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FOR COMMUNITY LIVING

ASSOCIATION CANADIENNE POUR  
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Federal Election 2019

# A National Disability Action Plan

The Canadian Association for Community Living (CACL) is a national not-for-profit organization with a long-standing history of defending the rights and interests of persons with an intellectual disability and their families. CACL was founded in 1958 and has become one of Canada's ten largest charitable organizations. CACL is composed of ten provincial and three territorial associations, with over four hundred local associations and more than forty thousand members.

Given that we work for and with persons with an intellectual disability and their families, the statistics included within this document focus largely on intellectual disability. However, we hope your party's platform commitments will benefit all those who live with a disability that impacts their daily lives.

**20% of Canadians (or 6.2 million people) aged 15 years and over have one or more disabilities. Roughly 4% of this group have a developmental disability or delay. Persons with disabilities are a significant voting block in Canada.**

Persons with an intellectual disability and their families are asking your party to include a National Disability Action Plan in your 2019 election platform to promote their health and well-being, advance their employment and opportunities for community inclusion, and fund accessible housing to make Canada a more accessible country for all.

With Canada's ratification in 2010 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), all levels of government in Canada are obligated to respect, protect, and promote the rights of persons with disabilities, and to address long-standing barriers to full participation, inclusion, and citizenship. A National Disability Action Plan must be rooted in Canada's obligations under the CRPD.

A National Disability Action Plan should be drafted and enacted using a far-reaching disability and inclusion policy lens\* which places persons with disabilities and their families at the core of decision making, requiring government officials to consider the impact that all policy decisions (not just disability-specific policies) will have on persons with disabilities.



\* A disability and inclusion lens brings into view the sources of disadvantage that result in unequal opportunities and outcomes for people with disabilities and uses the tools of public policy to overcome these disadvantages. For an example of a disability and inclusion policy lens see: <https://cacl.ca/wp-content/uploads/2019/07/Disability-and-Inclusion-Sample.pdf>

# A National Disability Action Plan must:



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## Promote Health and Well-being

A National Action Disability Plan will address barriers to health and well-being, ensuring quality medical care for persons with disabilities free from discrimination by actioning the following three priorities:

- i. Promote access to palliative care for all Canadians including those with an intellectual disability
- ii. Address Canada's gaps in mental health services for children and adults with an intellectual disability
- iii. Preserve equality through the end of life criterion for Medical Assistance in Dying



## Tackle Poverty Through Employment & Economic Security

People with disabilities are twice as likely as Canada's general population to live in poverty. A National Disability Action Plan must address the gaps in employment and economic security through the following measures:

- i. Adopt a targeted Disability Employment Strategy
- ii. Amend the Registered Disability Savings Plan (RDSP)
- iii. Make the Disability Tax Credit refundable



## Make Good on a Right to Inclusive Housing

A National Disability Action Plan should continue to support and build upon the work of Canada's current National Housing Strategy. To ensure that persons with an intellectual disability are a part of the solution to Canada's housing crisis the plan must:

- i. Stand behind a right to housing
- ii. Fund affordable and inclusive housing
- iii. Make use of inclusive housing indicators



## Move Beyond the Accessible Canada Act

Persons with disabilities and their families continue to fight for equal citizenship and opportunity in Canada; however, advancing their interests tends to remain an afterthought. To include persons with disabilities in the electoral process, a National Disability Action Plan must:

- i. Make the 2019 election the most accessible yet
- ii. Mandate accessible elections

## Be Intersectional

In pursuing a National Disability Action Plan, Canada must remember that the population of persons with disabilities is not homogeneous. Needs and experiences differ between and within the disability community; all must be engaged. In designing a National Disability Action Plan, your party should respectfully and meaningfully include marginalized populations with disabilities who are under-served and face intersectional discrimination due to gender and sexuality (LGBTQ2S+), incarceration, Indigeneity, mental illness, migrant status, poverty, and/or race added to their disability.

