[W]e are committed to designing and redesigning our social, economic and physical infrastructures so as to meet the needs of the full array and range of abilities in our population to as great an extent as possible.

*Full Citizenship: A Manitoba Provincial Strategy on Disability*

**A Barrier-Free Manitoba**

**Introduction**

It's now been seven years since the Province of Manitoba released *Full Citizenship: A Manitoba Provincial Strategy on Disability*. While this progressive document made strong commitments and set forth an agenda for significant change, progress on the disability issues has been slow and limited.

We believe that the time has come for the Province to renew and refocus its efforts by addressing the myriad of barriers faced by persons with disabilities. These barriers limit the participation of Manitobans with disabilities in basic life activities that others take for granted. The barriers substantially reduce the quality of their lives. While government, business and others have taken a few sporadic steps to remove some of these barriers, many still remain. Regrettably, more barriers are being added daily.

We are calling upon the Province of Manitoba to commit to developing and enacting strong and effective legislation that requires the progressive removal of existing barriers and prevents the creation of new ones.

**A Record of Limited Progress**

In 2001, the Province released a White Paper called *Full Citizenship: A Manitoba Provincial Strategy on Disability*. The document set forth "a strong Provincial Disability Strategy based upon a philosophy and a vision that includes persons with disabilities as citizens."

While the strategy was in response to the disability communities call for "government for action, not fine words", progress on the disability agenda has fallen considerably short of what was promised. There has been progress on some fronts but there has also been one major setback and the gains that have been made are limited.

- In stark contrast to the redoubling of de-institutionalization efforts elsewhere across Canada, the Province decided in 2004 to invest $40 million in the redevelopment of the Manitoba Development Centre. Since that time only a limited number of persons have moved to community options.
- There has been no consistent implementation of the proposed annual cycle of round tables with consultations, action plans, and evaluations of actions taken.
• There has been no follow up on the provincial commitment to take a more proactive approach to accommodation involving the "creation of a regulatory approach or a system of enhanced guidelines, coupled with a monitoring function."

• No progress whatsoever has been made since the release of *Full Citizenship* on reaching the goal from 1983 of achieving 7 per cent representation of persons with physical disability in the civil service by 2003. The figure in 2000 was 2.9 per cent. The figure at March 2007 was 2.8 per cent.

• Disability continues to be the most frequent cause for complaint to the Manitoba Human Rights Commission.

![Formal Complaints Made to the Manitoba Human Rights Commission by Grounds, 2001 - 2006](chart)

This record provides little reason for hope or optimism among Manitobans with disabilities. A new principle-based, action-oriented approach to disability issues is essential – one that is grounded in respect for human rights, that sets tangible and measurable targets for progress and that makes a real difference in the lives of persons with disabilities.

**Barriers to Living Shared by More than 170,000 Manitobans**

Beyond their common humanity, barriers to full accessibility represent the most common core life experience shared among Manitobans with disabilities. These barriers are pervasive and affect everyone. The more than 170,000 Manitobans who now have disabilities shoulder the
greatest direct impact. These people reflect the diversity of the population as a whole in terms of age, gender, race, religion, place of residence and political perspective.

And with aging being one of the primary causes of disability, the number of Manitobans with a disability will increase sharply in the future. Everyone either now has a disability, or knows someone with a disability, or will acquire a disability in the coming years.

Despite the fact that there are so many persons with a disability, they tend to be among the most marginalized, disadvantaged and powerless citizens. The many arbitrary and unnecessary barriers they face daily both limit their potential and prevent them from fully and equitably participating in employment, education, job training, communications, housing, public and private transportation, health care and social services, as well as enjoying the goods, facilities, services and other opportunities in Manitoba.

The barriers faced by persons with disabilities are multifaceted. Barriers include the physical, architectural, bureaucratic, technological, informational, and attitudinal, as well as those related to communications. Many of the barriers were put in place decades ago and are part of our sad history with disabilities. Barriers that have been created more recently are usually due to inadequate planning that has not taken into account the rights of persons with a disability.

No one would suggest that these barriers benefit society. Rather the barriers and their continuance come at an enormous cost – to persons with disabilities, to their families and friends, to their communities, to the public and to the overall economy.

Do What's Right and Reasonable

We believe that the time has come for the Province of Manitoba to enact strong and effective legislation that requires the progressive removal of existing barriers and that prevents the creation of new ones.

Enacting such legislation is a basic matter of human rights. The progressive removal of the barriers is an entirely realistic and attainable duty. It is about doing what is right and doing what is reasonable.


While these protections reflect an abiding commitment to equality and remain of critical importance, they have not provided for the comprehensive removal of barriers.
Two important developments are pending that will highlight the need for additional measures to address the exclusion and discrimination faced by Manitobans with disabilities. By way of the pending ratification of the United Nations Convention of the Rights of Persons with Disabilities, the provincial government will take on new and far-reaching obligations to protect and promote the rights of persons with disabilities. This includes the commitment to "take all appropriate steps to ensure that reasonable accommodation is provided."  

The second development, the upcoming construction and opening of the Canadian Museum of Human Rights, will focus both national and international attention on Manitoba's commitment to and record on human rights. One might reasonably expect the Province to be active in addressing disability discrimination – the most frequent reason for formal complaint to the Manitoba Human Rights Commission.

The experience of other jurisdictions demonstrates that the removal of barriers is not only the right thing to do, it is also very achievable. Laws enacted in the United States\(^2\), Australia\(^3\) and the United Kingdom\(^4\) have all had dramatic impact on improving the circumstances of persons with disabilities by establishing and enforcing accessibility standards.

The Province of Ontario has now adopted a similar approach that will see the province be barrier-free by or before January 1, 2025. Through The Accessibility for Ontarians with Disabilities Act (2005), Ontario has given itself 20 years to achieve full accessibility for all Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises.

