Disability, Human Rights, Access and Research to Support Learning
Literature Review and Environmental Scan

Canada School of Public Service in Partnership with the Critical Disability Studies Program in the School of Health Policy and Management at York University and Canadian Centre on Disability Studies Inc. operating as Eviance

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LITERATURE REVIEW

EXECUTIVE SUMMARY

This report highlights findings from a literature review and environmental scan to inform the Canada School of Public Service in developing and rolling out accessibility training across the public service related to Bill C-81*: The Accessible Canada Act*, *An Act to Ensure a Barrier Free Canada* (June 2019). The report was collaboratively developed by subject matter experts on human rights inclusive but not limited to cross-disability rights and meaningful engagement of people with disabilities, intersectionality, and accessibility. These experts are affiliated with the project partners, the Canada School of Public Service, York University's Critical Disability Studies Program and the Canadian Centre on Disability Studies Inc. operating as Eviance.

The literature review highlights Canadian legislation and obligations to protect and promote the rights of persons with disabilities, including Canada's international obligations under the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the United Nations Declaration on the Rights of Indigenous Peoples as well as national, federal and provincial human rights codes. This review reinforces that Canada has committed itself through human rights obligations to share values of dignity, inclusion, non-discrimination, and equity and that these values also permeate *The Accessible Canada Act*. In the review specific attention is given to the employment of human rights approaches that use an intersectional lens and that recognize the ongoing legacy of colonization on the lives of Indigenous persons with disabilities and seek to co-create solutions aligned with holism and well-being.

Intersectionality is increasingly being used in the context of human rights-based approaches to end discrimination against people with disabilities with a view towards full inclusion and participation in society (Ontario Human Rights Commission, 2001; Truscan & Bourke-Martignon, 2016). Intersectional approaches seek to reflexively understand the ways in which social and structural oppression is mediated through relations of gender, ability, ethnicity, race, age, class and sexual orientation and provide a framework to uphold human rights and to better understand the diverse lives and experiences of people with disabilities (Buettgen, Hardie, Wicklund, Jean-François, & Alimi, 2018) and for developing equitable public policy (Hankivsky & Zachary, 2019).

While intersectional approaches recognize the ongoing legacy of colonization and the importance of centering diverse Indigenous knowledges, our report recommends the adoption of specifically Indigenous and decolonizing approaches to disability (Hall, Dell, Fornssler, Hopkins & Mushquash, 2015; Lavallée, 2009; Jaffee, 2016; Maar & Shawande, 2010). Decolonizing approaches value Indigenous understandings of health, wellness and healing, centre an understanding of the ongoing impact of colonization, the use of culturally safe approaches to care and recognize the role of self-determination and self-government in achieving social justice (see for example, Tuhiwai Smith, 2012; Archibald, 2006).

The purpose of the environmental scan was to identify existing best practices for cross-disability intersectional training that focus on not-for-profit staff and management, public sector employees, policy makers, advocates, and individuals with disabilities. Trainings from 2005 onwards delivered within Canada, the USA, New Zealand, Australia, England, Germany and Switzerland were reviewed. The environmental scan revealed that a range of delivery methods are being used (e.g., live online trainings, audio/video, online interactive workshops and in person). Five types of training were also identified including training that focused on meeting specific legislative requirements, training focused on intersectionality, training focused on specific disabilities, training focused on human rights and advocacy, and finally training that was intentionally rooted in intersectional theory and are responsive to cross-disability. Our research identified two significant gaps in training, including publicly available public sector training and Indigenous created and delivered training. We concluded however, that there may be more training materials that might not be publicly accessible and that is not formally recorded. With this, the team concluded that there is some tactic/experiential knowledge that is missing, particularly around Indigenous training.

Emerging from the literature review and environmental scan are eight recommendations:

1. Training on the CRPD;

2. Employ intersectional and human rights approaches to training;

3. Employ Indigenous and decolonizing approaches to accessibility training;

4. Recognize equity as key element of human rights;

5. Develop training with, and facilitation led, by people with disabilities;

6. Offer training that emphasizes openness to learning about accessibility, equality and inclusion;

7. Use language consistent with the ACA and the CRPD; and,

8. Further research.

The report concludes with a recognition of the unique opportunity for the Canada School of Public Service to advance the understanding of disability, human rights and accessibility as these pertain to ensuring a more accessible public service for all Canadians.

INTRODUCTION

The purpose of this report is to provide a summary of the available literature on key issues that will inform the Canada School of Public Service (CSPS) in its decision-making on training modules pertaining to the *Accessibility Canada Act* (ACA). This report is written through an intersectional lens in the spirit of knowledge mobilization and provides recommendations on a way forward that will benefit the public service in its understanding of the ACA.

The CSPS "leads the government's enterprise-wide approach to learning by providing a common, standardized curriculum that supports public servants through key career transitions, ensuring that they are equipped to serve Canadians with excellence." (Government of Canada, 2020a, n.p.). To ensure that CSPS is supporting public servants in meeting the needs of all Canadians, it must have the most up-to-date and relevant content on disability and accessibility in Canada. Bill C-81, *An Act to Ensure a Barrier Free Canada*, referred to as The *Accessible Canada Act* entered into force in 2019 (June) prompting a need for public service accessibility training. The Critical Disability Studies Program in the School of Health Policy and Management at York University in partnership with the Canadian Centre on Disability Studies Inc. operating as Eviance have partnered with the Canada School of Public Service (CSPS) to complete Phase One, the literature review and environmental scan. This work highlighting the most recent data related to disability, human rights and accessibility and best-practice evidence will serve to inform Phase Two, the curriculum and associated training aligned with the ACA and the Public Service Accessibility Strategy, to be rolled out across the public service. This report is a product of that partnership, offering a way forward for CSPS.

Key Terms

The ACA defines **disability** as, "any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person's full and equal participation in society. (handicap)" (Government of Canada, 2019, p. 2). This definition takes inspiration from the United Nations (UN) Convention of the Rights of People with Disabilities (CRPD)[1] to which Canada is a signatory. Importantly, though, Canada has made a reservation to Article 12 of the CRPD, which includes people with intellectual and psychosocial disabilities (i.e. mental health issues). The definition from the ACA is explicit in its aim to include all types of disabilities and to embrace the UN's recommendation of intersectionality (United Nations Committee on the Rights of Persons with Disabilities, 2017). The ACA is clear that psychosocial disabilities, episodic disabilities, communication disability/impairment and other sensory impairments also comprise the

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[1]Canada signature with reservation (2007), Canada ratification with reservation (2010), Canada's signature Optional Protocol (Dec 3, 2018)

diversity found in disability communities and require attention in terms of accessibility. The ACA's intent to embrace an intersectional approach with disability, ensures that the full breadth of disability communities in Canada, which were initially involved in formulation, implementation and monitoring of the CRPD internationally, have access to an accessible, equitable, and inclusive society with the ACA.

Accessibility is treated within the ACA as the elimination of barriers which "means anything — including anything physical, architectural, technological or attitudinal, anything that is based on information or communications or anything that is the result of a policy or a practice — that hinders the full and equal participation in society of persons with an impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment or a functional limitation. (obstacle)" (Government of Canada, 2020, p. 2). In this sense, accessibility is the removal of barriers in order to achieve inclusion through the full and equal participation of people with disabilities in society. As Canada implements an intersectional and human rights model of disability, an enhanced definition of "accessibility" will emerge that re-establishes the relationships of, and locates centrally, persons with disabilities, their families, friends, partners, and communities with social, economic, and political systems. This model of disability will make visible the transformative system levers that are essential in realizing an accessible, equitable and inclusive society in Canada that is sustainable as envisioned in the ACA.

Intersectionality underscores our research and findings as a critical lens for understanding the need for the *Accessible Canada Act*. As described by Hill Collins & Bilge (2016):

> Intersectionality is a way of understanding and analyzing the complexity in the world, in people, and in human experiences. The events and conditions of the social and political life and the self can seldom be understood as shaped by one factor. They are generally shaped by many factors in diverse and mutually influencing ways. When it comes to social inequality, people's lives and the organization of power in a given society are better understood as being shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together and influence each other. Intersectionality as an analytic tool gives people better access to the complexity of the world and of themselves. (p. 2)

Intersectionality is increasingly being used in the context of human rights-based approaches to end discrimination against people with disabilities with a view towards full inclusion and participation in society. Importantly, applying an intersectional lens is critical because it opens space to understand how systems of privilege and oppression simultaneously are mediated through our social locations (e.g., ability, gender, ethnicity, race, age, class, sexual orientation) across the lifespan (Ontario Human Rights Commission, 2001; Truscan & Bourke-Martignon, 2016).

List of Acronyms
Accessible Canada Act (ACA)

British Columbia Aboriginal Network on Disability Society (BCANDS)
Canada School of Public Service (CSPS)
Canadian Accessibility Standards Development Organization (CASDO)
Canadian Association of Statutory Human Rights Agencies (CASHRA)
Canadian Human Rights Commission (CHRC)
Council of Canadians with Disabilities (CCD)
Disabled People's Organizations (DPOs)
Disability Rights Promotion International (DRPI)
Employment Equity Act (EEA)
Human Resources (HR)
List of Issues Prior to Reporting (LoIPR)
National Aboriginal Network of Persons with Disabilities (NAND)
Optional Protocol (OP)
Standing Senate Committee on Social Affairs, Science and Technology (SOCI)
United Nations Convention of the Rights of People with Disabilities (CRPD)
United Nations Permanent Forum on Indigenous Issues (UNPFII)

Context – *Accessible Canada Act*

In 2016, Carla Qualtrough, then Minister of Sport and Persons with Disabilities, began community consultations with civil society and individuals both in person and electronically about federal disability legislation. With 6,425 participants, 52% identified as having a disability, 4% were Indigenous, 15% were visible minorities, 69% were female, 2% were a gender identity other than masculine or feminine, and 84% were urban (Employment and Social Development Canada, 2017). From the consultations emerged a sense that, "The legislation should both develop detailed policies for organizations on how to improve accessibility, while also supporting them in removing all barriers for their employees and customers. The Government of Canada should be a leader, both in practice and in supporting organizations to be successful. The Government of Canada should also set ambitious goals with clear and measurable targets" (Employment and Social Development Canada, 2017, p. 32).

While consultations were in the final stages, the CRPD Committee released its Concluding Comments on Canada's compliance with the UN Convention on the Rights of Persons with Disabilities (United Nations Committee on the Rights of Persons with Disabilities, 2017). In its comments the Committee expressed concern for gaps in the exercise and enjoyment of disability rights in areas including education, work, and employment. To address these persistent gaps the Committee recommended that Canada, "Develop regulations and further guidelines for proactive implementation of the duty to accommodate, including provisions to increase awareness among public and private actors about the duties as well as available tools for reasonable accommodation" (p. 4). While the Committee acknowledged that Canadians were being consulted on the development of new federal legislation, it expressed particular concern about barriers to accessibility. Among the remedies, the Committee recommended to review current accessibility legislation at all levels of government, "to ensure that they address all features of accessibility in particular physical environment, transportation (including civil aviation), information and communication, including information and

communication technologies and systems, and comprise mechanisms to monitor and regularly evaluate compliance with accessibility standards" (p. 6).

