

## **Persons With Disabilities - Labour's View**

**As Amended December 3, 2001**

### **Summary**

With this policy the labour movement is committed to continue to work closely with persons with disabilities and their organizations. There is much to improve upon in our union structures and activities, in our workplaces, in our communities and in the legislative agenda of our governments. We need to have the debate and then take action. This policy document sets out priorities.

Persons with disabilities may be our family members, brothers or sisters in the union, friends at work or in the community, or someone we interact with in a work or social setting. Disabilities cover a wide range of physical and/or psychological conditions which may be visible or invisible. Too often persons with disabilities are pre-judged and denied the right to make a contribution in the areas of their interest and expertise.

Labour's understanding of the challenges facing increasing numbers of Ontarians with disabilities evolves from a number of perspectives:

1. our members who have been out of work due to being injured in the workplace and face difficulties in attempting to re-enter their workplaces;
2. our members who now or in the future find themselves with some form of disability which will require some modification to their working and/or community environment;
3. persons with disabilities who have not been in the paid workforce because of a lack of accommodation and/or prejudice about hiring persons with disabilities;
4. our belief that increases in injuries reflect the human cost of changes in the pace of production in Ontario's workplaces;
5. the incidence of disabilities increases as our population ages.

As early as 1963, an OFL convention called on the Ontario government to enact legislation that would encourage industry and other employers to hire persons with disabilities as part of their work force. In the 1981 *Statement on Employment of the Disabled*, the OFL called for "the principle of equal access for disabled Canadians to a full range of opportunities in employment, accommodation, education, transportation, recreation and community services."

In 1987, in another policy paper *Statement on Equal Action in Employment* extended its support for legislation to eliminate the systemic barriers facing particular groups of workers such as persons with disabilities.

In 1985, a resolution called for legislation to provide for equity programs and called on affiliates to negotiate employment equity and job modification and rehabilitation programs for injured workers.

By 1989 the OFL was calling for legislation to make modifications in workplaces to accommodate disabled workers.

It was recognized that the particular concerns of members of equity-seeking groups such as women, aboriginals, visible minorities, youth, gay, lesbian and bisexuals with disabilities should be reflected in OFL activities and materials.

Some Ontarians with disabilities are union members. We have a long history at the OFL of making our structures and operations more open and inclusive to our members. One example of this is the changes in the OFL Executive Board - the governing body of the organization between conventions. Beginning in 1983, a series of affirmative action/equity positions and positions for labour councils were created in the effort to make the Executive Board more inclusive. Among the equity groups included were persons with disabilities.

The importance of this initiative is that it involves our members with disabilities, it develops forums where they can come together to discuss issues of mutual importance, to ensure that their perspective is heard on the issues, and to provide recommendations for action to the OFL Executive Board. In turn, these activities increase the level of understanding and support for issues among the wider membership. It will also increase the support for the labour movement among those in the union and in the community who are concerned about these issues.

## **The Challenge**

The challenge we face is how to answer a series of questions, which could be posed by persons with disabilities to the labour movement in this province.

*Do workers with disabilities who are presently members of unions, or former members, or potential members view their union/the labour movement as allies, adversaries or indifferent to their struggle for equality?*

*Do persons with disabilities in the wider community view the labour movement as allies, adversaries or indifferent to their struggle for equality?*

The response of the labour movement must be “we are your allies”. Through our words and actions there can be no doubt where we stand. Working with persons with disabilities and their organizations we must continue to advocate for Employment Equity legislation in our province and our country. We must continue to advocate for a useful an Ontarians with Disabilities Act. We must continue to advocate for accessible and quality programs and services delivered by our members in such areas as: public transportation, housing, health care and education, and make them available to Ontarians across our province.

Many affiliates have done useful work in this area. As a movement we can answer these questions by building on existing policies and actions and being strong consistent advocates for positive change inside the labour movement, in the workplace, in the community and in the legislative agenda of government.

All members should have a strong bond of identification with their union and with the larger labour movement. This bond can be created and strengthened by the ongoing actions of the organization and the active involvement in these activities by individual members.

Central to equality for persons with disabilities in the workplace is the question of accommodation. On issues of accommodation the labour movement must take a pro-active stance. The labour movement has a legal obligation as well as a practical and unique perspective on the organization and procedures of the workplace. Labour involvement ensures that accommodation initiatives are genuine and not simply management-inspired exercises in public relations. There must be ongoing efforts to build and strengthen an understanding and support for accommodation among all members.

