



# Discussion Guide

Accessibility Legislation  
Engagement Process



## Message from the Minister

For the past three years, work has been ongoing to implement the **Inclusion Framework and Action Plan: Access. Inclusion. Equality.**, with significant input from the community and the Provincial Advisory Council for the Inclusion of Persons with Disabilities.

During 2018, the Government of Newfoundland and Labrador marked the fulfillment of the Provincial Government's Inclusion Action Plan.

All 43 Actions identified in the plan have now been completed or have resulted in ongoing initiatives to support the inclusion and participation of persons with disabilities in society. Work is continuing to raise awareness and advance the conversation around inclusion.

This engagement process is an important step in developing a made-in-Newfoundland and Labrador approach to new accessibility legislation to prevent and remove barriers for the full inclusion of individuals with disabilities.

Barriers are more than bricks and mortar. They include anything that prevents persons with disabilities from participating in activities that are available to the public or hinders their ability to participate in society on an equal basis.

Thank you for participating in the engagement process. Whether you choose to attend a session in person or make a submission, your input and advice will be valued and appreciated.

The contributions you make will inform the new accessibility legislation that will help us achieve a barrier-free Newfoundland and Labrador.

A handwritten signature in black ink, appearing to read 'Lisa Dempster'. The signature is stylized and fluid.

Hon. Lisa Dempster  
Minister Responsible for the Status of Persons with Disabilities

## Purpose

The Government of Newfoundland and Labrador is committed to working with advocacy groups and community stakeholders to create new accessibility legislation. The purpose of this legislation is to prevent and remove barriers faced by persons with disabilities.

This Discussion Guide identifies some of the issues and areas for consideration in the development of accessibility legislation. Your input and engagement will assist the Department of Children, Seniors and Social Development in developing this new legislation.

## What is Accessibility Legislation?

Accessibility legislation enables government to work with stakeholders to develop standards that will help prevent and remove barriers faced by persons with disabilities. The development of standards will be achieved through an open and transparent process that involves consultation and collaboration with persons with disabilities, organizations, advocacy groups, the general public and government departments and agencies.

Diversity and inclusion are about recognizing the inherent value and individuality of every human being. The ability of individuals to exercise and claim the full rights and responsibilities in society is key to full inclusion. When true citizenship exists, all individuals can participate fully and effectively in society.

The **United Nations Convention on the Rights of Persons with Disabilities** promotes, protects and ensures the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and promotes respect for their inherent dignity. The **Canadian Charter of Rights and Freedoms** guarantees persons with disabilities equal benefit and protection before and under the law. Our provincial legislation, **The Human Rights Act, 2010**, states that it is a human rights violation to discriminate on the basis of disability. Accessibility legislation in this province will complement and support these other pieces of legislation.

Four provinces currently have accessibility legislation:

- Nova Scotia's **Act Respecting Accessibility in Nova Scotia (2016)**;
- Manitoba's **Accessibility for Manitobans Act (2013)**;
- Ontario's **Accessibility for Ontarians with Disabilities Act (2005)**; and
- Quebec's **Act to Secure Handicapped Persons in the Exercise of their Rights (2004)**.

Further, on November 27, 2018, the Government of Canada completed its third reading of Bill C-81 **An Act to Ensure a Barrier-Free Canada** (Accessible Canada Act). This Bill is now in the Senate.

# Engagement Process

Strong and effective public policy relies on the perspectives and knowledge of people with lived experience. Engaging persons with disabilities and those who speak on their behalf in government initiatives and decision-making is vital and supports the philosophy of **Nothing About Us, Without Us**, which is the motto of the international community of persons with disabilities. It is essential for government to involve persons with disabilities in the decisions that affect them.

The Provincial Government's Disability Policy Office has partnered with the Public Engagement Division, as well as the Coalition of Persons with Disabilities (the coalition) and the Provincial Advisory Council for the Inclusion of Persons with Disabilities (the advisory council) to conduct a public engagement process.

The coalition is a key community stakeholder and partner in the advancement of inclusion. The coalition, a charitable, non-profit organization established by persons with disabilities, chairs the Provincial Network of Disability Organizations - a cross-provincial, cross-disability consortium of 19 organizations in Newfoundland and Labrador.

The advisory council is made up of individuals from various areas of the province who have disability-related experiences and knowledge, and who advise the Minister Responsible for the Status of Persons with Disabilities on disability-related issues.

This engagement process provides an opportunity for individuals, community groups, and businesses to inform the development of accessibility legislation through a series of engagement sessions being held throughout the province.

## How to Participate

In addition to public engagement sessions, input can be provided to the Disability Policy Office of the Department of Children, Seniors and Social Development by email, phone or fax, or by written or video submission (video relay calls welcome). Please send your feedback **by February 28, 2019**.

