelessness of children, particularly those who belong to disadvantaged groups (CRC 1995, para. 17; CRC 2003, para. 54).

The treaty bodies have made the following recommendations:

- Canadian governments should address homelessness and inadequate housing as a national emergency and implement a national strategy to rectify this problem (CESCR 1998, para. 46; CESCR 2006, para. 62; CRC 2003, para. 40).
- Strategies to rectify homelessness should address the needs of vulnerable groups of women and children (CEDAW 2003, paras. 383, 384; CRC 1995, para. 26; CRC 2003, paras. 42, 55).
- Canada should take appropriate steps to ensure that people affected by forced evictions are provided alternative accommodations (CESCR 2006, para. 63).

### **Food Insecurity/ Hunger:**

The treaty bodies have expressed concerns about:

- Food insecurity and hunger in Canada (CESCR 1998, para. 33; CESCR 2006, para. 27).
- Increased reliance on food banks and the inability of food banks to meet the increased demand (CESCR 1998, para. 33).
- Children relying on food banks (CESCR 2006, para. 27).

The treaty bodies have made the following recommendations:

- Canada should significantly intensify its efforts to rectify the state of food insecurity and hunger (CESCR 2006, para. 61).

## **Healthcare:**

The treaty bodies have expressed concerns about:

- Trends toward the privatization of healthcare programs, which will reduce the accessibility and quality of services available to Canadian women—especially disadvantaged women (CEDAW 1997, para. 329).
- The fact that a high standard of health is not equally shared by Canadians (CRC 2003, para. 34).

The treaty bodies have made the following recommendations:

- Canada should take steps towards ensuring that all children receive the same quality of healthcare; particular attention should be given to the situation of Aboriginal children and children in rural/remote regions (CRC 2003, para. 35).
- Canada should continue to prioritize youth suicide prevention (CRC 2003, para. 37).

## **Education:**

The treaty bodies have made the following recommendations:

- Canada should continue to improve the quality of education by: ensuring universal, accessible, culturally sensitive, free, quality primary education; incorporating human rights education in the school curricula; ratifying the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education of 1960; enacting prohibitions of corporal punishment in schools; and encouraging children to participate in discussion about disciplinary measures (CRC 2003, para. 45).

## **Income/ Income Assistance:**

The treaty bodies have expressed concerns about:

- The inadequate rates of social assistance, the absence of a legally enforceable right to adequate benefits on a non-discriminatory basis, and the adverse effects of cuts on vulnerable groups (CESCR 1998, paras. 21, 25; CESCR 2006, paras. 11, 21; CEDAW 1997, para. 331)
- Violations of the right to privacy for social assistance recipients (CCPR 1999, para. 16)
- Provincial “workfare” programs (CESCR 1998, paras. 30, 31; CESCR 2006, para. 11; CCPR 1999, para. 17)
- Provincial clawbacks of the National Child Benefit from recipients of social assistance (CESCR 1998, para. 22; CESCR 2006, para. 11, 23; CCPR 1999, para. 18; CRC 2003, para. 16)
- Restricted access to EI benefits (CESCR 1998, para. 20; CESCR 2006, para. 22)
- Insufficient minimum wages (CESCR 1998, para. 32; CESCR 2006, paras. 11, 18).

The treaty bodies have made the following recommendations:

- Canada should set social assistance rates at levels that ensure an adequate standard of living for all (CESCR 1998, para. 41; CESCR 2006, para. 53; CEDAW 1997, para. 342).
- Canada should undertake a detailed assessment of the impact that reductions to federal transfers for social assistance/services have had on disadvantaged groups, and it should reconsider all retrogressive measures adopted in 1995 (CESCR 2006, para. 52).
- Canadian governments should review their “workfare” programs to ensure compliance with international obligations (CESCR 1998, para. 55; CCPR 1999, para. 17).
- The National Child Benefit Scheme should be amended so as to prohibit provincial clawbacks from recipients of social assistance (CESCR 1998, para. 44; CESCR 2006, para. 55; CRC 2003, para. 17).
- EI should be reformed so as to provide greater access and improved benefit levels to all unemployed workers (CESCR 1998, para. 45; CESCR 2006, paras. 48, 54).

- Canada should increase minimum wages (CESCR 2006, para. 47).

### **Social Programs:**

The treaty bodies have expressed concerns about:

- Cuts to social programs, and the detrimental effects of these cuts for Canadians—especially for disadvantaged groups (CESCR 1998, paras. 11, 36; CCPR 1999, para. 20; CCPR 2006, para. 24).