The labour movement has a long history of social unionism - issues of concern to our members must be dealt with in their workplace but also in their community. We also have a long history of working with like-minded individuals and organizations on issues of mutual concern, and among these are persons with disabilities and their organizations. Any such relationships are not static and should be re-examined from time to time to ensure that the needs of all participants are being met.

Legislatively, we call on the provincial government to show leadership by ensuring that Ontarians with disabilities have all rights which are enshrined in law. This needs to be central to any actions by this government. For too long this government has ignored persons with disabilities while it dealt with its own political agenda.

The goal of our Program of Action is to work with Persons with Disabilities to remove barriers to their involvement in the labour movement, in the workplace and in the community and that their concerns are reflected in the legislative agenda of government.

## **A Program of Action**

The Ontario Federation of Labour will work with affiliates to ensure that:

Our union environment is accessible to all members through such measures as: harassment and anti-discrimination policies in place, known and used when needed; constitutional provisions to allow members with disabilities to elect/select representatives to governing bodies at all levels; establish committees and other forums to allow members to advise elected officials about issues of concern, to support members with disabilities, and to develop internal education and external involvement on such issues; political support and resources to make the whole membership aware of the importance of accessibility.

All labour organized/sponsored activities are accessible to all members (venues, alternative formats for materials and support services).

The concerns of members with disabilities are addressed in the collective bargaining process (both bargaining and the grievance procedure); that their involvement in the process is made possible through accommodation of visible/invisible disabilities - for example, a member living with diabetes can't work through lunch or dinner. In addition to the individual member making their needs known, the union leadership needs to ensure that a schedule is developed that is inclusive and works. Another example, is if a member is sight-impaired and requires a reader, the union must be willing to allocate resources for that assistance. The same is true for a member who is hearing-impaired and requires sign language assistance; that internal union education will make all of the membership aware of these concerns.

We strengthen our ties with the persons with disabilities movement, which includes injured workers organizations, by working together on issues of mutual concern.

We step up our efforts to be a strong and visible advocate for effective employment equity legislation at both the federal and provincial levels and in our province for an *Ontarians with Disabilities Act*.

We continue to call for the needed levels of support (political, financial and human) to ensure that the rights of all Canadians and Ontarians are protected by effective legislation and functioning human rights commissions.

Persons with disabilities must be a priority for Home Care in this province. The existing system is in serious need of reform. A system must be developed to serve the best interests of the users, providers of the services and the wider community.

There is a need for a truly accessible public transportation system in Ontario to serve the needs of Ontarians with disabilities. Lack of governmental leadership is a major obstacle.

The existing *Ontario Disability Support Program* must be reformed. Reforms based on the experiences of persons with disabilities who use the services and members of the labour movement and their unions who provide the services. These services are vital to many persons with disabilities in communities across Ontario.

A Universal No-Fault Accident and Illness Plan which would compensate victims of accident or disease should be established in this province.

We continue to advocate for safe work environments through improvements in

health and safety and workers compensation legislation, such as the reinstatement of the Occupational Disease Panel, as well as continuing and improved funding for labour-initiated education programs.

## **Introduction**

The Ontario Federation of Labour has a body of existing policy related to the concerns of persons with disabilities both within the workplace and in the wider society. At conventions, through policy papers and resolutions, delegates have discussed a wide variety of issues related to disabilities. These policy positions became the basis of further action on the issue with affiliates and like-minded organizations in the wider community. These positions have been incorporated into presentations to government or into OFL campaigns and activities.

We have worked with our affiliated unions to develop consensus labour positions on such important issues as the need for employment equity. We have worked closely with our affiliates to develop educational material for the benefit of our members and for the wider public. Material whose purpose is to further develop both the understanding of the issues and the political will to work with persons with disabilities to eradicate the systemic challenges that they face every day.

We have worked closely and will continue to do so, with organizations developed by persons with disabilities. In some cases, such as the injured workers organizations, many of their members have had a formal affiliation with the labour movement.

Understanding that we have made progress, there is still much to be done. The labour movement must commit itself to continue to work closely with persons with disabilities and their organizations.

There is much to improve upon in our union structures and activities, in our workplaces, in our communities and in the legislative agenda of our governments. Encouraging the

discussion and then the actions are the reasons for this convention policy paper.