**As a best practice, we recommend that your government work alongside grassroots communities and organizations, trusting their expertise and knowledge.**



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*Promote Health & Well-being*



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## United Nations Convention for the Rights of Persons with Disabilities

### Article 25 - Health

Medical professionals in Canada have long concluded that health is, in part, socially determined. Persons with disabilities can be economically and socially excluded, making wellness a complex challenge. They have a right to quality health care, free from discrimination, and should enjoy the highest standard of equitable, timely, and appropriate healthcare in Canada. Your party can take the following steps to better the health and well-being of persons with disabilities and their families in Canada:



### Did You Know?

**Studies have shown that 25% of persons with an intellectual disability have contemplated suicide, and the rates of mental illness are 3 or 4 times higher for this population.**

### What Needs to be Done

#### Addressing Canada's gaps in mental health services for children and adults with an intellectual disability

Canadians with disabilities struggle to access appropriate mental health care, and this is especially true for persons with an intellectual and developmental disability (IDD). People with IDD are 3 to 4 times more likely to experience a mental health issue than the general population. Yet, appropriate mental health services are often unavailable or inaccessible. This is because (a) many practitioners lack the specialized training required to confidently treat persons with IDD, and (b) the connection between disability and suffering has been so normalized that some medical professionals mistakenly believe that IDD is in itself the cause of a person's mental health concerns.

**We ask that your party commit to adopting and funding a national policy and strategy to address Canada's mental health crisis. This strategy must address significant gaps in services for persons with a dual diagnosis of intellectual disability and mental illness (1).**

## Promote access to palliative care for all Canadians including those with an intellectual disability

Medical assistance in dying (MAiD) is offered as a publicly insured service in Canada, meaning any person can access it provided they meet eligibility criteria.

No such guarantee exists for those in need of palliative supports.

Though more than 75% of Canadians wish to die at home, only 15% have access to the palliative care they need to do so.

The disability rights community is concerned that a lack of access to robust, comprehensive, multidisciplinary palliative care is one of the main reasons people with complex needs request MAiD.

**We ask that your party commit to amending the Canada Health Act to include palliative care as a listed core service.**

## Preserve equality through the end of life criterion for Medical Assistance in Dying (MAiD)

At the end of her recent visit to Canada, UN Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas-Aguilar, reported that she is “extremely concerned about the implementation of the legislation on medical assistance in dying [in Canada] from a disability perspective.”

One key step in addressing Ms. Devandas-Aguilar’s concern is to preserve the end of life criterion in the assisted dying legislation. The end of life criterion are the hard-line that prevents death due to discrimination or (internalized) stigma. It preserves equality and ensures that we fight for the lives of persons with disabilities, many of whom confront significantly higher than average rates of poverty, unemployment, violence and abuse, and suicidal ideation as non-disabled Canadians. It prevents a life featuring disability from being framed as a life worse than death.

**We ask that your party commit to protecting and preserving the end of life criteria in Canada’s medical assistance in dying regime.**



1. Options for addressing the mental health crisis include (a) funding innovative interdisciplinary research to identify and respond to barriers to mental wellness for persons with disabilities (b) incentivizing provinces to adopt best practices and train service providers in offering specialized care for persons with intellectual disabilities and co-occurring mental health concerns, (c) enhancing access to publicly funded psychotherapy through Medicare, and (d) addressing waitlists.



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# Tackle Poverty through Employment & Economic Security



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## United Nations Convention for the Rights of Persons with Disabilities

### Article 27 - Work & Employment

In Canada, persons with disabilities face higher than average rates of unemployment and poverty. Employment for persons with disabilities means having access to jobs through inclusive hiring and the freedom to choose different types of work. It also means having access to employment supports so that once a job is secured, it is maintained. Tackling poverty and improving the economic security of persons with disabilities in Canada will take many measures. We ask your party to commit to adopting the following policy reforms:



#### Did you know?

Working-age Canadians with an intellectual disability or Autism Spectrum Disorder (ASD) remain vastly under-represented in the labour force:

- 75%-80% of people with an intellectual disability are either unemployed or underemployed.
- 70% of adults with an intellectual disability are living in poverty.
- Of those working, the average income is less than half that of Canadians without a disability.