The treaty bodies have made the following recommendations:

- Canada should do a thorough assessment of the impact that cuts to social programs have had on disadvantaged groups, and it should take remedial action (CCPR 1999, para. 20; CCPR 2006, para. 24).
- Federal and provincial agreements should be adjusted to ensure that services are available at levels that uphold the right to an adequate standard of living (CESCR 1998, para. 42).

### **National Standards:**

The treaty bodies have expressed concerns about:

- The loss of national standards of social welfare (CESCR 1998, para. 19; CEDAW 2003, para. 351; CRC 2003, para. 38; CESCR 2006, para. 20).
- The absence of an official poverty line, which creates obstacles to holding governments accountable to their international obligations (CESCR 1998, para. 13; CESCR 2006, para. 11).

The treaty bodies have made the following recommendations:

- Canada should reestablish a national program of cash transfers designated for social assistance/services, which includes universal entitlements, national standards, a legally enforceable right to adequate social assistance, a right to freely chosen work, a right to change jobs, as well as a right to appeal (CESCR 1998, para. 40;; CEDAW 2003, para. 352).
- Canada should establish an official poverty line (CESCR 1998, para. 41; CESCR 2006, para. 60).

### **Domestic Implementation/Enforcement of International Obligations:**

The treaty bodies have expressed concerns about:

- The position argued by provincial governments—and frequently adopted by provincial courts—that the *Charter* does not protect social, economic, and cultural rights (CESCR 1998, paras. 14, 15; CESCR 2006, para. 11)
- Insufficient coverage in domestic legislation of social, economic, and cultural rights, and the popular perception that these rights are mere “principles and objectives” (CESCR 1998, para. 52; CESCR 2006, para. 11)
- Barriers to acquiring remedies for rights violations (CESCR 2006, para. 13, 14; CEDAW 2003, para. 355; CERD 2007, para. 26; CCPR 1999, para. 9; CCPR 2006, para. 11).

The treaty bodies have made the following recommendations:

- Governments should adopt positions in litigation that are consistent with their duty to uphold social, economic, and cultural rights (CESCR 1998, para. 50; CESCR 2006, para. 41).
- Human rights legislation should be amended to include social and economic rights and guarantee freedom from discrimination based on social status (CESCR 1998, para. 51; CESCR 2006, para. 39).
- Human rights legislation should be amended with a view to strengthening enforcement mechanisms and remedies (CESCR 1998, para. 51; CESCR 2006 paras. 11, 40).

- The Court Challenges Program should be reinstated, and its mandate should be broadened (CERD 2007, para. 26; CDESCR 1998, para. 59; CDESCR 2006, para. 42).
- Canada should ensure the availability of adequate civil legal aid (CDESCR 2006, para. 43; CEDAW 2003, para. 356).

### **Appendix Three-The CCD's Demonstrated Expertise in Disability**

The CCD is a national not-for-profit umbrella association which represents people with a wide range of disabilities. Formerly called COPOH, it was founded in 1976. It consists of nine provincial member groups, seven national disability organizations and two affiliate members. The CCD is accountable to a membership of several hundred thousand Canadians with disabilities. It is administered by a Council of Representatives which includes one designate from each member group. The member organizations of the CCD are:

#### **Provincial Members Groups:**

- a) British Columbia Coalition of People with Disabilities;
- b) Citizens with Disabilities-Ontario
- c) Confédération des Organismes de Personnes Handicapées du Québec;
- d) Consumer Organization of Disabled People of Newfoundland and Labrador;
- e) Manitoba League of Persons with Disabilities;
- f) Nova Scotia League for Equal Opportunities;
- g) P.E.I. Council of the Disabled;
- h) The Alberta Committee of Citizens with Disabilities ; and
- i) Saskatchewan Voice of People with Disabilities.

#### **National Disability Organizations:**

- a) Canadian Association of the Deaf;
- b) DisAbled Women's Network-Canada;
- c) National Network on Mental Health;
- d) Alliance for the Equality of Blind Canadians;
- e) National Educational Association of Disabled Students;
- f) Thalidomide Victims Association of Canada; and
- g) People First of Canada.