## **Scope of the Issue**

Persons with disabilities may be our family members, brothers or sisters in the union, friends at work or in the community or someone we interact with in a work or social setting. They have a wide range of physical and/or psychological conditions, which may be visible or invisible.

In March 2001, the Federal/ Provincial/ Territorial Ministers responsible for Social Services released a report *In Unison 2000: Persons with Disabilities in Canada*.

The report notes that in 1991, 16 per cent of Canadians were considered to have a disability. That is 4.2 million - 3.9 living in the community, and 273,000 in institutions. Fifty-six per cent of people with disabilities were of working age; nine per cent were children under 14, and 35 per cent were people over 65. Among working-aged women, 13 per cent were considered to have a disability. Slightly more than half of the adults with a disability were affected by a mild disability, one third affected by a moderate disability, and 14 per cent were affected by a severe disability. Among aboriginal people, 31 per cent reported some form of disability - almost twice the national average. Sixty-six per cent of aboriginal adults with disabilities were affected by a mild disability, 22 per cent by a moderate disability and 12 per cent by severe disability.

The likelihood of a person having a disability increases with age. As the population ages, the incidence of disability is increasing. The latest Canadian figures noted are for 1991 from Statistics Canada *Health and Activity Limitation Survey*

(HALS), which remains the most comprehensive source of data for persons with disabilities.

According to the Ontarians with Disabilities Act (ODA) Committee over 1.5 million people in this province face a wide range of systemic barriers in all aspects of their lives. In May 2001, the Ontario Human Rights Commission reported that forty per cent of the complaints filed were from persons with disabilities.

Labour's understanding of the challenges facing increasing numbers of Ontarians with disabilities evolves from a number of perspectives:

1. our members who have been out of work due to being injured in the workplace and face difficulties in attempting to re-enter their workplaces;
2. our members who now or in the future find themselves with some form of disability which will require some modification to their working and/or community environment;
3. persons with disabilities who have not been in the paid workforce because of a lack of accommodation and/or prejudice about hiring persons with disabilities.
4. our belief that increases in injuries reflect the human cost of changes in the pace of production in Ontario's workplaces.
5. the incidence of disabilities increases as our population ages.

Too often persons with disabilities are pre-judged and denied the right to make a contribution in the areas of their interest and expertise. There has long been the view by

some that persons with disabilities cannot make a societal contribution and indeed are perceived as a drain on society's resources. The public discussion around the Latimer case (a twelve-year-old who had cerebral palsy was murdered in 1993 by her father, who from his perspective was acting to end her "suffering") suggests that some view the rights of persons with disabilities as different, perhaps even not as important, as the rights of others in the same society.

This perspective on the rights of persons with disabilities is a result of the residual affect of the popularity and influence of the eugenics movement in the late 19<sup>th</sup> and early 20<sup>th</sup> century. Eugenics "the improvement of the human race by better breeding" as defined by the father of the movement Sir Francis Galton in 1883 had its supporters in many countries. The "logic" of eugenics encouraged "the desirable" and discouraged the "undesirable".

Numerous jurisdictions passed legislation, which allowed for the forced sterilization of "undesirable" individuals who were often living in an institutional setting. For example, in Canada, the province of Alberta had a Sexual Sterilization Act on the books from the 1920's until the early 1970's.

This philosophy took its most extreme form in Germany under Nazi rule (1933-1945) where in the 1930's, with the active involvement of elements of the medical community, hundreds of thousands of persons of all ages with disabilities were exterminated because they were viewed as a drain on that society's resources. This was a dress rehearsal for what became known as the Holocaust.

There has been some shift in society's attitude towards persons with disabilities. A shift away from a charity approach to those

perceived as “less fortunate” and towards one based on the notion that all persons in our society have rights and can make valuable contributions. There has been the realization that as a society we all lose when any individual or group is denied rights because of a characteristic. There is a need for positive, concrete action to follow any such shift in attitude. The challenge for the labour movement is to ensure that we do not have barriers, which limit the involvement of our members who have a disability. The labour movement needs to ensure this principle applies in workplaces, our unions, in our communities and in the legislative agendas of our governments.