Bill C-81, *An Act to Ensure a Barrier Free Canada*, referred to as the *Accessible Canada Act* (ACA) was introduced to the House of Commons in June 2018. Disability organizations across Canada raised concerns regarding the limitations of the Act. At the request of the Council of Canadians with Disabilities (CCD), ARCH Disability Law Centre (2018) produced a report raising concerns with the proposed ACA. These concerns included the absence of a timeline for achieving the goals in the ACA, the use of permissive language related to powers to enforce the act with the use of the word 'may' instead of 'shall', the general nature of accessibility requirements, the potential for multiple accessibility standards due to powers given to multiple agencies, lack of a centralized compliance mechanism, and failure to address intersectionality, poverty and the unique barriers faced by Indigenous persons with disabilities. The concerns were then raised in an Open Letter released by CCD and signed by over 90 disability organizations across Canada.[2] As a result, the Standing Senate Committee on Social Affairs, Science and Technology (SOCI) amended the Bill to add a deadline to meet barrier-free standards. It also recognizes American, Quebec and Indigenous sign languages as official languages for deaf persons. Further, SOCI specified that multiple and intersecting forms of discrimination must be taken into account for any relevant laws, policies, programs or services. Pertaining to barriers,

> SOCI also clarified that nothing in the *Accessible Canada Act* justified any delays in the prevention or removal of barriers or limited a regulated entity's duty to accommodate under any other Act of Parliament. Finally, SOCI added that simple compliance with regulations made under the Canada Transportation Act for the removal of barriers does not preclude the Canadian Transportation Agency from determining that undue barriers to accessibility continue to exist. In its report, SOCI also included observations for further governmental action with respect to federal contracts, so that public money is not used to create or perpetuate disability-related barriers, and regarding training of front-line personnel. (Naef & Perez-Leclerc, 2018, n.p.)

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[2] The concerns raised were specifically 1) to implement a timeline so that progress on accessibility could be measured; 2) to change wording in order to ensure the duty of government to impose the powers of the bill, 3) to ensure that plans for accessibility implemented by federally regulated organizations be good plans, 4) that accessibility standards and the powers to enforce them are spread across various federal agencies 5) that the federal government has power to exempt organizations from accessibility standards, even itself, 6) that spending power within the federal government should ensure that it is not used to create barriers, 7) because the federal government is the largest organization affected by this bill, agencies that enforce the bill should be independent of the government, 8) the bill does not adequately address poverty or intersecting discrimination, 9) The bill does not recognized ASL/LSQ as official languages for those who are deaf. (CCD, 2018 Open Letter)

The Senate accepted the SOCI Committee's recommendations and sent the Bill to the House of Commons where it received approval in May 2019. The *Accessible Canada Act* entered into force in June 2019.

The ACA seeks to enhance the full and equal participation of all persons including persons with disabilities into society by improving accessibility to the built environment, employment, goods and services, the design of programs and services, communication, and transportation. As noted in the introduction, accessibility is defined in the ACA in terms of "the identification and removal of barriers, and the prevention of new barriers, in the following areas: employment; the built environment; information and communication technologies; communication, other than information and communication technologies; the procurement of goods, services and facilities; the design and delivery of programs and services; transportation; and areas designated under regulations made under paragraph 117(1)(b)" (Government of Canada, 2019, p, 3-4).

While seeing promise in the intersectional human rights framework adopted by the ACA, the Federal Accessibility Legislation Alliance (2019) expressed concerns about the systems available to Indigenous people with disabilities experiencing discrimination. There is a unique relationship between the Government of Canada and First Nations, Métis, and Inuit Peoples that requires legislation which effectively navigates this relationship so that all people in Canada are covered under the ACA. As such, this report takes a two-pronged approach to addressing Indigeneity and disability; first by ensuring that Indigenous issues are woven throughout the report, and second, by addressing Indigeneity and disability directly in Section 2.

This report engages with concerns for a thorough and robust set of recommendations that account for intersecting discrimination and the ongoing legacy of colonialism through employing a human rights framework and an intersectional lens to emphasize their importance. This report, then, will identify opportunities for CSPS to offer training on the ACA that is responsive and relevant to carrying out the objectives of the ACA so as to ensure that the public service provides the highest standards of accessibility for all of its staff and clientele including persons with disabilities.

Methodology

Literature Review

Working from an intersectional, rights-based and reflexive framework, a synthesis literature review was conducted to document what is available in the literature and published reports about Canada's human rights obligations and performance nationally and internationally related to persons with disabilities and accessibility. The literature review started with the key documents pertaining to Canadian human rights laws and Canada's disability rights commitments nationally and internationally along with reports related to these laws (see Item 1 in the table below).

The researchers then reviewed 110 sources available from subject matter experts within the networks of Eviance and York University's Critical Disability Studies program in the School of Health Policy and Management. This included existing reviews and reports team members conducted or were involved in, namely a comprehensive review of international and Canadian disability rights conducted in 2017 which included articles, books, reports, and laws, as well as research reports on employment and income support team members were involved in during 2018-19 (see Item 2 in the table below).

The review then expanded to include a search of key terms within all 20 academic databases available through York University libraries. Databased were: OneFile (GALE), Sociology Collection, Nursing & Allied Health Database, ABI/INFORM Global, Psychology Database, Taylor & Francis Online – Journals, Oxford Journals (Oxford University Press), Sage Journals (Sage Publications), ABI/INFORM Trade & Industry, SpringerLink, JSTOR Archival Journals, ERIC (ProQuest), CBCA Complete, Directory of Open Access Journals (DOAJ), Wiley Online Library, Literature Resource Center (Gale), ScienceDirect (Elsevier), BMJ Journals (BMJ Publishing Group), Project MUSE, Oxford Scholarship Online (Oxford University Press). Key terms included *Employment Equity Act,* intersectionality and disability, business case for accessibility, economics of accessibility, rights-based approach to disability, disability and Indigeneity. In addition, a review was conducted of the resources published by civil society organizations and government sources (see Items 3 and 4 in the table below).

This final report is a collaboration between team members drawing upon their areas of expertise to ensure that the most recent and relevant findings inform our discussion and recommendations.

Item	Search Strategy	Number of Documents	Findings / Notes
1. Human Rights Laws and related documents	Identify key Canadian Human Rights Laws and Canadian International Obligations and related documents through government of Canada and United Nations Websites	10	This included: • *The Canada Human Rights Act* • *Canadian Charter of Rights and Freedoms* • *Accessible Canada Act,* • Abella Commission Report • *The Employment Equity Act* • The UN Convention on the Rights of Persons with Disabilities and documents related to Canada's submission to the UNCRPD Committee

2. Existing Literature Review Scan and resources from the team	Reviewed documents from previous comprehensive scans on human rights, and income and employment support. Team members brought relevant experience, background and resources	110	Sources from a Canadian human rights and international disability rights scan, and disability policy reports.
3. Library Sources Scan	20 York University Databases: OneFile (GALE), Sociology Collection, Nursing & Allied Health Database, ABI/INFORM Global, Psychology Database, Taylor & Francis Online – Journals, Oxford Journals (Oxford University Press), Sage Journals (Sage Publications), ABI/INFORM Trade & Industry, SpringerLink, JSTOR Archival Journals, ERIC (ProQuest), CBCA Complete, Directory of Open Access Journals (DOAJ), Wiley Online Library, Literature Resource Center (Gale), ScienceDirect (Elsevier), BMJ Journals (BMJ Publishing Group), Project MUSE, Oxford Scholarship Online (Oxford University Press) Time Frame 2015-present	90	Reviewed several sources but found only a few relevant and current sources that we did not already have through other means. Many findings did not focus on rights or accessibility. Many were medically or financially focused.

	Keyword searches: Economics of Accessibility, Disability Rights, business case for disability, intersectionality and disability, Indigeneity and disability		
4. Organizational Scan for Relevant Reports	Review reports and documents from organizations nationally and internationally relevant to economics, human rights and accessibility.	41	• ARCH Disability Law Centre • Centre for Work and Disability Policy • Caledon Institute • Combahee River Collective • Conference Board of Canada • Council of Canadians with Disabilities • DisAbled Women's Network • Disability Rights Promotion International • Federal Accessibility Legislation Alliance • Government of Canada Websites • International Disability Alliance • National Inquiry into Missing and Murdered Indigenous Women and Girls • Partnership Council on Employment Opportunities for People with Disabilities • Truth and Reconciliation Commission • United Nations CRPD Website

Environmental Scan

The purpose of the environmental scan was to identify existing best practices for cross-disability intersectional training. The scope of this research included trainings focused on a variety of audiences such as not-for-profit staff and management, public sector employees, policy makers, advocates, and individuals with disabilities. We included trainings from 2005 forward that were developed in reflection of applicable accessibility standards and legislation and were developed and/or delivered within Canada, the USA, New Zealand, Australia, England, Germany and Switzerland.

The methodology used in this environmental scan focused on key word google searches, a review of the Council of Canadians with Disabilities Open Letter on Bill C-81-*Accessible Canada Act*, and community networking with subject matter experts. Using these sources, we engaged a snowball sampling technique to identify leads for other trainings. We started with well-known trainings that were familiar to the research team and fit the scope for the scan and used these as a platform to identify other related trainings, particularly through additional resource and education sections on not-for-profit and government websites. We then used the Open Letter released by CCD as a base for identifying advocacy-based organizations and scanned each agencies website for applicable trainings to record. We anticipated that advocacy organizations would also likely engage in public education work and would likely be providers of training related to accessibility.

When all agencies listed on the Open Letter had been investigated, we turned to key word google searches. Initially we used popular search terms, such as disability training, intersectional training, disability sensitivity training, and cross-disability training. From here we searched specifically for agencies outside Canada by searching international intersectional cross-disability training. In reviewing our content, we noticed a gap in Indigenous based training, and so did one more deep dive into google search for more content. We also contacted several Indigenous leaders for more information. Using this overall strategy, we were able to review 232 organizations and identified 59 agencies delivering applicable training, recording a total of 97 unique trainings overall.