The CCD was established by persons with disabilities to create a voice for Canadians with disabilities. Its goal is to promote the full participation of, and equal opportunities for, persons with disabilities in Canadian society. The CCD's mandate includes a wide range of advocacy to improve the status of persons with disabilities, providing a democratic structure for persons with disabilities to voice their concerns, legal reform and policy development, and undertaking test case litigation under the *Canadian Charter of Rights and Freedoms* in support of persons with disabilities. Our specific goals are:

- a) To improve the status of persons with disabilities;
- b) To promote self-help for persons with disabilities;
- c) To provide a democratic structure for persons with disabilities to voice concerns;
- d) To monitor federal legislation affecting persons with disabilities;
- e) To promote policies determined by persons with disabilities in Canada;
- f) To share information and co-operate with disability organizations in Canada and in other countries; and



- g) To establish a positive image of persons with disabilities in Canada.

The CCD is actively engaged in public policy work and this work is guided by the principles of access, equality, citizenship, inclusion, universal design, empowerment, self-representation, self-determination, consumer control, self-management, and independent living. These principles define how service providers, employers, and governments should function to make their goods, services, facilities, and accommodations more responsive to the needs of persons with disabilities. For example, citizenship considers persons with disabilities as having the same rights and responsibilities as persons without disabilities, and as such, socially made barriers which prevent our participation and discriminate against us must be eliminated.

The CCD supports the adherence to the principles of universal design to ensure that new barriers are not needlessly created. Universal design refers to a philosophy that all environments (built structures, technological systems, etc.) be designed to be usable by a broad range of people. Universal design is rooted in the principles of equality and citizenship and seeks to foster social participation for diverse populations by maximizing accessibility. Full inclusion in the first instance, without after-the-fact adaptation or retrofitting, is the goal of universal design. The philosophy of universal design recognizes that all design involves a deliberate choice and the principles of access, inclusion and equality, must always inform that choice. Universal design not only ensures that persons with varying disabilities will have access, but that society generally, with all its diversity, can participate together. This is especially true as we contemplate improved and comprehensive social planning for our ageing population, as we see disablement increase with age.

The CCD is Canada's official representative on Disabled Peoples' International, a body that has been accorded consultative status with the United Nations Economic and Social Council. The CCD was a participant in the Canadian delegation involved in negotiating and crafting the legal language of the United Nations Convention on the Rights of Persons with Disabilities. The CCD played an international role in defining disability and drafting concepts relating to accommodation, universal design, accessibility, inclusion, dignity and discrimination. We also hosted four national consultation meetings in advance of meetings of the United Nations Ad Hoc Committee which considered the Convention.

For persons with disabilities, consultation is a fundamental and vital component to empowerment and self-determination; two key principles of the disability rights movement. The CCD has a long-standing commitment to the principle of consultation and is cognizant of how meaningful consultation can enhance empowerment and self-determination amongst the disability community. The CCD has repeatedly brought this issue to the attention of the Federal Government, and since 1981, the Federal Government has also recognized the importance of consultation. In its 1981 report *Obstacles*, the Special Parliamentary Committee on the Disabled recommended that the disability community be consulted on all significant initiatives within Federal jurisdiction that may affect Canadians with disabilities. COPOH made written submissions to this Committee. One of the recommendations in *Obstacles* specifically related to making Parliament Hill accessible and to consult with persons with disabilities *and their organizations* in making necessary renovations. Following *Obstacles*, COPOH submitted a proposal to the Federal Government identifying a framework to ensure effective consultation with persons with disabilities. COPOH highlighted the need to secure consumer participation at the initial stages of development of any initiative because only people with disabilities, not service providers nor government, are in the best position to understand disability needs.

The CCD's advocacy mandate at the Federal level has led to our active participation in several initiatives aimed at ensuring that all institutions of society are built upon inclusive models through a process of

barrier removal and universal design principles. Of particular importance to CCD is that the Federal Government and its corporations demonstrate a strong and on-going leadership on disability issues.

In 1995-1996, the CCD played an active role on the Federal Task Force on Disability Issues (“the Scott Task Force”), by co-ordinating responses from disability groups during the consultations. The CCD prepared and presented a brief to the Scott Task Force entitled *Federal Leadership on Disability and Citizenship Rights Required* in which the Government of Canada was urged to take responsibility in ensuring full citizenship rights, national standards and equality of opportunity for all Canadians regardless of “mental” or physical disability. In this brief, the CCD emphasized the right of persons with disabilities to access our society’s social, economic and physical infrastructure in order to facilitate full and equal participation in community life. The Scott Task Force’s final report entitled *Equal Citizenship for Canadians with Disabilities: The Will to Act* (October 1996) emphasized these principles of inclusion and accessibility.