### **The Evolutionary Development of Labour’s Perspective on Persons With Disabilities**

As early as 1963, an OFL convention called on the Ontario government to enact legislation that would encourage industry and other employers to hire persons with disabilities as part of their work force. In the 1981 *Statement on Employment of the Disabled*, the OFL called for “the principle of equal access for disabled Canadians to a full range of opportunities in employment, accommodation, education, transportation, recreation and community services.” In 1987, in another policy paper *Statement on Equal Action in Employment* the OFL extended its support for legislation to eliminate the systemic barriers facing particular groups of workers such as aboriginal people, people with disabilities, and visible minorities. In 1985 a resolution called for legislation to provide for equity programs and called on affiliates to negotiate employment equity and job modification and rehabilitation programs for injured workers. By 1989 the OFL was calling for legislation to make modifications in workplaces to accommodate disabled

workers. The Ontario Human Rights Commission was called on to apply a strict interpretation to the term “reasonable accommodation”. It was recognized that the particular concerns of members of equity seeking groups such as women, aboriginals, visible minorities, youth, gay, lesbian and bisexuals with disabilities should be reflected in activities and materials. Over the years extensive work was done by the OFL and affiliates on the issue of employment equity. For example, in the early 1990's the OFL produced a booklet, *Making It Happen - Employment Equity for Persons with Disabilities - A Guidebook for Shop Stewards and Union Personnel*.

Employment Equity is a comprehensive approach designed to ensure equitable workplace representation of a number of groups such as women, aboriginal peoples, visible minorities and persons with disabilities. It seeks to remedy the effects of, and prevent intentional or systemic discrimination. It deals with recruitment, promotion, career advancement and other areas such as wages and accommodation. For persons with disabilities this means addressing barriers such as employment tests not designed to assess an applicant’s ability to perform a specific job, emphasizing non-essential duties when someone could do the essential tasks, inaccessible workplaces, and attitudes and misconceptions.

Ontario’s Employment Equity Act became effective on September 1, 1994. It was an early target of the Harris government and was repealed soon after the Conservatives came into power in June 1995. Such legislation is still needed by many in the workforce, and many who would like to be in the paid workforce.

As already noted, after an injury many workers wish to return to their pre-injury workplace. Over the years, the OFL through its WCB Committee has brought together affiliates and our allies in the community, for example, the Ontario Network of Injured Workers Groups and legal clinics, to address issues of concern to injured workers.

Improvements were won in compensation legislation in 1990, which compelled employers to have a limited obligation to re-hire some workers injured after January 2, 1990.

This legislated initiative on accommodation was seen by the labour movement as only the beginning of this necessary process. The labour movement continued to advocate for positive legislative and administrative changes as well as making leadership and activists aware of the importance of these questions of accommodation. For example, in March 1993 the OFL Executive Board endorsed *Accommodation Guidelines and Principles for Local Unions* to assist local leadership in dealing with the rights of workers with disabilities returning to the workplace.

The *Return to Work* component of the educational materials developed by the OFL WCB Training Project is a valuable tool for labour activists and leadership. This material also includes sample collective agreement language. The 1990 amendments placed a higher emphasis on vocational rehabilitation. Subsequently, permanently disabled workers who could not be re-employed by their employer were entitled to benefits and services to assist them in returning to alternative employment.

New compensation legislation came into force in Ontario in January 1998. The focus of which was on forcing injured workers

back to work regardless of the extent of their disability. The term “vocational rehabilitation” was completely removed from the legislation and replaced with “Labour Market Re-entry”. Workers are obliged to co-operate in early return to work although the legislation is silent on what comprises a successful return-to-work program. The labour movement is playing a pro-active role in ensuring that a return-to-work program works in the best interests of the worker and not the employer. The lessons learned in dealing with accommodation issues can be built on to ensure greater access to the workplace and to employment for other persons with disabilities. Lessons learned about accommodation can be applied in every aspect of our society, not just in the workplace.

In 1989, the Ontario Human Rights Commission released *Guidelines on Assessing Accommodation Requirements for Persons with Disabilities*. These *Guidelines* set the standard for the interpretation of “undue hardship” on the question of accommodation. The *Guidelines* outlined the issues of accommodation. However, what was lacking was the necessary resources (political will, human resources and financial) to educate the people of Ontario on the existence of the *Guidelines*, how they could be best used and the enforcement of these *Guidelines*. The *Guidelines* were useful to the labour movement in the development of policies and actions dealing with accommodation and with the wider issue of employment equity.

After their election in 1995, the Conservatives established a Red Tape Commission to advocate for the repeal of existing legislation or regulations that they opposed ideologically. In July 2000, in a

document entitled *Enhancing Worker Democracy Proposals for Ontario Labour Law Reform*, this Red Tape Commission called for the replacement in the Ontario Human Rights Code of “undue hardship” with “reasonable efforts to accommodate”.