1. DISABILITY, HUMAN RIGHTS, AND ACCESSIBILITY

Human Rights Approach to Disability

Historically, the individual medical model has been the primary paradigm through which disability is understood in mainstream society. Issues of disability have been given a great deal of attention in the academic fields of medicine and psychology (Oliver, 1990). As a result, issues of disability have often revolved around identifying, understanding and controlling the illness, physical condition or deviant anatomy that is part of an individual's own body. The solutions to these issues have been focused on changing the individual rather than society (Oliver, 1990).

In the 1980s, the social model of disability arose in response to the needs of people with disabilities who wanted greater attention paid to systemic societal barriers facing people with impairments (Finkelstein, 2001; Oliver, 1996). The social model separated disability

from impairment such that disability is a consequence of the way society is organized, rather than a person's impairment or bodily difference. The social model implies that impairments would not necessarily lead to disability if society were to accommodate and include people with disabilities. In this way, the social model conceptualizes disability as a social construction. While this model has been influential in raising awareness of the barriers facing people with disabilities, concerns have emerged about the social model's tendency to focus on society to the extent of neglecting individual experiences of impairment (e.g., Shakespeare, 2006). Early criticisms of the social model pointed to its failure to address intersecting oppressions which had the effect of oversimplifying disability issues.

As the social model developed over the past decades, there has also been a rise in profile of disability rights at the provincial, national and international levels. Some key events have contributed to this rise in Canada such as the inclusion of disability in the *Canada Human Rights Act* and the *Canadian Charter of Rights and Freedoms*, as well as the adoption of the CRPD. The human rights perspective on disability moves away from viewing people as problems toward viewing them as holders of rights (Quinn & Degener, 2002).

In Canada, one of the earliest pieces of legislation related to disability rights is the *Canada Human Rights Act* of 1978. This Act is governed by the Canadian Human Rights Commission (CHRC). The purpose of the Act is to extend Canadian law to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have equal opportunities to conduct their lives as they are able and wish to; and to have their needs accommodated, consistent with their duties and obligations as members of society. All individuals should be able to do so without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction of an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

During the repatriation of Canada's Constitution from Britain in the early 1980s, Prime Minister Pierre Trudeau undertook a process to develop a Constitutional Charter that would establish a wide range of rights and freedoms for people residing in Canada. To this end he appointed a House of Commons committee, who subsequently held public consultations and hearings to discuss which rights would be included in the Charter (Peters, 2020).

Out of this came a proposal for Section 15, the guarantee of equality. Notably, disability was absent from the grounds of prohibited discrimination (which then included age, religion, sex, colour and ancestry). As such, the Council of Canadians with Disabilities (CCD) representatives lobbied for the inclusion of disability rights, culminating in a protest on Parliament Hill. Although it initially seemed as if disability would not be included as a ground for discrimination, it was eventually included in Section 15. Some believe this was the result of the intense pressure coming from people with disabilities and the fact that the International Year of Persons with Disabilities had been declared in 1981 (Peters, 2020).

So, in 1985, a critical cornerstone of disability law and policy in Canada was found in the *Charter of Rights and Freedoms,* specifically Section 15 - the equality guarantee. This section provides that every individual has the right to equal protection and benefit of the law without discrimination and explicitly includes mental or physical disability among its prohibited grounds. At the same time as it protects equality, the *Charter* also allows for certain laws or programs aimed at improving the situation of disadvantaged individuals or groups (Peters, 2020).

As the supreme law in Canada all governments (including federal, provincial/territorial and municipal) and the actions (that is, all laws, policies and programs) they undertake must uphold and respect the requirements of the Charter. The Charter also applies to agencies or authorities carrying out government work such as social services or healthcare (Peters, 2020).

While it was initially hoped that giving people with disabilities Constitutional protection would rapidly lead to the removal of discrimination and barriers, it soon became apparent that laws and policies take time to change and in practice, while governments have made some attempts to be Charter compliant, most of the responsibility has been left up to individuals and groups to take governments to court to challenge actions that appear to be in contravention of the Charter. Despite this slow uptake, the inclusion of disability in Canada's Charter is seen as a monumental achievement, one that signalled how entrenched and effective disability rights movements had become (Peters, 2020).

Of note, is that an intersectional understanding of disability and equity began to be formulated at this time – for example, organizations like the CCD wanted the interpretation of equality to recognize the unique differences and barriers experienced by various equity seeking groups – that is, that disability had to be understood as encompassing race, gender, age, class, etc., (Peters, 2020). The cost of taking cases to court were seen as prohibitive so the Canadian Disability Rights Council worked closely with CCD and ARCH Disability Law Centre to lobby the federal government to establish a fund that could be used by equality seekers to challenge discriminatory government actions. This resulted in the launch of the (recently revitalized) Court Challenges Program in 1985. Over the ensuing decades, people with disabilities achieved and celebrated a number of legal victories.

Canada continues to commit to improving the rights and opportunities for people with disabilities. For example, the Government of Canada reinstated the Court Challenges program in 2017 with an explicit equity and human rights lens that targets Section 15 of the Charter (https://www.canada.ca/en/canadian-heritage/services/funding/court-challenges-program.html). Rioux and Patton (2014) also point to Canada's ratification of the CRPD in 2010 (United Nations Treaty Collection, 2020), successful litigation under the Charter and human rights codes, as well as other more recent policy documents that have reconfirmed a commitment to the concepts of inclusion and participation (e.g., Canada Federal Task Force on Disability Issues, 1996; Canada Federal /Provincial/ Territorial Ministers Responsible for Social Services, 2000).

The United Nations Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) came into force in May 2008 after a negotiation process that saw unprecedented levels of civil society participation (Quinn, 2011; United Nations, 2007). The development of the CRPD reflected an intersectional approach of including diverse people with disabilities, their allies, Non-Governmental Organizations (NGOs), government representatives and human rights institutions[3]. This process emphasized the equal dignity of all persons, including people with disabilities and acknowledges their autonomy in directing their own development (Stein, 2007). Similarly, Rioux and Valentine (2006) suggest that the internationalization of disability rights has been beneficial for the advancement of the rights of people with disabilities. They suggest there is greater theoretical and conceptual clarity of the understanding of disability as an issue of rights rather than charity, medicine or rehabilitation. As noted above, the traditionally relied upon medical model effectively objectified people with disabilities instead of treating them as rights-holders (Quinn & Courtis, 2010; Pinto, 2011). Conversely, a rights-based approach goes beyond physical needs to address a more holistic conceptualization of human beings. Central to this is the idea that, "Rights always trigger obligations and responsibilities, whereas needs do not" (Boesen & Martin, 2007, p. 10). In this way, "it is central to the premise of RBA [rights-based approach] that human beings have inalienable rights and a deprivation of needs can often be addressed as a denial of rights" (Boesen & Martin, 2007, p. 10). From a conventional policy perspective, Prince (2004, 2009) and others (e.g. Rioux & Zubrow, 2001; McColl, James, Boyce, & Short, 2006) suggest that disability policy is about methods and interventions to address the social needs and potential threat of disability to personal well-being. By contrast, the perspective of the disability community is to design and implement policy that enables people to function and contribute to society in line with the CRPD.

The CRPD combines civil and political rights with economic, social and cultural rights for people with disabilities (McCallum, 2010; Quinn & Courtis, 2010). It does not establish new rights or rights not already found in other conventions. Rather, it establishes those rights explicitly for people with disabilities and it outlines ways for people with disabilities to achieve their rights (Stein, 2007; McCallum, 2010). Unlike other treaties, though, the CRPD defines procedural requirements for its implementation. In other words, it creates, "obligations of conduct" (Hoefmans & de Beco, 2010, p. 16). This is important because it gives direction on how to meet the requirements of the CRPD.

The Committee on the Rights of Persons with Disabilities is a group of independent experts responsible for overseeing implementation by signatories who have ratified the CRPD and it works through dialogue between its expert members and the state making a submission. The Committee reviews periodic reports submitted by states under Article 35. Civil society should be consulted during the drafting of a state report. National

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[3] See also https://www.un.org/development/desa/disabilities/about-us/history-of-united-nations-and-persons-with-disabilities-the-first-millennium-decade.html

Human Rights Institutions, NGOs, and Disabled People's Organizations (DPOs) are given an opportunity to submit their own list of issues in the form of a parallel report. The Committee then asks for additional information from the State in the form of a List of Issues to which the state responds. This forms the basis for the Committee's review of the State report. DPOs can respond to the List of Issues as well. The Committee will then respond with its concluding observations which highlight successes and recommendations to the state pertaining to the CRPD. States must submit an initial report within 2 years of the CRPD coming into force in that state. Additionally, States must submit a report at least every four years (Theytaz-Bergman & Trömel, 2010).

The CRPD provides a road map for service provision and social policies that goes beyond charity and protection to advance the rights of people with disabilities. The convention highlights the specific vulnerabilities of people with disabilities, the irreducibility of their experiences, and avoids creating a "ghetto of disability rights" because it draws on existing canonical human rights concepts (Megrit, 2008). Accessibility is one of the fundamental general principles of the Convention[4] and more fully addressed in Article 9. Article 9 is explicitly recognized in the ACA which aligns the Act with the CRPD in this manner. Article 9 outlines the enabling of:

> [P]ersons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility. (United Nations, 2006. p. 9)

This definition of accessibility aligns with intersectionality based on an understanding of human beings as shaped by the interaction of different social locations (e.g., disability/ability) that occur within a context of connected systems and structures of power (e.g., laws, policies) (Hankivsky, 2014). It is to some of these systems and structures of power that we turn to next.

Overview of Federal Legislative Supports in Canada

Human rights legislation in Canada prohibits discrimination on several grounds including disability. The *Canada Human Rights Act* (and under it, the *Charter*), the *Employment Equity Act*, and most recently the *Accessible Canada Act* apply to anyone employed by

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[4]The intersectional approach to disability is congruent with the eight principles of the CRPD which are: (*a*) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (*b*) Non-discrimination; (*c*) Full and effective participation and inclusion in society; (*d*) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (*e*) Equality of opportunity; (*f*) Accessibility; (*g*) Equality between men and women; (*h*) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities (United Nations Department of Economic and Social Affairs, n.d.).

or receiving services from the public service and federally regulated industries. This includes employment, income security, health, transportation, and broadcasting (Naef & Perez-Leclerc, 2018). The following provides a brief overview of this human rights legislation.

The human rights approach to disability, which was entrenched in the Constitution Act in 1982 under Section 15 of the Charter on equality, created an opening for the disability rights movement to make advancements. Kelemen and Vanhala (2010) argue that, "Achieving constitutional recognition of equality rights for persons with disabilities remains the jewel in the crown of successes of the disability rights movement in Canada" (p. 8). Prior to this, the welfare model provided benefits to people with disabilities, but it did not instil rights.