**Email:** [disabilitypolicy@gov.nl.ca](mailto:disabilitypolicy@gov.nl.ca)

**Telephone:** 1-888-729-6279 (toll free) | 709-729-6279 (direct)

**Text:** 709-725-4463

**Fax:** 709-729-6237

**Mail:** Disability Policy Office  
Department of Children, Seniors and Social Development  
P.O. Box 8700  
St. John's, NL A1B 4J6

**Website:** Individuals can also visit the EngageNL website ([www.engagenl.ca](http://www.engagenl.ca)) to participate.

# Principles of Accessibility

Principles of accessibility will provide the foundation to guide and inform the new legislation to prevent and remove barriers in order to achieve accessibility. Some of the proposed principles include:

<b>Accessible</b>	Enables freedom of choice in all facets of life.
<b>Barrier-free</b>	The reduction and prevention of barriers that limit participation in, or access to a service, program, event, etc.
<b>Citizenship</b>	The ability of individuals to exercise and claim full rights and responsibilities in society.
<b>Diversity</b>	All differences are embraced and accepted.
<b>Equity</b>	The quality of being fair and impartial. Everyone is treated fairly with dignity and respect.
<b>Human Rights</b>	Individuals have undeniable protected rights to be active participants in society.
<b>Shared Responsibility</b>	Community, government, public and private sectors, industries and individuals with personal and professional lived experiences collaborating on projects to ensure inclusion.
<b>Universal Design</b>	A design process that enables and empowers a diverse population by enhancing usability of products, environments and services.

**Are the principles listed the ones that should be considered for new accessibility legislation? Are there other principles that should be considered?**

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# Barriers to Accessibility

A barrier is anything that gets in the way of people with disabilities participating in day-to-day activities or taking part in opportunities that are available to the public. It is anything that, in interaction with an individual's disability, may hinder an individual participating in society on an equal basis. Some of the potential barriers to accessibility may include:

## Built Environment

The core infrastructure of this province and its communities are the built environment and transportation system. These are the roads we travel daily by whatever means available and the buildings in which we live, work and play. Infrastructure development is an important component to ensure our built environment is barrier-free.

Examples of barriers related to the built environment include:

- Attitudinal barriers in thinking that it is too expensive to make places accessible
- Curbs that do not allow a person with a mobility device to access a building
- Buildings that do not allow for navigation with a chair or scooter
- Stairs, rough pavement or narrow pathways
- Poor lighting

## Transportation

As noted above, the transportation system includes the roads we travel daily and the means we use to get where we are going.

Examples of barriers related to transportation include:

- Attitudinal barriers in thinking that it is too expensive to make transportation accessible
- Curbs that do not allow a person with a mobility device to access a bus stop
- Inaccessible public transit

## Access to Services/Service Delivery

Access to services with dignity, fairness and respect is an approach to providing service without bias. It is ensuring services are inclusive and that disability-related supports are available as required. Services become inclusive when disability-related requirements and accessibility considerations are incorporated in how we promote and deliver services in the natural course of business so that everyone has equitable access.

Examples of service/service delivery barriers include:

- Medical equipment and facilities that are not accessible
- Service providers that are not knowledgeable and understanding of persons with disabilities
- A lack of clear and concise communication with clients
- Scheduling policies that are inflexible



# Communications

Communication barriers affect hearing, speaking, reading, writing, and/or understanding.

Examples of communication barriers include:

- Small print and/or serif font
- Lack of American Sign Language (ASL) interpretation and audio for large events
- Use of technical language instead of common language
- Complicated websites

# Employment

According to Statistics Canada, persons with disabilities are overrepresented in living below the poverty line and underrepresented in the work force. Persons with disabilities face greater barriers to employment.

Examples of employment barriers include:

- Inaccessible work places
- Lack of opportunities and supports for training and skill development
- Thinking that people with disabilities cannot work (attitudinal)
- Hiring processes that do not provide accommodations for persons with disabilities
- Lack of equal opportunity employers

# Education

All individuals should be provided with an equitable opportunity to learn. The province has released an [Education Action Plan \(www.ed.gov.nl.ca/edu/EAP-report.pdf\)](http://www.ed.gov.nl.ca/edu/EAP-report.pdf) and key stakeholders, departments and agencies are involved in developing strategies to create increasingly inclusive learning environments.

Examples of educational barriers include:

- Students not having access to required support and accommodation mechanisms
- Not having expertise and the necessary equipment to address issues with adaptive devices
- Universal Design not being incorporated into learning and curriculum

# Supported Decision-Making

Supported decision-making is a mechanism to help allow a person with a disability to exercise his or her legal capacity. The **UN Convention on the Rights of Persons with Disabilities** states that persons with disabilities should enjoy legal capacity on an equal basis with others in all aspects of life. Article 12 of the Convention acknowledges that no one should be denied the ability to exercise their legal capacity because they may need help in making decisions. Legal capacity is the capacity and power to create, modify or extinguish legal relationships.











Alternate formats available upon request

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Department of Children, Seniors and Social Development  
P.O. Box 8700  
St. John's, NL A1B 4J6

Telephone: 1-888-729-6279 (toll free)  
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