The rationale given for this suggestion was that the definitions were unclear and there was difficulty in interpreting and applying this provision. The reason for this suggestion was to lessen the onus on employers to have to accommodate for workers with disabilities. The Conservative government has not yet acted on this recommendation. In the spring of 2001 the Ontario Human Rights Commission released a *Policy on Disability and the Duty to Accommodate*. It remains to be seen what priority this new policy will be given by the Government.

Some Ontarians with disabilities are union members. We have a long history at the OFL of making our structures and operations more open and inclusive to our members. One example of this is the changes in the OFL Executive Board - the governing body of the organization between conventions. Beginning in 1983, a series of affirmative action/equity positions and positions for labour councils were created in the effort to make the Executive Board more inclusive.

A resolution approved by the 1993 OFL Convention provided for the selection in caucus of a Vice-President for Persons with Disabilities. The 1995 convention called for the establishment of *The OFL Task Force to Review the Structure and Composition of the OFL Executive Board and Council*. Among the recommendations by the Task Force reported to the 1997 convention was the creation of a Standing Committee for Persons with Disabilities. The Standing

Committee was created by the Executive Board in January 1998. In June 1999 the Executive Board accepted the Terms of Reference for the Committee, which had been developed by Committee members.

The importance of these initiatives is that it involves our members with disabilities, it develops forums where they can come together to discuss issues of mutual importance, to ensure that their perspective is heard on the issues, and to provide recommendations for action to the OFL Executive Board. In turn, these activities increase the level of understanding and support for issues among the wider membership. It will also increase the support for the labour movement among those in the union and in the community who are concerned about these issues.

## **The Challenge**

The challenge we face is how we answer a series of questions, which could be posed by persons with disabilities to the labour movement in this province.

- *Do workers with disabilities who are presently members of unions, or former members, or potential members view their union/labour movement as allies, adversaries or indifferent to their struggle for equality?*
- *Do persons with disabilities in the wider community view the labour movement as allies, adversaries or indifferent to their struggle for equality?*

The response of the labour movement to these questions must be “we are your allies”. Through our words and actions there can be no doubt where we stand. Working with persons with disabilities and their organizations we must continue to advocate

for Employment Equity legislation in our province and our country. We must continue to advocate for an Ontarians with Disabilities Act. We must continue to advocate for accessible and quality programs and services delivered by our members in such areas as: public transportation, housing, health care and education, and make them available to Ontarians across our province.

Many affiliates have done useful work in this area. As a movement we can answer these questions by building on existing policies and actions and being strong consistent advocates for positive change inside the labour movement, in the workplace, in the community and in the legislative agenda of governments.

### **The Labour Movement**

All members should have a strong bond of identification with their union and with the larger labour movement. This bond can be created and strengthened by the ongoing actions of the organization and the active involvement in these activities by individual members. There are a variety of questions we can ask about our union and the wider labour movement. Answers may vary from affiliate to affiliate.

- *Are there currently harassment and anti-discrimination policies in place? If so, are the policies known to the membership? If not, why not? Have they been used to address the concerns of members with disabilities?*
- *Are labour organized/sponsored activities accessible to all members (venues, alternative formats for materials, support services)?*

- *Are the political supports and resources available inside the organization to educate the wider membership so as to ensure accessibility for all members? Do members with disabilities get elected as delegates to union, broader labour movement or other organizations?*
- *Does the organization have constitutional provisions to allow members with disabilities to elect/select representatives to governing bodies at all levels?*
- *Are there committees or other forums which would allow members to advise elected officials about issues of concern, to support members with disabilities, and to develop internal education and external involvement on such issues?*
- *Are there affirmative action programs for designated groups within the organizational structures?*
- *Are there equitable employment practices across the organization?*

### **The Workplace**

Central to equality for persons with disabilities in the workplace is the question of accommodation. The duty to accommodate is a legal obligation under existing law - the *Constitution Act (Canadian Charter of Rights and Freedoms)*, *Canadian Human Rights Act* and the *Ontario Human Rights Code*. These laws provide the initial legal framework for accommodation. The legal framework has been clarified, refined and broadened by rulings by the Supreme Court of Canada. In turn, these rulings influence the approach of Human Rights Commissions. For example, the March 2001 revised *Policy and Guidelines on Disability and the Duty to*

*Accommodate* from the Ontario Human Rights Commission take into account the recent developments in jurisprudence such as the broader definition of disability in the *Boisbriand* case (2000) and the development of a unified approach to accommodation in the *Meiorin* case (1999).