Mandated by the Royal Commission on Equality and Employment in 1983, Judge Rosalee Silberman Abella, then of the Ontario Provincial Court, investigated barriers to employment for women, visible minorities, Aboriginal people and persons with disabilities. From that came the release of *Equality in Employment: A Royal Commission Report*. In it, Justice Abella gave special attention to defining equality because the equality provision in the Charter had just come into effect, leaving no cases to look to for guidance (Abella, 2014). Importantly, it was not sameness that was emphasized, but rather difference. She argued that for people with disabilities, "If we ignore their differences, we cannot accommodate them, and if we don't acknowledge and accommodate them, individuals are left out. By reversing the paradigm and proposing that individuals be included *on the basis* of the very differences that had unfairly excluded them, equality becomes a tool for breaking down barriers" (Abella, 2014, p. viii). Her report played a key role in the development of the *Employment Equity Act* (EEA) which was implemented in 1986.

Important to note in terms of obligations, "Unlike the Charter of Rights and Freedoms or the *Canadian Human Rights Act*, which merely prohibit discrimination, the EEA required employers to engage in proactive measures to improve the employment opportunities of the four protected groups. However, the EEA has also been criticized for "a lack of strict penalties or enforcement" (Partnership Council on Employment Opportunities for People with Disabilities, 2016, n.p.). The four protected groups are women, persons with disabilities, Aboriginal peoples, and visible minorities.

According to Naef & Perez-Leclerc (2018), "In Canada, for the most part, the current federal legislative framework regarding accessibility is complaints-based. As a result, people with disabilities often have to wage separate legal battles in order to have their rights recognized" (n.p.). The reactionary system has meant that in 2018, disability-based complaints comprise the single-largest caseload for the Canadian Human Rights Commission at 52% which represents an increase of 33% over the ten-year average (Canadian Human Rights Commission, 2018). In Ontario, disability-related cases before the Ontario Human Rights Tribunal reached 55% making in the most prevalent ground for discrimination in 2018 (Canadian Human Rights Tribunal, 2018). Importantly, these are the cases which make it to the tribunal and does not reflect the number of people with disabilities trying to access human rights complaint mechanisms.

The *Accessible Canada Act* recognizes human rights protections guaranteed to persons with disabilities under the Charter in terms of equal protection and benefit of the law, and that the *Canada Human Rights Act* provides for accommodation without discrimination on an equal basis with others. The *Act* further acknowledges Canada as a state party to the CRPD, which sets out appropriate measures regarding inclusion, equality and accessibility, and designates Canada's external monitoring body to be the Canadian Human Rights Commission (CRPD, 2010, Article 33, Paragraph 2; ACA, Section 28.1). Taken together, the *Accessible Canada Act*, treats accessibility and the removal of barriers as essential to achieving rights for people with disabilities through their full and equal participation in society (Government of Canada, 2019).

The ACA also outlines one new organization essential to realizing a truly, accessible and sustainable Canada. This organization is the Canadian Accessibility Standards Development Organization (CASDO)[5]. CASDO is led by a board of directors, comprised of a majority of persons with disabilities and will develop accessibility standards for the federal jurisdiction, in collaboration with industry and the disability community. The CASDO board began meeting in the Fall of 2019, with one of its early actions was to be renamed "Accessibility Standards Canada" (ASC).

Human Rights Monitoring

International treaties contain standards used to assess human rights violations (Pinto, 2011). To this end, conventions include monitoring provisions. While conventions can lead to changes in national legislation, they do not guarantee changes in living conditions which is why monitoring is important (Lindqvist, 2015). Under the CRPD the state is responsible for monitoring rights; this includes the designation of an independent monitoring mechanism on disability to collect evidence of progress and shortfalls (Lindqvist, 2015).

Support from civil society is important for contributing to an informed and independent perspective on Canada's performance pertaining to the CRPD. The Disabled Persons Organization (DPO) that has been involved in a leadership capacity from the drafting of the CRPD to subsequent monitoring and reporting on progress from the civil society, is the Council of Canadians with Disabilities (CCD). With much of the disability movement in Canada being oral history, the authors want to honour this history by citing the essential leadership of this DPO in their own words:

> While the CRPD was being negotiated, CCD representatives were appointed to the Canadian Delegations, which included members of civil society and government officials, who participated in the drafting of the Convention at the UN. To inform the Canadian delegations who worked on the Convention about the perspective of people with disabilities and their organizations concerning the content of the proposed articles of the Convention, CCD organized community consultations where the disability community's perspective was articulated.

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[5] https://appointments.gc.ca/prflOrg.asp?OrgID=CASDO&lang=eng

In 2011, CCD, along with the Canadian Association for Community Living (CACL), issued a Call for Action on CRPD implementation to Parliamentarians and the Government of Canada, which a broad range of groups endorsed and CCD and CACL published a working paper explaining what was needed to make domestic implementation of the CRPD real and meaningful for people with disabilities in Canada.

Also in 2011, the Provincial and Territorial Ministers responsible for disability issues and human rights met in Winnipeg, MB and two CCD representatives, Steven Estey and Jim Derksen, were invited to address the Ministers to discuss obligations under the CRPD.

To increase awareness of the CRPD, CCD had a five-year education project (Vangelis Nikias, Project Manager) that provided training sessions to disability organizations, university classes and civil society groups.

From 2014 -18, CCD served as the secretariat to coordinate civil society participation in the development of a parallel report for the UN CRPD Committee. Jewelles Smith, CCD Chairperson, met with the CRPD Committee in Geneva in 2016 and 2017 to present a cross-disability analysis of Canada's progress on implementing the CRPD. In December 2018, as part of its secretariat work, CCD convened a community consultation focused on developing a domestic implementation plan, responding to the Concluding Observations of the CRPD Committee.

(CCD Communication to Eviance, March 8, 2019)

In March 2019, the federal government awarded a contract to the British Columbia Aboriginal Network on Disability Society (BCANDS) to serve as the secretariat of the civil society process. BCANDS is a provincial, not for profit, charitable Society that "advance(s) the unique disability and health priorities of Indigenous person through collaboration, consultation, and the delivery of comprehensive client services" (British Columbia Aboriginal Network on Disability Society, 2020). CCD continues to bring its' subject matter expertise in CRPD knowledge, monitoring and reporting as an organizational partner, while the former CCD International Chairperson was hired as BCANDS staff to facilitate the project (2019-2020). In addition, CCD continues to advance knowledge of disability and human rights, inclusive of the CRPD and the Optional Protocol, through its recent webinar series found on the following site: http://disabilityrightsonline.ca/services/ (2019 – 2020).

As noted earlier, Canada ratified the CRPD in 2010 and submitted its state report in 2014. Following this, the DPOs, civil society organizations and human rights commissions in Canada had the opportunity to submit written reports and/or represent their organizations in-person to the UN Committee on the Rights of the Persons with Disabilities. CCD serving as the secretariat provided a report, and presented in person in Geneva, on behalf of a broad collective of DPOs and broader civil society organizations. All submissions, written and in-person, for the first Reporting Cycle for Canada (2014-2017), to the Committee can be found on the following link: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCod

e=CAN&Lang=EN. Upon review of all the data from Canada, the UN Committee on the Rights of Persons with Disabilities submitted to Canada their Concluding Observations (United Nations, 2017). The concluding comments from the Committee in response to Canada's report include recommendations pertaining to the intersecting nature of discrimination against women with disabilities and the different forms of violence against women, particularly Indigenous women, with disabilities (United Nations, 2017).

The Second Reporting cycle for Canada began with the country visit to Canada of the UN Special Rapporteur on the Rights of Persons with Disabilities, Ms. Catalina Devandas Aguilar. The "aim of such visits is to obtain first-hand information on the rights of persons with disabilities, to report on the findings and to propose, in a spirit of cooperation and assistance, recommendations to improve situations identified as matters of concern" (United Nations Human Rights Office of the High Commissioner, 2020, n.p.). In addition to these written reports the DPOs, civil society organizations and the Canadian Human Rights Commission in its new role as external monitor were invited to submit in writing, and in-person in Geneva, their feedback on a smaller list of issues that the UN Committee had identified in advance, known as the "List of Issues Prior to Reporting" (LoIPR). Some reports stayed within the LoIPR while other reports such as that submitted by BCANDS and ARCH Disability Law Centre addressed all articles of the CRPD. This Second Reporting cycle for Canada is still in process, with both the State Party's Report (initially set for April 11 2020) and DPO, and civil society report's to Canada's report being delayed with the closing of the UN and all associated processes in a world-wide response to deal with the current COVID-19 pandemic.

The CRPD has provided an organizing framework for a more holistic monitoring of disability rights. Human rights monitoring, in the context of disability allows for evaluation of whether progress on securing rights has been made. It focuses on dignity of the person, "and thus places access to rights (including rights to services) within a broad range of indivisible, interrelated and interconnected spheres of human life that span civil, political, social, economic and cultural dimensions" (Pinto, 2011, p. 455).

Disability Rights Promotion International (DRPI), based out of Toronto, Ontario, Canada is one project whose mandate it is to monitor disability rights globally (Pinto, 2011). Their work is informed by the best practices of monitoring of other international Conventions, and is described as an example of how an intersectional approach to the CRPD is put into practice,

> DRPI has adopted three broad areas for monitoring based on recommendations by diverse people with disabilities around the world. These areas include: monitoring systems, monitoring individual experiences and monitoring media. Human rights monitoring has been broken down into these areas to find the discrete pieces of knowledge to paint a picture of the current situation faced by individuals with disabilities. Data collected during the monitoring activities in all three areas is used as evidence for advocacy efforts and improved government policies and laws.

The three broad areas for monitoring, monitoring systems, monitoring individual experiences and monitoring media, are represented in the following Venn diagram.
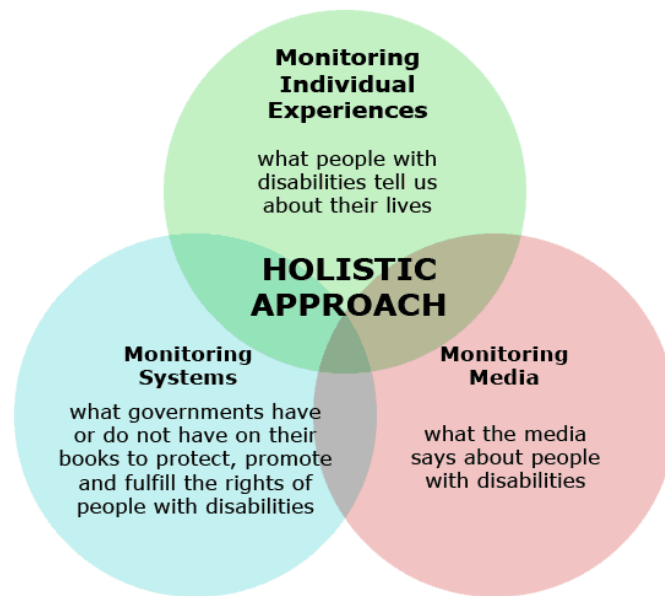

Figure 1: Disability Rights Monitoring Framework

This practical application of intersectionality resonates with Crenshaw's conceptualization of structural, political and representational intersectionality. Both frameworks account for the overlaps of individual experiences with political systems and public policies, as well as media portrayals of certain social categories of people. (Buettgen et. al., 2018)The CRPD is relatively new and its effectiveness continues to be monitored by organizations like DRPI (*see* http://drpi.research.yorku.ca/), and the International Disability Alliance (IDA, n.d.), who implemented a project to strengthen the capacity of national disability organizations to monitor CRPD implementation in their countries. According to Lindqvist (2015) after this project began, alternative reports to the Committee increased. While the CRPD provides formal mechanisms to monitor disability rights, it also offers a framework for ensuring that these rights are realised. Most importantly, it demonstrates that a human rights framework extends equality issues beyond the economic realm into all areas of life.