In 2000, the CCD promoted the disability community’s need for the right to accessibility to the built environment based on principles of universal design in submissions to the Canadian Commission on the *National Building Code*.

The CCD has spearheaded the direction for consultation on issues of barriers and accessibility. Recognizing that Canadians with disabilities still face significant barriers to full inclusion, the CCD partnered with the Canadian Association for Community Living to develop a National initiative entitled *Building an Inclusive and Accessible Canada*. The CCD created a website ([www.endexclusion.ca](http://www.endexclusion.ca)), received hundreds of stories that brought a human face to disability, and collected thousands of signatures to an online Declaration that calls on governments to move forward an Agenda for Creating an Inclusive and Accessible Canada. On November 2, 2006, we held a Forum on Parliament Hill in Ottawa, in which hundreds of people attended. On November 23, 2007, we held a second forum to present our Action Plan.

The CCD wrote a submission, *Taking the Lead: Council of Canadians with Disabilities Proposals for Amending the Canadian Human Rights Act* to the Canadian Human Rights Act Review Panel (“La Forest Review”), which was established to examine the *Canadian Human Rights Act* (“CHRA”). The CCD’s submission was written in 1999, subsequent to extensive research and consultation, and offered a disability analysis and criticism of the then Canadian Human Rights Commission and the CHRA. The CCD also provided technical consultation to the Department of Justice on the duty to accommodate amendment to the CHRA.

In 2005, Social Development Canada awarded the CCD a research project to examine the Canadian Human Rights Commission’s new practices so that the CCD could provide informed comment on how these changes are meeting the needs of Canadians with disabilities. As a result of this research, the CCD is well aware of the over representation of persons with disabilities in the human rights system. In 2005, as in previous years, disability was the most cited ground of discrimination in complaints made to the Canadian Human Rights Commission, constituting 50% of all new signed complaints. In 2002, at the Federal level, disability-related claims rose by 85% over the previous year, while the total number of complaints rose by just 39%. The high number of disability complaints translates into a greater number of tribunal hearings adjudicating the allegations of disability discrimination. In 2002, 40% of the Canadian Human Rights Tribunal’s active caseload related to discrimination on the ground of disability.

The CCD was a participant in the Disability and Information Technologies Research Alliance, a federally-funded research alliance that brings together members of academia, industry and consumer-based disability advocacy organizations to investigate how to eliminate barriers in emerging and existing information and communication technology. One particular focus of the CCD is the development of

information technologies that address the accessibility requirements of people with disabilities by the incorporation of universal design principles.

For the past several years, the CCD has been actively advocating for improved accessibility in Canada's Federal transport system and has shown leadership in transportation accessibility. The CCD was involved in the project that brought accessible intercity buses to Canadian cities, was consulted during the establishment of the National Policy on Accessible Transportation and co-chaired the Ministerial Advisory Committee on Accessible Transportation. In addition, we have participated in research and development projects with the Transportation Development Center and consulted with the Federal government in the development of the *National Transportation Act, 1987* (now the *Canada Transportation Act, 1996*, c. 10).

### **The CCD's Extensive Experience in Equality Rights Interventions**

Under its former name, COPOH, or its current name, the CCD has been granted leave to intervene in more than a dozen cases before the Supreme Court of Canada. In 1985, COPOH intervened in landmark human rights cases elaborating on the concept of adverse effects discrimination and the duty of accommodation: *Ontario Human Rights Commission et al. v. Simpsons-Sears Ltd.*, [1985] 2 S.C.R. 536 (known as "O'Malley") and *Bhinder v. Canadian National Railways*, [1985] 2 S.C.R. 561.