The *Boisbriand* case involved a police officer in a Quebec municipality who had done the work for a year then took time off for surgery. It then was discovered that he had a condition known as Crohn's disease. This disease is recurring and can be made worse by stress. The disease varies from person to person - from benign to the need for several operations. After his recovery the police officer's medical reports stated that he could do the job, but the municipality released him because they wished to hire police officers with less of a risk of absenteeism. The Court ruled that discrimination can be based as much on a myth or a stereotype as on any actual functional limitation.

In the *Meiorin* case a female forest firefighter in British Columbia lost her job after three years because the government adopted a new series of fitness tests for firefighters (she passed 3 of the 4 new tests). The Court ruled that society must adapt so that structures and attitudes include persons with disabilities.

Accommodation must go beyond the issue of physical access. Invisible disabilities must also be addressed. This may include illnesses such as diabetes, bi-polar disorder or depression lupus and other conditions that may affect a worker's functioning. Employers and unions have an obligation to deal with such workers in a manner that makes it possible for the person to continue their employment.

On the issues of accommodation the labour movement can take a pro-active or a reactive stance. The pro-active approach is preferable because the labour movement has a legal obligation and a practical and unique perspective on the organization and procedures of the workplace. Affiliates can draw on their work and experiences related to Employment Equity in the early and mid 1990's in reviewing current employment policies and procedures in the course of developing accommodation initiatives.

Labour involvement ensures that accommodation initiatives are genuine and not simply management-inspired exercises in public relations. There must be ongoing efforts by labour to build and strengthen an understanding and support for accommodation among all members.

If this solidarity is absent then accommodation can be seen by some as a "threat" and has the potential to be divisive especially in workplaces in flux because of management actions or economic uncertainty. Such pro-active involvement sends the message that the union works for and with all members.

For workers with disabilities, the union becomes their union because it is dealing with issues of importance to them. By being inclusive and pro-active the credibility of the union is enhanced with the membership.

- *Are there existing union policies to use the collective bargaining process to prevent discrimination against members with disabilities in the workplace?*
- *What level of political support is needed to ensure that the issues of concern to members with disabilities are addressed in the bargaining process?*

- *What means are needed to promote the active involvement of members with disabilities in the collective bargaining process?*
- *Is there internal education to ensure that all members understand and support initiatives directed at the concerns of members with disabilities?*
- *Is there understanding and appropriate training to use the grievance procedure as a tool in dealing with the concerns of members with disabilities?*

## **The Community**

The labour movement has a long history of social unionism - issues of concern to our members must be dealt with in their workplace but also in their community. We also have a long history of working with like-minded individuals and organizations on issues of mutual concern, and among these are persons with disabilities and their organizations. Any such relationships are not static and should be re-examined from time to time to ensure that the needs of all participants are being met. In the case of the OFL, our primary responsibility is involvement with issues and organizations at the provincial level. There are parallel levels of involvement by the labour movement at the national and local levels.

At the provincial level, the OFL has ongoing contact with such groups as the Ontarians with Disabilities Act (ODA) Committee, the Ontario Network of Injured Workers Groups and the Canadian Injured Workers Alliance - organizations whose primary focus is on issues of concern to persons with disabilities. Through the activities of the OFL Persons with Disabilities Committee and its members contact is maintained with a variety of disabilities organizations. OFL

involvement in existing provincial coalitions (whose primary focus is not on disabilities issues) provides additional opportunities for contact with persons with disabilities and their organizations. Other OFL Committees may become involved with issues of importance to persons with disabilities. For example, the OFL Education Committee has worked on issues such as the need for special education in our schools, which is so important for children with disabilities.

A commitment to social unionism suggests to us that we should learn from our own experiences with the aim of strengthening our involvement with persons with disabilities and their organizations in our community. We should ask questions such as:

- *What kind of relationship exists in our community between our two movements? Do we have ongoing contact or issue/event specific contact? Who are the contacts?*
- *Are we inviting representatives from their movement to come to our meetings/events (local or labour council meeting) to share their perspective?*
- *Are we using our involvement in broad community initiatives such as the United Way to work together to ensure that support and funding is available for needed programs in the community? Are we involving our members with disabilities in this process? For example, in the allocation process for funding agencies.*
- *Are we working together to ensure that public institutions such as government offices, education and healthcare are providing needed and accessible services to everyone in our community?*

- *Are we involving their movement in the preservation and enhancement of quality public sector services and employment in our community?*

## **The Legislative Agenda**

The labour movement believes that the provincial government should show leadership by acting on the very obvious fact that Ontarians with disabilities have rights, which should be enshrined in law. This fact should be central to any actions by this government. For too long this government has allowed the situation to continue while it dealt with its own political agenda.