The Canadian Centre on Disability Studies Inc. operating as Eviance took the lead in creating a civil society response to Article 31 which focuses on data and research. This work drew upon the report entitled "Recommendations for action and people of concern: Shadow reports from Canada made under the UN Convention on the Rights of Persons with Disabilities, 2016-2017" (Crawford, Hardie & Wicklund, 2019). An analysis of the reports highlighted 28 clusters of Actions that,

> …should be undertaken to further, protect or otherwise address the human rights of persons with disabilities. The three clusters of actions related to data and research were to:

- Monitor/conduct research/report, eg., on the situations of various groups of people in relation to a given Article;

- Evaluate the performance/assess, eg., a governmental program, law or policy on various groups of people in relation to a given Article; and,

- Collect/provide (disaggregated) data, e.g., as a basis for monitoring, research, reporting or evaluating/assessing the impacts of initiatives on various groups of people in relation to a given Article. (Sourced directly from Crawford, et al. 2019)

Increasingly there are efforts being made to aspire to the disaggregation of data. For some legislative bodies (i.e. human rights commissions), this requires policy and procedural changes to enable the gathering of this data. This is one of the reasons for interests throughout grassroots in diverse disability communities in accessing training developed by DRPI as a means to gather data systematically to inform CRPD monitoring processes. Such training and capacities will also be helpful in fulfilling the monitoring and reporting associated with the ACA.

In Canada, we know that a significant number of human rights complaints are disability based. Lessons can be drawn from international rights monitoring and applied to Canada's newly implemented ACA. Monitoring of the ACA will be critical to understanding and ensuring its effectiveness.

2. INTERSECTIONALITY

Intersectionality as a concept has its roots in the social justice activism of Black and racialized women, particularly in the context of the second wave of feminism in the US (Hill-Collins, 1986; Combahee River Collective, 1977). These women were contesting the notion that women as women had a shared social experience and could be united politically on the basis of gender. However, there is also evidence that the concept of intersectionality goes back as early as the 19th century in the activism and writing of Indigenous women and women in the Global South (Hill-Collins & Bilge, 2016).

The term "intersectionality" was actually not coined until 1989 by Kimberle Crenshaw in the context of legal studies and critical race theory (Crenshaw, 1989; 1991). Crenshaw (1989) recognized that the intersectional experience is greater than the sum of individual parts. In other words, to understand experiences of discrimination is to do more than look at those experiences based on individual parts of identity. Rather, it is the multiple and intersecting forms of discrimination that cannot be isolated to one aspect of identity. Hankivsky (2012) writes about this as, "social locations are inseparable and shaped by interacting and mutually constituting social processes and structures, which, in turn, are shaped by power and influenced by both time and place" (p. 17). Hill Collins and Bilge (2016) discuss intersectionality in the following way,

> … When it comes to social inequality, people's lives and the organization of power in a given society are better understood as shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together

and influence each other. Intersectionality as an analytic tool gives people better access to the complexity of the world and of themselves. (p. 2)

Intersectional activists and theorists have been criticized for not examining how social locations like race, gender, class and sexual orientation intersect with disability. Indeed, published material on intersectionality and disability only begin to proliferate in the mid to late 2000s (Buettgen, Hardie, Wicklund, Jean-François, Alimi, 2018; Naidu, Haffejee, Vetten & Hargreaves, 2005). Since that time, however, intersectional analyses of disability have helped to illuminate the specific forms of social, economic, and political discrimination that impact people with disabilities (Buettgen, et al., 2018). Intersectional analyses have revealed, for example, that women with disabilities are more likely to be victims of violence and that racialized and Indigenous people have higher rates of disabilities, with Indigenous populations being twice as likely as the non Indigenous population to have disabilities (DAWN, 2013; Durst & Bluechardt, 2004; Erevelles & Minear, 2010; Gilborn, 2015; Warner & Brown, 2012).

Intersectionality is increasingly being taken up in the context of public policy both as an analytic tool and as a proactive measure, enacted through public engagement to ensure equity (Hankivsky & Zachary, 2019). National and international human rights approaches have historically relied on a "single axis" approach in enforcing legal provisions (Truscan & Bourke-Martignon, 2016). Crenshaw's intervention was to argue that this approach was limited in its application in law (Crenshaw, 1998). As such, increasingly there is a move toward bridging intersectionality and human rights approaches (Truscan & Bourke-Martignon, 2016; Ontario Human Rights Commission, 2001). For example, the Ontario Human Rights Commission (2001) who states:

> Applying an intersectional or contextualized approach to multiple grounds of discrimination has numerous advantages. It acknowledges the complexity of how people experience discrimination, recognizes that the experience of discrimination may be unique and takes into account the social and historical context of the group. It places the focus on society's response to the individual as a result of the confluence of grounds and does not require the person to slot themselves into rigid compartments or categories. It addresses the fact that discrimination has evolved and tends to no longer be overt, but rather more subtle, multi-layered, systemic, environmental and institutionalized. (n.p.)

Researchers have highlighted that the CRPD requires intersectional approaches to policy and programming (e.g., Buettgen, Hardie, Wicklund, Jean-François, & Alimi, 2018; Paré, 2019; see also United Nations Committee on the Rights of Persons with Disabilities, 2017 and 2018). That is, increasingly it is understood that the aims of the CRPD cannot be pursued with an examination of the intersections of gender, ethno-racial diversity, sexual orientation, age and other diverse social locations (Barlett, 2017; Kroger, 2004; Hodges, O'Brien, McGorry, 2007;Judd et al., 2008; Galdas, Cheater & Marshall, 2005) including Indigeneity (Carlson, Farrelly, Frazer & Borthwick, 2015; Durst, South & Bluechardt, 2006; Fem Net North, 2016; Gillespie et al., 2016).

While intersectionality is well established as a theoretical approach, its inherent complexity, which challenges us to think not only about intersecting social location but

what those intersections tell us about social and structural inequities, has created challenges for practitioners and policy decision makers (Buettgen, Hardie, Wicklund, Jean-François, & Alimi, 2018). As such, tools for implementing intersectionality in the policy context have been welcome. Hankivsky's (2012) Intersectionality Based Policy Analysis tool, has quickly gained traction as a method for surfacing inequities and supporting policy decision makers to apply intersectionality in a concrete policy context.

Hankivsky (2012) identifies eight central tenets for an Intersectionality Based Policy Analysis Framework. These principles are a useful framework for guiding training on experiences of people with disabilities and the various groups they comprise. These principles are 1) recognizing intersecting categories, 2) multi-level analysis, 3) power, 4) reflexivity, 5) understanding time and space, 6) valuing diverse knowledges, 7) social justice, and 8) equity.

People's experiences of disability and their access to resources are shaped by intersecting social relations of power based on gender, race, ethnicity, age and sexual orientation. As such, policy analysis cannot prioritize one social relation over another as a way to understand individual needs or experiences. Intersectionality recognizes **intersecting categories** rather than looking at the sum of their individual effects. In this way social categories are understood as interacting and co-constituting one another. It is these intersections and their effects that are important to intersectional analysis.

Multi-level analysis is a second guiding principle in that intersectional analysis is concerned with experiences across various levels in society, including global, national, provincial, regional, community, grassroots, and individual. The relationship between structures and social locations are revealed through intersectional analysis.

Power dynamics are critical to understanding discrimination and the subsequent need for accessibility standards. Power operates through systems and processes to control what knowledge is included and what is left out. An intersectional lens recognizes that a person, because of their intersecting identities, can experience both privilege and oppression in various contexts and times.

Reflexivity is a fourth principle and it helps to address power by acknowledging its importance in all areas of life. To practice reflexivity requires policy actors and others to commit to ongoing dialogue, critical self-awareness and a willingness to question power and privilege by questioning assumptions. Hankivsky (2012) gives the example, "it is important to utilize reflexive practices that consider individual connections to colonization and facilitate the interrogation of policy and practices in the colonization of Indigenous peoples in Canada (Blackstock, 2005)" (p. 36).

Intersectionality provides the knowledge that our experiences are not rigid, rather when and where people live interacts with what they know about the world. **Time and space** are critical to understanding that an intersectional analysis recognizes the ways in which experiences are heavily influenced by our social position and location.

Similarly, **diverse knowledge**, particularly from those who are typically marginalized or excluded are central to intersectionality which is concerned with the relationship between power and knowledge production. Here questions could be asked about how power influences what knowledge is privileged and what is excluded. "For example, the inclusion of colonized peoples' traditional knowledges in the production of knowledge generated by policy analysis can work to shift dominant colonial or racialized discourses in policy and can thus have decolonizing effects" (Fredericks, Adams, & Edwards, 2011)" (Hankivsky, 2012, p. 37).

Social justice is emphasized within intersectional analysis for its focus on achieving equity regardless of the areas of focus. Social justice theories seek to understand complex social and power relations allowing for new ways of thinking that go beyond criticizing the status quo.

Closely related is the principle of **equity** which is concerned with fairness rather than equal treatment so as to understand where differences of outcomes are unfair or unjust (Hankivsky, 2012).

In sum, the goal of intersectionality, then is one of social justice. Its intent is to expose the complex web of discrimination with a view to addressing the inequities it creates (Buettgen et. al. 2018). In the following section we explore disability in its intersections with Indigeneity.

3.   DISABILITY AND INDIGENEITY

Although disability is widely researched in Canada, there is limited research available on First Nations people, Métis and Inuit and when they are represented they are presented as a homogeneous group, neglecting differences in culture, geographical diversity, languages and histories (Hahmann, Badets, & Hughes, 2019). However, we do know that in Canada, more than half of First Nations people live off of reserve and along with Métis are more likely to have a disability than non-indigenous people (Hahmann, Badets, & Hughes, 2019). Specifically, according to a 2019 Aboriginal Peoples Survey, "roughly one in three First Nations people living off reserve and Métis had one or more disabilities, while among Inuit and non-Indigenous people the proportion was roughly one in five" (Hahmann, Badets, & Hughes, 2019, p.12).