The CCD was also granted Intervener status in:

- *Andrews v. Law Society of British Columbia*, [1989] 1 S.C.R. 143 (the meaning of the right to equality and the concept of "substantive equality" under s.15 of the *Charter*);
- *The Canadian Council of Churches v. Her Majesty the Queen and the Minister of Employment and Immigration*, [1992] 1 S.C.R. 236 (*Charter* rights of persons outside Canada);
- *Weatherall v. Canada* (A.G.), [1993] 2 S.C.R. 872 (basic personal dignity right under s. 7 of the *Charter* and the proper application of s.15(2));
- *Rodriguez v. B.C.* (A.G.), [1993] 3 S.C.R. 519 (right of a person with a disability to assisted suicide);
- *Battlefords and District Co-operative Ltd. v. Gibbs*, [1996] 3 S.C.R. 566; (equality rights for persons with mental disabilities under the *Saskatchewan Human Rights Code*);
- *Brant County Board of Education v. Eaton*, [1997] 1 S.C.R. 241 (s.15 recognizes integrated education for students with disabilities as the norm of general application because of the benefits it generally provides);
- *Eldridge v. B. C.* (A.G.), [1997] 3 S.C.R. 624 (*Charter* right to sign language interpreters to ensure effective communication in a health care setting);
- *Grismer v. British Columbia Council of Human Rights*, [1999] 3 S.C.R. 868 (application of the duty to accommodate to the issuance of a driver's license to a person with a disability);
- *Granovsky v. Minister of Employment and Immigration*, [2000] 1 S.C.R. 703 (temporary disability within the protection of s.15 and the application of s.15 to the *Canada Pension Plan*);

- *Lovelace v. Chiefs of Ontario*, [2000] 1 S.C.R. 950 (relationship between s.15(1) and s.15(2) of the *Charter*);
- *R. v. Latimer*, [2001] 1 S.C.R. 3, 2001 SCC 1 (cruel and unusual punishment under s.12 of the *Charter* and its implications to the murder of a child with a disability).
- *Auton (Guardian ad litem of) v. British Columbia (Attorney General)*, [2004] 3 S.C.R. 657, 2004 SCC 78 (application of s.15 of the *Charter* to Crown refusal to provide funding for therapy for autistic children)
- *Newfoundland (Treasury Board) v. N.A.P.E.*, [2004] 3 S.C.R. 381 (equality rights under ss. 15 and 1 of the *Charter*)

On May 19, 2006, the CCD appeared before the Supreme Court of Canada as an appellant in *VIA Rail Canada Inc. v. Canada (Canadian Transportation Agency)*, [2006] S.C.C.A. No. 219 (under reserve); [2005] 4 F.C.R. 473. This appeal dealt with the issue of undue hardship under the duty to accommodate regarding accessibility to rail cars. In 2007, the Supreme Court upheld the decision made by the Canadian Transportation Agency.

The CCD has been granted leave to intervene before the Federal Court in the following cases:

- *Buchanan v. Canada*, 2002 FCA 231 (Judicial Review of the tax system's treatment of disability tax credits)
- *Miller v. Canada*, 2002 FCA 370 (application of s. 15 of the *Charter* to the receipt of parental benefits under the *Unemployment Insurance Act*)
- *Chesters v. Canada (Minister of Citizenship and Immigration)*, [2003] 1 F.C. 361 (application of s. 7 and s. 15 of the *Charter* to the admission of immigrants with a medical disability)
- *Wignall v. Canada (Department of National Revenue (Taxation))*, [2004] 1 F.C.R. 679 (Judicial Review of the tax system's treatment of a disability-support bursary and the application of the duty to accommodate)
- *McKay-Panos v. Air Canada*, [2006] 4 F.C.R. 3 (definition of disability under the *Canadian Transportation Act*)

Through all of the foregoing cases, the CCD has played an active role in Canadian courts in an effort to promote a judicial understanding of equality that recognizes the historical disadvantage and discrimination experienced by persons with disabilities, and supports and services that are needed to remove disability-based barriers and create an inclusive society.

## Appendix Four-National Action Plan Endorsements

BUILDING AN  
INCLUSIVE AND  
ACCESSIBLE  
CANADA

### Supporting People with Disabilities

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[Français](#)

#### National Action Plan Endorsements

##### [Endorse National Action Plan](#)

Thank you for your endorsement.

Click on the column titles to sort by category.

<a href="#">Organization</a>	<a href="#">Type</a>	<a href="#">Location</a>
Access Association of Disabled Students	National	BC
Access Employment Services Ltd	Provincial	BC
Action des femmes handicapées (Montréal)	Locale	QC
Alberta Association for Community Living	Provincial	AB
Alberta Committee of Citizens with Disabilities	Provincial	AB
Alliance For Equality Of Blind Canadians	National	BC
Always at Work Limited	Local	NF
ARCH Disability Law Centre	Provincial	ON

[National Action Plan 2007](#)  
[National Action Plan Plain Language 2007](#) [Endorse National Action Plan](#) [Feedback 2007](#)  
[Archives](#) [Background Information](#)  
[The Event](#) [Registration](#) [Declaration](#)  
[2006](#) [End Exclusion](#) [2006](#) [Archives](#)

Association des  
locataires de  
1↓ Esplanade II Inc.