## What's Working

Ready Willing and Able (RWA) is the most successful national employment initiative for persons with an intellectual disability or autism spectrum disorder (ASD) delivered in Canada; and we are grateful for the support we have received from the federal government to allow us to demonstrate that with targeted support, community involvement and employer leadership, job seekers with an intellectual disability or ASD can obtain and retain employment within the competitive labour market.



## What Needs to be Done

### Amend the Registered Disability Savings Plan (RDSP)

RDSPs are long-term savings plans that are designed to provide financial stability for persons with disabilities. There exists more than \$3 billion locked in RDSPs, unusable for practical purposes such as to secure housing stability for persons with disabilities. There are also significant barriers preventing persons with disabilities and their families from contributing to the RDSPs. Given the current restrictive rules for RDSP withdrawals, many individuals reach age 83 before maximizing their RDSP benefits, significantly limiting their effectiveness, particularly as individuals with a disability tend to have shorter life-spans. Two policy changes would help persons with intellectual disabilities and their families better access and utilize the RDSP:

#### **Change The 10-year rule to allow for greater flexibility in making RDSP withdrawals.**

The 10-year rule requires that, for each \$1 withdrawn from an RDSP, \$3 of any grants or bonds paid into the plan in the 10 years preceding the withdrawal be repaid, up to a maximum of the assistance holdback amount. This is a significant penalty.

The RDSP 10-year rule is not sensitive to the life-course or life expectancy of persons with intellectual disabilities. People who receive grants and bonds to age 49 must wait ten years to withdraw funds to avoid repayment penalties. Many persons with intellectual disabilities could benefit from access to the RDSP earlier in their adult life (and potentially before all grants and bonds are received). RDSP rules acknowledge that people with disabilities may be vulnerable when they are facing a clearly shortened life expectancy due to a medical condition. People with intellectual disabilities may be financially vulnerable for reasons unrelated to their health and would like to access funds in these situations.

#### **Address Issues of Legal Capacity**

The RDSP presents issues of legal capacity for persons with intellectual disabilities and their families. As the RDSP involves legal-contractual obligations with financial institutions, persons with intellectual disabilities often rely on their parents to set up and become the holders of their RDSP. They can legally do so without much hassle because of a temporary measure introduced by the federal government in 2012. Provinces and territories were tasked with developing permanent solutions to support individuals and families to appoint replacement plan holders without resorting to legal guardianship. The majority of provinces and territories have failed to do so and a national solution is therefore needed.

**We ask that your party commit to revisit the RDSP ten-year rule and address issues of legal capacity for persons with intellectual disabilities and their families so that individuals and families can appoint replacement plan holders under a national solution.**

## Make the Disability Tax Credit (DTC) Refundable

The Disability Tax Credit (DTC) currently provides tax relief for just one-third of working-age Canadians with severe and very severe disabilities. However, for most of the 750,000 working-age people with severe and very severe disabilities, the DTC is of limited assistance because their income and earnings are too low to be taxable. This impacts their families as well. Most of this group live in poverty and without the resources to cover disability-related expenses. Keeping the credit non-refundable contributes to a vicious cycle of poverty. Refundability would provide indexed income to help cover disability-related costs, possibly paid on a monthly or quarterly basis. The DTC is meant to help close the gap between those with the same income, with and without disabilities. Making the DTC refundable would help level the playing field for persons with intellectual disabilities and their families who continue to fall behind due to rising disability-related costs.