The experiences of Indigenous people with disabilities must be understood as rooted in the historical and ongoing effects of colonization. Although the understanding of disability across Indigenous nations is not uniform before colonization, many Indigenous people, "believed that for the community to survive and thrive all must be cared for or both would cease to exist. Within the culture, people born with disabilities were thought to be gifts from the ancestors and Creator. The community worked together to have them be a part of the social structure. Often, they were the Medicine Man's helper which was a high honour. Because of their differences people with disabilities were thought to walk in two different worlds; to have gifts given to them from the Spirit World and therefore they brought unique insights to their communities." (Gillespie et al. 2016, p. 6).

Colonization brought with it violence, abuse and control through forced attempts at assimilation. Canada's legacy of residential schools is one of intergenerational trauma and systematic sexual abuse which has had devastating mental health effects on Indigenous communities. For example, residential school experiences have been linked with post traumatic stress, alcoholism and fetal alcohol spectrum issues (Truth and Reconciliation Commission, 2015). The Truth and Reconciliation Commission (2015), which heard the stories of hundreds of residential school survivors issued a call to action for all levels of government,

> We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism. (p. 219)

Given that environmental and trauma-related disabilities are higher among Indigenous people (Hirji-Khalfan, 2009), and that research has shown rates of disability are high among Indigenous populations (Hahmann, Badets, & Hughes, 2019) indigenizing disability support services is critical.

Indigenous people with disabilities face unique rights violations, particularly access to services and the right to independent living. The Permanent Forum on Indigenous Issues identifies a major form of discrimination for Indigenous people with disabilities as the lack of available, quality services compared to other people with disabilities (United Nations, 2013).

Indigenous women face additional barriers (e.g. Kurtz, Nyberg, Tillaart, Mills & The Okanagan Urban Aboriginal Health Research Collective, 2008). The situation for women in Canada's northern communities is demonstrative of the complexities within Indigenous populations that must be considered as part of support and service provision. FemNetNorth (2016) looked at employment issues and other barriers for women with disabilities in Northern Indigenous communities and concluded that,

> The cost of housing usually rises dramatically when workers arrive for resource projects. Women with disabilities living on low incomes can then face challenges in finding affordable and accessible housing in their communities and meeting their other needs. They can become vulnerable to homelessness or may live in overcrowded or unsafe housing" (p. 4)

The National Inquiry into Missing and Murdered Indigenous Women and Girls (2019) was established to hear testimonies of the unconscionably high rates of violence against and murders of Indigenous women and girls in Canada. According to the Inquiry, Indigenous women and girls are 12 times more likely to be murdered or missing than any other women in Canada, and 16 times more likely than Caucasian women (MMWG, 2019) Indeed, the Chief Commissioner Marion Buller described the situation thus, "The truth is that we live in a country whose laws and institutions perpetuate violations of basic human and Indigenous rights. These violations amount to nothing

less than the deliberate, often covert campaign of genocide against Indigenous women, girls, and 2SLGBTQQIA people…." (MMIWG, 2019, p. 5).

International legal commitments and declarations have often been the site of commitments related to disability, however, there enforcement remains a challenge. For example, in order to provide a time frame during which Governments and organizations could implement the activities recommended in the World Programme of Action, the General Assembly proclaimed 1983-1992 the United Nations Decade of Disabled Persons (United Nations, n.d). During this time, federally the Secretary of State supported the co-creation of national DPOs which included the establishment of the National Aboriginal Network of Persons with Disabilities (NAND). NAND provided a national umbrella group which served to represent Aboriginal, Métis and Inuit communities on issues which included those related to disability. The dissolution of NAND has meant that there is no longer one national umbrella group, so consultations with Indigenous communities on disability related issues is now mostly subsumed under other DPOs.

However, there is The United Nations Permanent Forum on Indigenous Issues (UNPFII) which acts as an advisory body to the Economic and Social Council. The UNPFII was established in 2000 with the mandate to address indigenous issues related to economic and social development, culture, the environment, education, health and human rights.

Canada officially endorsed the UN Declaration on the Rights of Indigenous Peoples in 2010 but did not see it then as a legally binding document. As, pointed out by the Truth and Reconciliation Commission,

> The Government of Canada initially refused to adopt the Declaration. When it finally did endorse the Declaration, it did not fully embrace its principles, saying that "it is a non-legally binding document that does not reflect customary international law nor change Canadian laws." The Commission is convinced that a refusal to respect the rights and remedies in the Declaration will serve to further aggravate the legacy of residential schools and will constitute a barrier to progress towards reconciliation. (2015, p. 137)

Because Indigenous people are entitled to self-government, support and funding for people living on reserves is administered by Bands and Councils rather than the provinces. Indigenous persons with a disability seeking services through the province or through an organization, are referred to the federal government who then refers them back to their Band (Hirji-Khalfan, 2009). This shuffling between various levels of government due to jurisdictional funding issues are exacerbated when a person leaves a reserve (Durst, South & Bluechardt, 2006).

A Summit on Indigeneity and Disability was held at York University in 2017 (Rioux, McIntrye, & Hearn, 2017) as a way to learn how to effectively incorporate Indigenous knowledge into teaching and learning at York University. Several key themes emerged from this summit of relevance to the ACA, including the need to pay attention to intersecting identities and resist the siloed ways in which society operates, particularly given the lack of recognition given to the various social locations that Indigenous people

comprise. Participants also spoke about the complexities of reclaiming lost identities for people not raised in their own Indigenous cultures and about the stigma that disability still carries in some Indigenous communities.

Community solidarity was also a theme of the Summit, with participants expressing a sense of purpose in being able to share a space to talk about the intersections of Indigeneity and disability.

Approaches to Indigeneity and disability must be come from the expertise of Indigenous communities and be developed in partnership with Indigenous leaders and elders. An approach that works to decolonize historical relations is necessary.

Indigenous and Decolonizing Approaches

To address the ongoing legacy of colonization, Indigenous scholars are calling for Indigenous and decolonizing research approaches to disability (Hall, Dell, Fornssler, Hopkins & Mushquash, 2015; Lavallée, 2009; Jaffee, 2016; Maar & Shawande, 2010). While Indigenous approaches to understanding disability and the experiences of Indigenous peoples with the health care system are diverse, decolonizing approaches to research and policy development share some basic principles (see for example, Tuhiwai Smith, 2012; Archibald, 2006):

1) Value Indigenous understandings of health, wellness and healing and Indigenous knowledge systems
2) Centre an understanding of the ongoing impact of colonization on Indigenous peoples
3) The use of culturally safe approaches to care
4) Recognize the role of self-determination and self-government in achieving social justice

In the context of disability, Hollingsworth (2013) argues that conceptualizations of disability are deeply tied to processes of colonization that sought to 'disable' Indigenous people and must be re-conceptualized through the lived experiences of Indigenous people with disabilities.

The next two sections look at what is available in terms of training on accessibility and what best practices can be taken from these trainings as well as what gaps can be filled by CSPS through its development of training on the ACA.

4.   DISABILITY/ACCESSIBILITY TRAINING IN PUBLIC SECTORS

It is our understanding that the Canadian School of Public Service is currently undergoing a process of reaching out through the public service to discover what training and tools have been developed with regards to disability and accessibility training. Our environmental scan determined that very little public information is available on federal and public service training in this area.

We know that the Public Service of Canada has an accessibility strategy and that provincially Ontario, Nova Scotia, Manitoba, and British Columbia have accessibility

legislation, but any training for the public service is not readily available in the public domain. This gap provides an opportunity for CSPS to offer a training that is recent and relevant to accessibility and the ACA.

5. DISABILITY / ACCESSIBILITY TRAINING, GBA+, INDIGENEITY, AND INTERSECTIONALITY

Our environmental scan reviewed and recorded 97 disability/accessibility trainings, both domestic and international. This work focused on training that celebrated cross-disability, GBA+, and intersectionality with an additional goal of discovering and recording Indigenous developed and focused trainings. Our work uncovered a variety of different training methods and tools. However, for this research we focused in on webinars (both facilitated and self-directed), in-person trainings, and toolkits. We choose these methods because we found these trainings and tools to be of higher quality, to have the goal of making intentional advancements in their audiences' knowledge base and were more likely to show innovation.

A review of trainings found a number of different delivery methods being used, such as:

- **Live Trainings:** Live trainings were often completed within online video or conferencing platforms accessible to the public, however several of the larger organizations providing training had their own infrastructures set up to do video-based live webinars. These trainings were offered on specific dates, required sign up and had a cap on the number of participants. This method offered opportunity to engage directly with the expert facilitator(s) through real time question and answer periods.
- **Video Recording:** We often found that live video trainings would be recorded and provided for playback to those who were unable to attend, missed the training date or wanted to revisit the material. This method of delivery ensured that the knowledge explored in the live training had a longer period of influence and captured a larger audience over time in the content.
- **Online Graphics Format:** These interactive workshops operate much like an animated PowerPoint with strategic information and corresponding graphics being presented. Often these trainings also featured a voice-over presenter who talked in more details and were self-paced.
- **Audio Recordings:** In rare cases, we found trainings delivered just as an audio file, much like you would experience a podcast or talk radio. The audio file was typically recorded from a live training; however, no video was provided.
- **In-Person:** Some trainings we found were more traditional and focused on in-person delivery. Often these were in done in workshop formats and their benefit was the ability for a client to customize the training and have the trainer come to them.

Overall, live video trainings appeared to be the most engaging and impactful workshops. These workshops were more likely to include the latest information, showed updates over time and had the capacity to engage the largest diversity of audience

members. We also found that these trainings often provided multiple formats of delivery to accommodate their audience, including PowerPoint versions, transcripts and LMS.

Five main types of training emerged through this scan, characterized by the identified goals and outcomes of the training.

The first type of training focused on meeting specific legislative requirements. These trainings largely focused on training to Standards, often were presented with specific examples and focused on adapting processes and behaviours versus inherent attitudes or systems level change. An example of this type of training is AccessForward, one of the leading Ontario training centres offering free modules to meet the training requirements under the Accessibility for Ontarians with Disabilities Act.

The second type of training focused on intersectionality as a workshop topic itself. These trainings explored intersectionality as a concept within a course, as opposed to a framework informing the training as a whole. An example of this type of training is Community Living Toronto with their Speaking OUT: Understanding Sexuality and Diversity in LGBTQ+ Individuals with Developmental Disabilities. This was the only workshop within the scope of the organization that specifically talked to intersectional experiences.