The labour movement should continue to lobby for a more inclusive approach to policy development, implementation and review, which would involve a variety of organizations and individuals. The active involvement of such groups as the labour movement (whose members provide front-line services) and the persons with disabilities organizations (whose members are users of the services) would provide valuable contributions to any policy discussions.

The labour movement is supportive of Employment Equity legislation at both the federal and provincial levels. In Ontario, the provincial legislation was repealed soon after the Conservatives came to power in 1995. Their opposition does not negate the need for a more systemic approach to the questions of accessibility to employment for Ontarians, particularly those from equity groups such as persons with disabilities. There is a need for such legislation.

There is growing support for an *Ontarians with Disabilities Act (ODA)*, which would identify and remove barriers and prevent

barriers for 1.5 million persons in our province. The Conservatives spoke in favour of such legislation during the 1995 provincial election campaign but while in power they have given it a low priority on their agenda. The labour movement should continue and enhance its support for the Ontarians with Disabilities Act (ODA) Committee and their efforts to have the provincial government work closely with the persons with disabilities community to develop and implement such legislation.

Many Ontarians with disabilities are imprisoned in lives of poverty. Their basic needs such as housing are ignored by a government who has no interest in social housing. A government that through the Ministry of Community and Social Services has reduced facility-based care (and respite care) to families with medically fragile children as well as adults with developmental disabilities (in the Association of Community Living). The inadequacy and uneven levels of support for different disabilities in existing programs are not addressing their needs. Even a fundamental right to personal safety is ignored as their vulnerability, in particular women, make them easy and repeat targets for physical and sexual abuse. We must continue to lobby both the governing party and opposition parties to ensure that the needed political will, legislative mandate and human/financial resources are made available to the provincial government to allow it to provide needed services to all Ontarians when and where they are needed.

One such program of great importance to persons with disabilities is home care. The purpose of home care should be to provide a range of needed services to individuals enabling them to continue living in their communities. Persons with disabilities should be first on the list for needed

services. Instead, under the present Ontario government, home care is an administrative mess - it is under funded, causing cutbacks to needed services to users, with a deteriorating work environment for providers of these services. Government policies are deliberately creating unneeded anxieties and suffering for many Ontarians who rely on home care. The OFL and its affiliated unions and organizations such as the Ontario Health Coalition will continue to both challenge existing government policies and put forward real alternatives based on the best interests of the users, providers of the services, and the wider community.

Another important need for persons with disabilities is access to accessible public transportation. An accessible transit system is an important public service. It must provide a quality service to all its users. It should also provide a quality-working environment for all the providers of this service. It can be created in Ontario with the political leadership and necessary resources from government and the active involvement in policy planning and implementation by users of the system and providers of these services. Lack of governmental leadership is the major obstacle preventing the creation of truly accessible transit services in Ontario. Such a service would satisfy the transportation needs of Ontarians with disabilities across the province.

Not all persons with disabilities in Ontario are in the paid workforce. It is therefore important that income programs such as the *Ontario Disability Support Program (ODSP)* truly satisfy the needs of all those who must rely on it. There has been much criticism of the *ODSP* by the persons with disabilities community. Ideally, such a program should have been developed with the active involvement of persons with

disabilities and their organizations. The labour movement should take the position that this program must be reformed and that the first step in this process is the active involvement of persons with disabilities. Our members and their unions who are involved with this program should also be given the opportunity to play a full role in the reform of this program.

In theory, access to education and training provides Ontarians with opportunities to improve their skills and gives them the opportunity to be involved in activities, which interest them. In reality, the education system is more of a gauntlet and less of an opportunity for persons with disabilities.

For children with disabilities, the 1980 amendments to the *Education Act (Bill 82)* promised them assessments of and resources for their special needs in the primary and secondary levels. The current government is not delivering on this promise. Special education needs programs are an early target for budgetary cutbacks.