Locale QC

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BC Association For  
Community Living

Provincial BC

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BC Coalition of People  
with Disabilities

Provincial BC

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Biggar Association for  
Community Living

Local SK

---

Boys and Girls Clubs of  
Canada

National ON

---

Breaking Down Barriers  
Independent Living  
Resource

Local ON

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Canadian Association for  
Community Living

National AB

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Canadian Association of  
Independent Living  
Centres

National ON

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Canadian Association of  
Muslims with  
Disabilities

National ON

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Canadian Association of  
the Deaf

National MB

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Canadian Council of the  
Blind

National ON

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Canadian Council on  
Rehabilitation and Work

National ON

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Canadian Deafblind and  
Rubella Association

National NS

Canadian Hard of Hearing Association	National	ON
Canadian Labour Congress	National	ON
Canadian National Society of the Deaf-Blind	National	ON
Canadian Paraplegic Association	National	ON
Canadian Union of Postal Workers	National	ON
Centre for Independent Living in Toronto	Local	ON
Cerebral Palsy Association of NL	Provincial	NF
CHAD (Central Highlands Assoc. of Disabled)	Local	NS
CHANNAL - Consumers' Health Awareness Network Newf	Provincial	NF
Citizens With Disabilities - Ontario	Provincial	ON
Clare Organization Representing Persons with Disab	Local	NS
CLR Consultants Inc.	Provincial	AB
CNIB	National	ON

Coalition of Persons with  
Disabilities NL

Provincial NF

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Community Involvement  
of the Disabled

Local NS

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Community Living -  
Manitoba

Provincial MB

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Community Living -  
Victoria

Local BC

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Community Living  
Ontario

Provincial ON

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Confédération des  
organismes de personnes  
handicap

Provincial QC

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Council of Canadians  
with Disabilities (CCD)

National MB

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Cowichan Independent  
Living

Provincial BC

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D.A.W.N. Prince Edward  
Island

Provincial PE

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Deinstitutionalization  
Coalition of  
Saskatchewan

Provincial SK

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Disabled Unite for  
Equality in Life

Local NS

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DisAbled Women's  
Network of Canada

National QC

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Easter Seals Canada

National ON

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First Nations Child & Family Caring Society of Can  
Provincial ON

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Green Bay Community Employment Corporation  
Provincial NF

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Guide Dog Users of Canada  
National ON

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Independent Living Centre Kingston  
Local ON

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Independent Living Centre of Waterloo Region  
Local ON

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Independent Living Resource Centre of Calgary  
Provincial AB

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Independent Living Resource Centre, Halifax Region  
Local NS

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Independent Living Resource Centre, St John's  
Local NF

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Laurentian University  
National ON

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Let Abilities Work  
Local NS

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Making Way  
Provincial ON

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March of Dimes Canada  
National ON

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Member of Parliament - Halifax  
National NS

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MLPD - Manitoba League of Persons with Disabilities  
Provincial MB

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MS Society, Quebec	Local	QC
Multiple Sclerosis Society of Canada	National	ON
Muscular Dystrophy Canada	National	ON
N & L Provincial Advisory Council Status of Women	Provincial	NF
National Alliance for Children and Youth	National	ON
National Educational Association of Disabled Stude	National	ON
National Network for Mental Health	National	ON
NDP Critic for Persons with Disabilities Judy Wasy	National	MB
NDP Federal Caucus	National	ON
Neasa Martin & Associates	National	ON
Neil Squire Society	National	BC
New Brunswick Association for Community Living	Provincial	NB
Niagara Centre for Independent Living	Local	ON
NL Association for Community Living	Provincial	NF

North Saskatchewan  
Independent Living  
Centre

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Local SK

Nova Scotia Association  
for Community Living

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Provincial NS

Nova Scotia League for  
Equal Opportunities

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Provincial NS

NWT Council of Persons  
with Disabilities

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Provincial NT

Ontario Association of  
the Deaf

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Provincial ON

Ontario Association of  
the Deaf

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Provincial ON

Ontario Women's Health  
Network

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Provincial ON

Ottawa Independent  
Living Resource Centre

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Local ON

PEI Association for  
Community Living

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Provincial PE

PEI Council of the  
Disabled

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Provincial PE

People First of Canada

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National MB

Planned Lifetime  
Advocacy Network

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National BC

Resource Centre for  
Manitobans who are  
Deaf-Blind

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Provincial MB

Saint John Deaf and  
Hard of Hearing Services  
Inc

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Saskatchewan  
Association for  
Community Living