**We ask that your party commit to making the DTC refundable and to working with provincial and territorial governments to ensure that a refundable credit is not clawed back for people receiving social assistance benefits.**



## Adopt a Targeted Employment Strategy

Over 400,000 working-age adults in Canada with a physical or intellectual disability are currently unemployed, despite being ready, willing and able to participate in Canada's workforce (1). A key aspect of the National Disability Action Plan must be a coordinated employment strategy. The Government of Canada has an opportunity to lead on employment for persons with disabilities within the public service, while also creating a comprehensive strategy that engages employers, educational institutions, non-profit organizations, and provincial/territorial governments to ensure more Canadians with disabilities have access to real work for real pay (2).

Parallel to the passing of the Accessible Canada Act, the Government of Canada committed to hiring at least 5,000 people with disabilities over the next five years. It is important that the Accessible Canada Act hiring offers opportunities to a diverse array of persons with disabilities acknowledging this may require purposefully seeking out those who have been kept far away from the workforce, particularly individuals with an intellectual disability.

**We ask that your party commit to:**

- (i) developing and adopting a targeted and coordinated employment strategy for persons with disabilities;**
- (ii) demonstrating best practices in inclusive hiring when meeting the Accessible Canada Act hiring commitment;**
- (iii) sustaining and increasing funding to the national Ready Willing and Able initiative.**

1. Prince, Michael J. 2016. "Inclusive Employment for Canadians with Disabilities: Toward a New Policy Framework and Agenda" Ideas Analysis Database (60) accessible online at: <http://irpp.org/wp-content/uploads/2016/08/study-no60.pdf>

2. Options for addressing significant unemployment for people with a disability include (a) renewing the Canadian vision on disability and citizenship, (b) improving transition planning for youth, (c) expanding post-secondary education, (d) fostering improvement in workplace practice, (e) enhancing employment supports, and (f) modernizing labour market agreements. For more, see Prince, Michael J. 2016. "Inclusive Employment for Canadians with Disabilities: Toward a New Policy Framework and Agenda" Ideas Analysis Database (60) accessible online at: <http://irpp.org/wp-content/uploads/2016/08/study-no60.pdf>



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*Make Good on a Right to Inclusive Housing*



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## United Nations Convention for the Rights of Persons with Disabilities

### Article 19 – Living independently and being included in the community Article 28 – Adequate standard of living and social protection

Living in the community is a right of all Canadians – people with an intellectual disability have the equal right to live in the community in the same housing options available to Canadians without disabilities.

Canada's housing experts agree that the housing first approach is the best way to create stability in the lives of those who are at risk of exclusion and harm. A National Disability Action Plan will continue to support and build upon the work of Canada's current National Housing Strategy and ensure that persons with intellectual disabilities are a part of the solution to Canada's housing crisis.



### Did you know?

**We estimate that over 100,000 Canadians with intellectual and developmental disabilities currently live in precarious and vulnerable housing situations in Canada.**

### What's Working

Canada's current National Housing Strategy includes a dedicated investment to create at least 2400 new affordable housing units for people with developmental disabilities. This is a promising first step in recognizing the housing needs of persons with intellectual and developmental disabilities in Canada.



## What Needs to be Done

### Stand Behind A Right to Housing

The right to support and live in the community is inseparable from the right to housing - both are guaranteed under the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The right to housing, introduced in Canada's National Housing Strategy needs to be affirmed and implemented in practice. A National Disability Action Plan will ground the recognition of the right to affordable, accessible, and inclusive housing in Canada's ongoing efforts to address the housing crisis. To have a fully inclusive approach the Government of Canada needs to recognize that people who have intellectual disabilities need additional supports to realize a right to housing.

**To realize the right to housing and CRPD obligations in Canada, we ask that your party commit to adopting new legislation to protect and give explicit recognition to the right to adequate housing for all.**

### Fund Affordable and Inclusive Housing

Accessing affordable and inclusive housing is a top priority for persons with an intellectual disability and their families. Affordable and inclusive housing and appropriate disability supports are the gateway to inclusion and belonging through life in community, yet barriers to access persist and are pervasive. A National Disability Action Plan must actively address the isolation and segregation of persons with disabilities within Canadian society.