The third type of training focused on specific disabilities and trained on those experiences. While typically we did not include these in our scan, at times we found that they needed to be included because their topics were not being discussed as frequently in the larger pool of cross-disability training. An example of this is U First, which is a training program that helps front line staff to develop a common knowledge base in caring for people with Alzheimer's disease and other dementias.

The fourth type of training focused on human rights and advocacy. Typically, these trainings were focused around a piece of legislation, such as the Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol (OP) and were designed for building capacity for self-advocacy and the greater advocate movement. An example of this training is ARCH Disability Law Centre, with their OP Lab which is a series of eight courses to understand the Optional Protocol, and how it can be used effectively to advance CRPD implementation in Canada.

The last type of trainings are those that are clearly and intentionally rooted in intersectional theory and are responsive to cross-disability. Often these workshops focused on the exploration of a topic versus providing specific learning tasks or behaviour modifications. These workshops aimed to provide practical skills along with attitudinal shifts. An example of this training is RespectAbility whose workshop looks into race equity culture and the intersections of culture and disability and how it translates into the work done in the people sectors.

This scan revealed a number of trainings that emphasize intersectionality, were well researched, had a well thought out presentation, and their impact was notable. These trainings often also provided something innovative or unique that pushed the

conversation and moved the dial further. For example, a training that talked about the impact of climate change, versus just emergency preparedness or a training that focused specifically on Trans disability issues, versus the wider LGBTQI+ category. These trainings also often aimed to show impact at the personal, interpersonal and macro level and with that provided opportunity for experiential, attitudinal and societal change and advancement.

Training Highlights Table

Organization/Location	Training Name/ Description	Description/ Link
TGEU Transgender Europe Berlin, Germany	**Oppression Squared: D/deaf and Disabled Trans Experiences in Europe**	This training sets out the various challenges that D/deaf and disabled trans people face in accessing their human rights and discusses the barriers that D/deaf and disabled trans people experience in attempting to engage with LGBTIQ+ organizations. Link to Training
Rainbow Health Network Toronto, Ontario	**Training for Change:** **Practical Tools for Intersectional Workshops**	This training looks at how organizations inadvertently create barriers for different groups of people and will situate LGBTQ experiences within a continuum. It will further challenge common assumptions that frame our work and explore how our individual social conditioning may interact with our professional experience. Link to Training
DAWN Canada DisAbled Women's Network of Canada Montreal, Ontario	**Do The Rights Thing?** **Making the Case for GBA+**	This workshop talks about GBA+, statistics, and incidences of discrimination. In the workshop the case is made for a GBA+ approach. Link to Training
OCASI Ontario Council of Agencies Serving Immigrants Toronto, Ontario	Creating Inclusive Spaces for Immigrants and Refugees with In/Visible Disabilities **Webinar 1: Using an Anti-Racist Anti-Oppressive Framework**	This workshop helps participants learn how an anti-racist anti-oppressive framework can lead to better service delivery. Link to Training

International Disability Alliance Genève, Switzerland	Bridge CRPD-SDGs	This workshop is an intensive training programme that aims to support organizations of persons with disabilities and disability rights advocates to develop an inclusive and comprehensive CRPD perspective on development to reinforce their advocacy for inclusion and realisation of rights of persons with disabilities. Link to Training
Deque Michigan, USA	Accessibility Empathy Lab	This Empathy Lab is an interactive learning experience led by Deque Experts. Participants will make their way through multiple stations, each representing a specific type of disability or assistive technology. Participants will get to interact with a wide variety of assistive technologies to learn how these technologies function and experience innovative accessibility solutions. Link to Training
First Peoples Disability Network Australia Sydney, Australia	Building the Aboriginal Disability Service Sector	This workshop covers a wide range of topics focused on challenges and opportunities in building the Aboriginal disability service sector and promoting job opportunities. Industry experts will run skill building workshops in the areas of human rights, governance, best practice, support coordination & plan management systems and finance to give participants the tools to grow their Aboriginal disability service business. Link to Training
Realize Toronto, Ontario	Understanding Episodic Disabilities	Understanding Episodic Disabilities is a self-directed online course for Human Resources (HR) professionals that will deepen their understanding of the impact of episodic disabilities on the workplace. This course explains the episodic nature of many disabilities that HR specialists may encounter with staff and introduces participants to the definition of episodic disability and challenges, workplace

		participation and awareness and leadership as an HR professional. Link to Training
ICLEI USA Denver, USA	**People with Disabilities in the Climate Emergency: Vulnerability & Adaptation**	People with disabilities are marginalized across social, economic, and environmental spheres, and especially in the many dangers of the climate emergency. This presentation will explain the vulnerabilities and dangers that the disability community faces, and adaptive actions we can take to protect their safety and well-being. Link to Training
Citizens with Disabilities-Ontario Ontario	**What's That?**	This workshop is an opportunity to think about imagery and perceptions of disability. This lecture outlines how media images inform, shape and re-affirm perceptions of disability and shows the links between these images and how they inform disability's place within economic, social, and governmental infrastructures (within Canada and Ontario). Link to Training

Please see the *Canadian School of Public Service Environmental Scan spreadsheet* for the full list of trainings identified through the environmental scan.

Our research identified two significant gaps in training, including public sector training (addressed in the previous section) and Indigenous created and delivered training. Regarding Indigeneity and disability there were only a few workshops identified and recorded and several conference scripts found that alluded to presentations being done on the topic. It seems, however, that there may be more training materials that might not be publicly accessible, existing only periodically at in-person conferences, or live within individual pedagogy that is not formally recorded. We also did not find organizations whose mission would consider training the public on Indigenous/Disability issues a core piece of their work. With this, the team concluded that there is some tactic/experiential knowledge that is missing from this environmental scan, particularly around Indigenous training.

6. THE ECONOMICS OF ACCESSIBILITY

Previous research has begun to address the expressed needs of policymakers interested in understanding the magnitude of the social, economic and political costs and benefits of accessibility and inclusion (e.g., Kemper, Stolarick, Milway, & Treviranus, 2010; Padkapayeva, Posen, Yazdani, Buettgen, Mahood & Tompa, 2016; Tompa, Modifi, Jetha, Lahey & Buettgen, 2019). As articulated in the ACA, accessibility is an essential means to ensuring the full participation and inclusion of persons with disabilities in all aspects of our society.

> The human rights paradigm for people with disabilities considers that "Each individual is deemed to be of inestimable value and nobody is insignificant. People are to be valued not just because they are economically or otherwise useful but because of their inherent self-worth" (Quinn & Degener, 2002, p.14). This means that people with disabilities have a stake and claim on society regardless of considerations of economic or social utility… The Canadian Human Rights Act requires accommodation of the needs of persons with disabilities up to the point of undue hardship, considering the cost, sources of available funding and health and safety requirements. However, previous research indicates that, when implemented effectively, accessibility accommodations have substantial benefits for persons with disabilities and others—such as employers—and these benefits may outweigh their costs" (Padkapayeva et al., 2016; Jethoa, 2018). (Tompa et al., 2019, p. 18)

In this section, we describe the economics of accessibility in terms of the literature on financial, political, and social benefits and costs of full accessibility in Canada.

Accessibility Benefits

Previous literature argues that all Canadians, including people with disabilities can significantly benefit from an accessible and inclusive Canada (e.g., Kemper, et al., 2010; Tompa, et al., 2019). When more people can easily and safely access public spaces, they have increased capacity to become more active contributors to a community. Some of the most significant potential gains could be realized in workplaces and schools by enabling increased workforce participation among people with disabilities. Previous research indicates that these gains could increase individual and family incomes and the GDP per capita. Moreover, increased access to retail, hospitality and tourism opportunities could result in accelerated growth in these sectors (Kemper et al., 2010). Universities, colleges and other institutions can help educate the next generation of workers and develop new intellectual property that can support businesses to compete in a global marketplace.

Similarly, full accessibility can lead to reducing the costs of exclusion. Social and economic exclusion leads to increased health care demands and poverty related social issues including dependency on government social assistance programs.

According to recent findings from an extensive study commissioned by Employment and Social Development Canada about the benefits of accessibility in line with the ACA

(Tompa, et al., 2019)[6], total economic benefits of full accessibility were estimated at $337.7 billion or 17.6% of GDP. These benefits included increases in output and productivity, averted healthcare expenses, spillover effects (i.e., benefits to other stakeholders), and market multiplier effects (i.e., market effects associated with higher levels of disposable income of consumers). The largest portion of benefits were estimated to arise from improvements in quality of life and social role engagement for people with disabilities. These benefits were estimated at $132.2 billion (6.9% of the GDP). The authors of this report also estimated the benefits that accrue to the public sector, specifically federal and provincial governments such that:

> Total potential increased revenues for the public sector were estimated at $61.0 billion. The largest proportion of increased total revenues is from the output and productivity impacts at $34.9 billion, comprising 57% of total revenues (federal: $17.0 billion, provincial $18.0 billion). This is followed by revenues from tourism and the market multiplier effects at $11.4 billion, comprising 19% of total revenues (federal: $5.4 billion, provincial $6.0 billion). The next is averted costs of social safety net program administration at $10.5 billion (17% of total revenues) (federal: $5.2 billion, provincial $5.2 billion). Then it is averted healthcare expenses at $4.2 billion (7% of total revenues) (federal: $0.3 billion, provincial $3.9 billion). Lastly, averted human rights discrimination complaints costs are $0.04 billion (0.1% of total revenues) (federal: $1 million, provincial $4 million). (p. 8)

Tompa et al. (2019) suggest that these benefits are likely a very conservative estimate of the potential benefits of a fully accessible and inclusive Canada. Similarly, the Conference Board of Canada (2018) presented evidence to develop the business case to build physically accessible environments. They argued that "Accessibility is more than just a legal standard or specification – it involves fostering a sense of inclusion so people with disabilities can flourish" (p. i). While this evidence demonstrates the benefits of accessibility, there are costs that must be considered for investment in accessibility for all.

Costs

Invariably, there are expenses and other costs involved in developing and enforcing regulations, as well as in the delivery of goods and services associated with accessibility. For example, as Tompa et al., (2019) pointed out:

> For employers, there will be compliance costs and other expenses incurred in creating accessible and inclusive workplaces. Other organizations may also incur expenses/costs associated with the provision of accessible goods and services. These expenses/costs must be estimated as part of a full economic evaluation or impact analysis. (p. 5)

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[6] For a detailed breakdown of the methodology used to calculate these benefits, please see the report at: https://www.crwdp.ca/sites/default/files/cost_of_exclusion_final_report_full_version_etompa_et_al._final_submission_v2.1_clean.pdf

These comments echo the work of other researchers who have recognized that individual companies, organizations and agencies are keenly aware of the possibility of new financial costs of increased accessibility (e.g., Conference Board of Canada, 2018; Kemper et al., 2010). For example, financial costs can be high when improving access with expensive renovations or new building. However, these costs are lower when accessibility is embedded into design considerations; "but even structural renovations can return their investment over time" (Conference Board of Canada, 2018, p. iv). In this way, investments in universal or inclusive design[7] may appear to be costlier from the outset but can yield higher returns.