The Ontario legislation focuses on the development, implementation and enforcement of accessibility standards that apply to over 350,000 public, private and non-for-profit sector organizations across the province.

Standards have been developed or are now being developed in the following areas:

- Customer Service
- Transportation
- Built Environment
- Information and Communications
- Employment

International experience demonstrates that all jurisdictions in Europe and the United States have arrived at the conclusion that mandatory regulations, based on the American model, are the only way to resolutely, equitably and efficiently introduce full accessibility over a reasonable period of time.

David Baker
Moving Backwards: Canada's State of Transportation Accessibility in an International Context
Final Report to the Council of Canadians with Disabilities

\(^1\) Article 5, United Nations Convention on the Rights of Persons with Disabilities
\(^2\) The Americans with Disability Act (1990)
\(^3\) The Disability Discrimination Act (1992)
\(^4\) The Disability Discrimination Act (1995 and 2005)
Cross-sector committees comprised of governmental and non-governmental stakeholders have been given the mandate to draft standards in each of these areas. Fully one-half of the members of each committee are persons with disabilities and/or representatives of disability organizations, with participation spanning the disability community in Ontario.

The compliance framework in Ontario moves beyond the complaint-driven models that have so limited the effectiveness of existing legal protections. Organizations will be required to proactively and periodically assess and report on their state of compliance. This will be augmented by inspection and audit functions.

The framework is further strengthened through penalties. The Ontario legislation includes penalties for offences up to $50,000 for individuals per day and up to $100,000 per day for organizations.

Notably, legislative action to remove barriers has received broad public and business support in each of the four jurisdictions. In Ontario, for example, there was all party support for the legislation which passed unanimously on all three readings.

In short, there are clear precedents and effective working models from which to build made-in Manitoba legislation – legislation that would, as committed to in Full Citizenship, lead to the redesign of "social, economic and physical infrastructures so as to meet the needs of the full array and range of abilities in our population to as great an extent as possible."

Strong and effective legislation to remove barriers and prevent new ones would make a huge difference in the lives of Manitobans with disabilities.

**Broader Benefits from Legislation**

There are a range of other important benefits that would extend from the legislation. These will include, but are not limited to:

- **An Encompassing Disability Framework**
  The commitment to full accessibility that underpins the legislation will provide government and the disability community with a common conceptual framework from which to address many of the 154 disparate recommendations generated to date through the Disability Issues Office’s round table process.

- **A Major Shift in Public Attitudes**
  The legislation and its implementation can be expected to contribute to major and lasting awareness and attitudinal shifts among the general public related to disabilities, diversity and inclusion.

- **Real Supports for Many Other Citizens**
  The removal of barriers faced by persons with disabilities will also enhance accessibility for many other Manitobans not always thought of as disabled whose quality of life, potential and participation are limited by these same barriers - the
fast growing seniors population and the increasing number of persons with chronic diseases, as well as families with young children.

- **Stronger Economic Performance**  
The legislation will help to significantly reduce the enormous economic burden that comes from excluding many Manitobans with disabilities from fuller participation in the labour force. This will become even more important as labour shortages continue to intensify.

- **A Foundational Element in a Broader Poverty Reduction Strategy**  
The legislation will help address the economic and social exclusion of one of the largest and most disadvantaged groups of Manitobans who are living in poverty. As such, legislation to remove barriers would represent one foundational component within a comprehensive provincial poverty reduction strategy.

- **New and Expanded Business Opportunities**  
The legislation will provide a competitive advantage to Manitoba-based businesses in meeting the large and expanding demand for accessibility products, both domestically (estimated spending by persons with disabilities exceeds $25 billion per annum) and internationally.

- **A Lasting and Positive Legacy for All Manitobans**  
The legacy of the legislation will be lasting and transformative. Manitoba will once again be among the national and international leaders in addressing disabilities issues. It will make Manitoba a much, much better place to live for persons of all abilities.

### Purpose and Principles for Made-in-Manitoba Legislation

Based on a preliminary review of the working models in other jurisdictions, we have adopted the following purpose and principles to guide the development of made-in-Manitoba legislation.

**Purpose**

To remedy the systematic exclusion and discrimination that persons with disabilities have experienced and continue to experience in all aspects of life in Manitoba by removing existing barriers to full accessibility and preventing the creation of new barriers.

**Principles**

The legislation should be drafted to address the following:

1. Cover all disabilities.
2. Reflect a rights-based approach to equality.
3. Move beyond the complaints-driven system to comprehensively address discrimination and barriers.

4. Establish a definite target date to achieve a barrier-free Manitoba.

5. Require and set out a process for the development of clear, progressive, mandatory and date-specific standards in all major areas related to accessibility that will apply to public, private and not-for-profit sectors.

6. Incorporate ongoing leadership roles for the disability community.

7. Establish timely and effective process for monitoring and enforcement of standards with significant penalties for non-compliance.

8. Supersede all other provincial legislation, regulations or policies which provide lesser protections.


Conclusion

One of the key themes from the Full Citizenship document was the need to 'move from vision to action.' After years of limited progress on action since the document's release, we request that the Province of Manitoba commit to enacting the legislation outlined in this brief. Further, we request that the legislation be introduced in the legislature during the sitting tentatively scheduled to start in November 2009.

We are committed to working in partnership with the Province in organizing the extensive consultations that will be required with and beyond Manitoba's disability community in advance of and during the drafting of the legislation. We are also committed to working with the Province throughout the legislative process and during implementation.

Will the Province of Manitoba commit to enacting strong and effective legislation that requires the progressive removal of the barriers now faced by over 170,000 Manitobans with a disability and which will be faced by the tens of thousands of Manitobans who will develop a disability in the coming years?