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Saskatchewan Coalition  
Against Racism

---

Service correctionnel du  
Canada

---

Société canadienne de la  
sclérose en plaques

---

Start Making Abilities  
Count S.M.A.C.  
Business

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Thalidomide Victims  
Association of Canada

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The Canadian Hearing  
Society

---

The National Broadcast  
Reading Service

---

Triumph Vocational  
Services

---

UNICEF Canada

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Vancouver Island  
Vocational &  
Rehabilitational Servi

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Vancouver/Richmond  
Mental Health Network

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Vernon Disability  
Resource Centre

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Yellowknife ACL	Provincial NT
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Yukon Association for Community Living	Provincial YK
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YWCA Canada	National ON
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## **Appendix Five—Description of Canadian Programs Referred to in CCD’s Submission**

**Advantage Canada**—On 23 November 2006, the Federal Government of Canada released Advantage Canada, which was its plan to reduce the national debt and taxes.

**Canada Pension Plan Disability Benefit**—The Canada Pension Plan Disability Benefit is part of the Canada Pension Plan. The Disability Benefit provides long-term, partial income replacement to qualifying people whose disabilities are severe and prolonged and have made sufficient contributions to the program. The CPP disability benefit is administered by Social Development Canada (SDC), a federal government department.

**Disability Tax Credit**—The Disability Tax Credit (DTC) is an income tax fairness measure available to any person who has a disability the effects of which are severe and prolonged mental or physical impairment such that his or her ability to perform a basic activity of daily living is markedly restricted. This must be certified by a medical doctor, or if the impairment is an impairment of sight, a medical doctor or an optometrist. While a person may qualify for a Canada Pension Plan Disability Benefit, he or she may not qualify for the DTC, because the programs use different definitions of disability. Under the Canada Pension Plan a disability is severe if the person "is incapable regularly of pursuing any substantially gainful occupation." For the disability tax credit, an impairment is severe if the person's ability to perform a basic activity of daily living is markedly restricted.

**Employment Insurance (EI) Sickness Benefits**— These benefits are part of the Employment Insurance program. They may be paid up to 15 weeks to a person who is unable to work because of sickness, injury or quarantine. To qualify for sickness benefits, a person must have worked for 600 hours in the last 52 weeks or since his/her last claim. A medical certificate is required.

**Labour Market Development Agreements (LMDA)**—These are bilateral Federal-Provincial/Territorial agreements, mandated by Part II of the *Employment Insurance Act*. There are two types of agreement. There are co-managed LMDAs and transfer LMDAs. Under Co-managed LMDAs, Human Resources Social Development Canada delivers Employment Benefits and Support Measures (EBSMs) but shares responsibility for the design, management and evaluation of these programs with provinces and territories. Under Transfer LMDAs, provinces and territories assumed the responsibility for the design, delivery and management of their own programs that are similar to EBSMs.

**Multilateral Framework Agreement on Labour Market Participation of People with Disabilities**—The framework guides the negotiations of bilateral agreements between Human Resources Social Development Canada (HRSDC) and provincial and territorial governments and its intention is to address barriers to employment experienced by persons with disabilities.

**Opportunities Fund (OF)**—This program helps people with disabilities prepare for and obtain employment or self-employment. It also assists people to develop the skills they need to keep a new job. It supports a variety of activities, in partnership with organizations including with the private sector, to help people with disabilities overcome the barriers they may face as they enter the job market. OF activities may include: helping individuals start their own business; helping individuals to increase their job skills; helping individuals to integrate into the workplace through services that meet their special needs; and encouraging employers to provide individuals with work opportunities and experience.

**Registered Disability Savings Plan (RDSP)**—This tax measure assists people with disabilities, who are eligible for the Disability Tax Credit, and their families save money for future needs. There is also a

provision (the Disability Savings Grant and Bond) whereby the Federal Government contributes additional funds to augment the savings. For families with incomes less than \$20,833 through the Disability Savings Bond, the Federal Government will provide \$1,000 per year for 20 years to a RDSP without any individual/family contribution.