At the post-secondary level supports and programs for persons with disabilities are drastically under-funded. The ODSP will not fund involvement in programs offered at publicly-funded institutions. If someone with a form of mental illness does not have an "incident" for two years, then ODSP can cut them off from funding. Someone who has attendant care but decides to move away from home to pursue educational opportunities may have to wait years in order to receive such a support program in their new location.

Many disabilities occur as a result of an accident or injury at work or in the community. To deal with this reality, since 1989 the OFL has advocated for a Universal

No-Fault Accident and Illness Plan which would compensate the victims of accident or disease regardless of the cause of the injury. There are many challenges in the compensation system. Not all workers are covered by the existing compensation system, some are covered by private insurance carriers. In the current compensation system there is ongoing pressure from some quarters to cut back coverage and benefits. A recent example of this is the move by the Nova Scotia compensation system to limit the duration of coverage for chronic pain, a situation which if successful would have ramifications across Canada for many workers now and in the future. Labour's vision of what is needed is well known to the government. It can and should be implemented immediately. The quality and importance of the programs of the OFL Workers' Compensation Training Project should be recognized by the government in the form of continuing and enhanced funding.

provided. Funding for these organizations should be continued and enhanced.

Accommodating the workplaces of Ontario for workers with disabilities is an important goal. A related goal is to make all work environments safe for all workers. OFL and affiliate leadership, staff, occupational health and safety activists and allies in the community have fought long and hard and continue to do so, to improve the workplaces of Ontario. Labour's vision of what is needed is well known to the government. It can and should be implemented immediately. Related to this is the important work of the Workers Health and Safety Centre (WHSC) and the Occupational Health Clinics for Ontario Workers (OHCOW), which makes workers aware of their rights, the potential and real dangers in their workplaces, and provide the necessary support and treatment when it is needed. The government is well aware of both the quality and importance of the programs and services

## A Program Of Action

The Ontario Federation of Labour will work with affiliates to ensure that:

1. Our union environment is accessible to all members through such measures as: harassment and anti-discrimination policies in place, known and used when needed; constitutional provisions to allow members with disabilities to elect/select representatives to governing bodies at all levels; establish committees and other forums to allow members to advise elected officials about issues of concern, to support members with disabilities, and to develop internal education and external involvement on such issues; political support and resources to make the whole membership aware of the importance of accessibility.
2. All labour organized/sponsored activities are accessible to all members (venues, alternative formats for materials and support services).
3. The concerns of members with disabilities are addressed in the collective bargaining process (both bargaining and the grievance procedure); that their involvement in the process is made possible through accommodation of visible/invisible disabilities - for example, a member living with diabetes can't work through lunch or dinner. In addition to the individual member making their needs known, the union leadership needs to ensure that a schedule is developed that is inclusive and works. Another example, is if a member is sight-impaired and requires a reader, the union must be willing to allocate resources for that assistance. The same
4. is true for a member who is hearing-impaired and requires sign language assistance; that internal union education will make all of the membership aware of these concerns.
4. We strengthen our ties with the persons with disabilities movement, which includes injured workers organizations, by working together on issues of mutual concern.
5. We step up our efforts to be a strong and visible advocate for effective employment equity legislation at both the federal and provincial levels and in our province for an *Ontarians with Disabilities Act*.
6. We continue to call for the needed levels of support (political, financial and human) to ensure that the rights of all Canadians and Ontarians are protected by effective legislation and functioning human rights commissions.
7. Persons with disabilities must be a priority for Home Care in this province. The existing system is in serious need of reform. A system must be developed to serve the best interests of the users, providers of the services and the wider community.
8. There is a need for a truly accessible public transportation system in Ontario to serve the needs of Ontarians with disabilities. Lack of governmental leadership is a major obstacle.
9. The existing *Ontario Disability Support Program* must be reformed. Reforms based on the experiences of persons with disabilities who use the services and members of the labour movement and their unions who

provide the services. These services are vital to many persons with disabilities in communities across Ontario.

10. A Universal No-Fault Accident and Illness Plan which would compensate victims of accident or disease should be established in this province.
11. We continue to advocate for safe work environments through improvements in health and safety and workers compensation legislation, such as the reinstatement of the Occupational Disease Panel, as well as continuing and improved funding for labour-initiated education programs.
12. The OFL will provide resources for the special needs of persons with disabilities and that these resources are made available in the elementary, secondary and post-secondary school systems.

Opeiu:343