From a similar perspective, Lin (2018) addressed concerns about the potential costs of lawsuits for non-compliance with accessibility standards and regulations and argued, "From a business perspective, it makes sense to spend money on…accessibility, not on court cases" (p. 9). Lin suggested that, "accessibility is often seen as something that affects only a small subset of potential users" (p. 7), but is indeed directly related to the user experience for everyone. This argument is used to justify the potential costs of developing and implementing accessibility as a beneficial service and support for all people – regardless of disability status.

A number of barriers to employment and perceived costs of accessibility for people with disabilities have been identified in the literature that helps to explain the current underrepresentation of this demographic in Canadian workplaces (Padkapayeva et al., 2016). These barriers include concerns about the productivity of workers with disabilities (Houtenville & Kalargyrou, 2012), poor matches between employee capacity and work requirements (Jakobsen, 2009), and concerns about legal liability (Kaye, Jans, & Jones, 2011). In addition, employers tend to have limited awareness of workplace supports and accommodations that can be put in place to address these issues (Kaye et al., 2011; Unger & Kregel, 2003), or have misconceptions about the actual costs of accommodations (Houtenville & Kalargyrou, 2012). As a result, a job applicant with a disability who requests a workplace accommodation has a lower chance of getting a job than a prospective employee who does not request accommodation (Hazer & Bedell, 2000).

When implemented effectively, workplace accommodations have tremendous benefits for people with disabilities and their employers, and these benefits consistently outweigh their costs (Tatnall, 2005). Unfortunately, workplace accommodations are often unsuccessful, as employers tend to take a narrow view of accommodation—focusing on technical changes to a job rather than overall workplace culture—and because there is a lack of evidence-based practice guidelines for employers to draw on (Gates, 2000; Sanford & Milchus, 2006).

Some employers may hire people with disabilities simply as a matter of compliance with the *Employment Equity Act* (Deloitte, 2010), but there are a number of reasons why

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[7] What is inclusive design? For a definition please see: https://idrc.ocadu.ca/about-the-idrc/49-resources/online-resources/articles-and-papers/443-whatisinclusivedesign

employing people with disabilities and enhancing accessibility makes sense. Most importantly, persons with disabilities gain through economic benefits which enhances their quality of life while also gaining independency and dignity (Partnership Council on Employment Opportunities for People with Disabilities, 2016) which is a foundational human rights principle.

From an employer perspective, ensuring an accessible workplace increases the talent pool to be drawn from if people with disabilities are now included (Deloitte, 2010; Partnership Council on Employment Opportunities for People with Disabilities, 2016, n.p). Including people with disabilities in hiring practices also ensures that workplaces reflect the diversity of the population (Deloitte, 2010).

> People with a disability have much to contribute to any organization. They will make it more productive, more diverse, and more human. In an economy where everyone is looking for greater efficiencies, new ideas, and more inclusive, innovative cultures, people who have a disability can provide a competitive edge. (Partnership Council on Employment Opportunities for People with Disabilities, 2016, n.p.)

In many cases, accommodations for accessibility in the workplace can be shared with several employees to minimize costs and maximize productivity (Buettgen, 2018; Padkapayeva et al., 2018). For example, flexible work arrangements are often described as a low-cost form of accommodation which are already provided for all employees. "Flexible work arrangements tend to cost very little after up-front costs, which are typically the development of guidelines, policies, and training and the managerial time needed to consider flexible work requests and participate in training" (Employer Assistance and Resource Network, 2014, p.15). However, there are several variables that influence the implementation of accessibility such as the costs in terms of money, but also in terms of time and convenience.

Previous literature on the economics of accessibility indicates a recognition of the costs of accessibility but tends to focus on the benefits and moral arguments. Korr (2015) addressed costs as an uncomfortable missing part of the accessibility discussion because of the fear of being viewed as ableist. Korr (2015) argued for the need to explicitly recognize the costs of planning, implementing and testing various forms of physical and digital accessibility. Thus, the reality is that businesses, governments and other stakeholders must consider the costs of accessibility in their decision-making processes. This recognition is clear in the definitions of reasonable accommodation up to the point of undue hardship in federal and provincial human rights acts.

One way to consider the costs of accessibility is to consider it less in terms of 'people with disabilities' as a relatively small segment of the population; and instead consider it more in terms of how we design and enhance our collective experiences of employment, built environments, communications, procurement, program and service delivery, transportation, etc. This shift in perspective, moves us away from comparing the needs of one group of people over another.

In summary, improving accessibility in Canada is critical from a disability rights perspective due to Canada's human rights commitments nationally and internationally. Importantly, the benefits extend beyond human rights obligations to economic benefits for Canadians, overall. While there are costs associated with facilitating accessibility, there is a case to be made that the benefits mitigate these costs.

7. RECOMMENDATIONS

The following are a list of recommendations based on the information uncovered through our research process, literature review and environmental scan, for consideration when rolling out training for the public service on the ACA.

Recommendation 1: Training on the CRPD

The eight guiding principles of the CRPD are highly relevant to the obligations to accommodate Canadians set out in the ACA. As such training on the CRPD and its core principles will strengthen understanding of the *Accessible Canada Act* and the importance of ensuring that the Public Service is accessible and inclusive of all Canadians.

Recommendation 2: Employ intersectional and human rights approaches to accessibility training

Experiences of disability are mediated through the social relations of gender, race, ethnicity, sexual orientation, age, class and experiences of colonization. Any service provision to the public should take into account these overlapping and intersecting experiences. This means ensuring a comprehensive understanding that accessibility and inclusion means different things to different populations and that obligations to uphold rights means taking into account social and systemic discrimination. A two-pronged approach to intersectionality is recommended. First, the training should include a specific module on intersectionality. Second, intersectionality should be woven throughout the training.

Recommendation 3: Employ Indigenous and decolonizing approaches to accessibility training

In addition to incorporating intersectionality throughout the training, a decolonizing approach should be taken in developing training materials for Indigenous populations. Specifically, Indigenous communities should be empowered to develop training materials that meet the needs of both urban and on reserve populations. CSPS should take special care in developing content on the ACA that considers the impact and the additional barriers and challenges that Indigenous people with disabilities face. Further recognizing that research, to date, has largely failed to recognize diverse cultures, locations, and issues among Indigenous people.

Recommendation 4: Recognize equity as key element of human rights

In the same way that the Abella report emphasized difference, not sameness, as a fundamental principle of ensuring equity, it is recommended that training to the public service on the ACA emphasize the importance equity vs. equality. "Equity involves

giving everyone what they need to be successful. Equality on the other hand, involves treating everyone the same. Equality also aims to promote fairness, but it can only work if everyone starts from the same place and needs the same help." (Buettgen, 2018, p. 31). This understanding of equity is further supported by the foundational principles of the CRPD and intersectional and human rights approach to disability.

Recommendation 5: Develop training and facilitation led by people with disabilities

Within the spirit of "nothing about us without us", we recommend that the development of future trainings and ideally the facilitation of those trainings should meaningfully involve people with lived experiences of disability from a diverse range of backgrounds.

Recommendation 6: Offer training that emphasizes openness to learning about accessibility, equality and inclusion

The ACA is new. Its effectiveness cannot yet be measured. There may still be concern from members of the Public Service about what it means to offer fully accessible services that are inclusive of all Canadians. We would recommend reflexivity be built into CSPS trainings that addresses disability issues and associated stereotyping, barriers and potential solutions. This process is critical to empowering federal employees to see they are part of solution in policy and practice.

Recommendation 7: Use language consistent with the ACA and the CRPD

Language is a powerful indicator of the framework within which a training is being offered. The ACA and the CRPD use language that emphasizes the person first and disability as a social construct. Language is also important in ensuring that persons with disabilities feel respected. Module 1 of the DRPI training, for example, addresses the importance of using language consistent with the CRPD (https://drpitraining.research.yorku.ca/courses/module-1/). We recommend following these guidelines in implementing Public Service training but also as part of the training itself.

Recommendation 8: Further research

In our environmental scan we identified three areas we considered gaps in knowledge that should be addressed with further research before developing any training curriculums. These areas were public sector training and indigenous led training. We would recommend a next step to this research be to explore these areas further.

With public sector training, we would recommend an internal audit across departments at the federal level (and perhaps provincial level for those provinces with legislation in place) to identify existing training and practices to better understand what the internal training landscape currently looks like and to develop a baseline of knowledge.

Second, for Indigenous led training we would recommend engaging in key informant interviews with leaders in the Indigenous sector to better understand what the leading practices are, presenter experiences, where training happens, and how learning

happens (for example, perhaps learning through storytelling and teachings versus more westernized formats).

Third, much of the history of disability and human rights and the key involvement of DPOs in the Canadian context is an oral history that has not been carefully researched and documented. We recommend support for DPOs to document this history so that it can be readily drawn on so that public policy makers and diverse disability communities can learn from the past.

8.   CONCLUSION

This report highlights Canadian legislation and obligations to protect and promote the rights of persons with disabilities; from international obligations under the CRPD, to federal and provincial human rights codes. The human rights obligations that Canada has committed to share common values of dignity, inclusion, non-discrimination, and equity. The *Accessible Canada Act* is no exception.

Specific emphasis has been given to intersectionality and the concerns of Indigenous persons with disabilities because the intersectional lens is often missing from disability rights discourse while the specific history and concerns of Indigenous persons with disabilities remains largely absent.

The Canada School of the Public Service has a unique opportunity to advance understanding in these areas as they pertain to ensuring a more accessible public service for all Canadians. The environmental scan that was conducted in conjunction with this report demonstrates a historical lack of understanding on the ways in which disability interacts with other parts of identity when accessing supports and services. Importantly, an intersectional lens or approach to the ACA and training on it would provide space to look for opportunities to identify and address the additional barriers that people who belong to other marginalized groups might face.

Similarly, that almost complete absence of training on Indigeneity and disability in the public sector, but also within non-profit and community organizations, is a signal that this needs to be an immediate priority. The CSPS is in a position to lead the charge on providing training that is relevant and effective in addressing barriers for Indigenous persons with disabilities.

Going forward, there is an opportunity here for CSPS to engage in key informant interviews with stakeholders who can help to address these gaps from a lived experience perspective. Many persons with lived experience are also subject-matter experts who are leading the way, albeit through less formalized training on diverse disability issues. Eviance and the York University School of Public Health and Policy Management is well positioned to work with CSPS moving forward in identifying these informal trainings and key informants so as to benefit the development of the training on the ACA offered by the CSPS.

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