Alarming, after years of working toward moving people with an intellectual disability out of institutions, there appears to be a re-emergence of institutional and congregate options. Many people with an intellectual disability who are managing to find housing and support are only able to access it in larger segregated settings. Sometimes these are newly created housing options; other times there is an increase in the number of people living in an existing location. This trend is in direct opposition to decades of effort to desegregate persons with disabilities and foster their full participation in community as unique individuals entitled to choices comparable to all other Canadians.

**As part of a National Disability Action Plan, we ask that your party commit to funding affordable, accessible, and inclusive housing that can be accessed by persons with intellectual disabilities, and actively oppose and work to prevent isolation.**

### Make Use of Inclusive Housing Indicators

A National Disability Action Plan must commit to investing national housing funds only into housing developments that meet the test of inclusion. We have been working with partners in the disability community, and with the Canada Mortgage and Housing Corporation (CMHC) to build a Housing Inclusivity Framework. This tool can measure specific housing developments' potential for inclusive housing. It can also recommend actions that can be taken to better include residents with diverse housing needs. Canada's current National Housing Strategy acknowledges that home is the space from which people make meaningful connections and engage in the community around them.

**As part of a National Disability Action Plan we ask that your party commit to embracing and adopting the Housing Inclusivity Framework when funding housing-related projects across the country so that all Canadians can know the benefits of connection and community.**



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## Build on the Accessible Canada Act



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### United Nations Convention for the Rights of Persons with Disabilities

#### Article 9 - Accessibility

A National Disability Action Plan must work to include persons with disabilities in the electoral process by consciously bringing persons with disabilities out of the periphery and into the core of decision making. Persons with disabilities and their families continue to fight for equal citizenship in Canada; however, their interests remain an afterthought. In addition to supporting persons with disabilities to run for office, your party can take the following tangible steps to address gaps, facilitate equality, encourage political engagement, and value persons with disabilities as contributing members of Canada's national community:

#### What's Working

CACL strongly approves of the passing of the Accessible Canada Act and looks forward to the impact that the legislation will have on Canadian policy. We are encouraged that the national disability community, including many self-advocates, had a seat at the table in development of the Act, and hope that this signals a commitment to further relationship building between the Government of Canada and the national disability community.

#### What Needs to be Done

##### Make the 2019 Election the Most Accessible Yet

Your party has the opportunity to boldly pursue accessibility and inclusion during the 2019 federal election campaign. We ask that your party promote accessibility and inclusion at every opportunity, pressing for the highest standards when participating in events like meet and greets, candidate forums, and debates to facilitate meaningful engagement. In the absence of written standards, consider consulting with national disability groups to learn the best ways to make your campaigns accessible. Further, all candidates' offices ought to be accessible, so that persons with disabilities can meet with their MPs, bringing the goals and needs of persons with disabilities to the forefront of policy-making.

**We ask that your party commit to making Canada's electoral process accessible to all by adhering to the highest of accessibility standards and expectations during the 2019 federal campaign.**

#### Did you know?

Some persons with disabilities were disqualified from voting until 1988, and many others still face architectural and attitudinal barriers to voting. Nonetheless, voting in elections represents an important expression of democratic freedom and participation in a political community where other obstacles and exclusions remain.\*

#### Mandate Accessible Elections

Now that the Accessible Canada Act is in force, Canada's electoral system must be made accessible. However, the Canadian Accessible Standards Development Organization board has only recently been formed. The responsibility for creating an accessible election in 2019 falls on political parties.

**We ask that your party commit to moving beyond these stop-gap measures by applying accessibility standards to the work of Elections Canada. Accessibility must be legally mandated in all aspects of Canada's next federal election, rather than relying on goodwill.**

\* For more see Prince Michael, J. 2004. *Persons with Disabilities and Canada's Electoral Systems Gradually Advancing the Democratic Right to Vote*. Elections Canada. Accessed online here: <https://www.elections.ca/content.aspx?section=res&dir=eim/issue10&document=p2&lang=e>