

Advocate for Persons with Disabilities

2022-2025 Strategic Plan

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Letter from the Advocate

On January 4, 2022, I had the great pleasure of being appointed to the role of Advocate for Persons with Disabilities. As I lay out my five strategic priorities in the pages that follow, I feel it is important to acknowledge the work of my predecessor, Mr. Tony M. Flores.

Under Mr. Flores' leadership, the Office of the Advocate for Persons with Disabilities (OAPD) took flight, creating the foundation to represent the rights, interests and viewpoints of Albertans. Some of the notable work undertaken in 2021-2022 under Mr. Flores included:

- Ongoing efforts to champion provincial accessibility legislation.
- Providing advice to government highlighting issues and opportunities related to the Persons with Developmental Disabilities program, and service gaps experienced by Albertans diagnosed with Fetal Alcohol Spectrum Disorder.
- Advocating for Albertans in light of many challenges associated with the COVID-19 pandemic.
- Working "behind-the-scenes" to strengthen internal processes like intake and triage, reporting and supporting systemic change.

As I transition into this role, I acknowledge the great work previously undertaken through the OAPD, as well as acknowledge the many opportunities before us to champion and promote a vision for the inclusion of persons with disabilities in Alberta's social and economic fabric. To achieve this vision, the following priorities will be undertaken:

Priority One: Enable and expand employment for Albertans with disabilities through support of employer led and targeted job creation

Priority Two: Improve social inclusion and supports to mitigate issues exacerbated by COVID-19, such as mental health

Priority Three: Champion and mobilize stakeholder outreach work toward Accessibility Legislation

Priority Four: Champion efforts to increase access to justice

Priority Five: Champion efforts to increase and expand accessible and affordable housing and in-home supports

In addition to these strategic priorities, I am pleased to announce that the OAPD will be expanding – in addition to the office in the City of Edmonton, in the coming months a staffed and operational office will be opened in the City of Calgary. The two offices will work as a cohesive unit, continuing to promote the rights, interests and viewpoints of Albertans through individual concerns resolution, education and informing systemic change.

I look forward to working with you and all Albertans over the next three years, and encourage you to contact me or my office if you have any questions.

Warmest regards,

Greg McMeekin

Greg McMeekin, J.D., Advocate for Persons with Disabilities

About the Advocate for Persons with Disabilities

The Advocate for Persons with Disabilities (the Advocate) and the Office of the Advocate for Persons with Disabilities (OAPD) represent the rights, interests and well-being of Albertans with disabilities. The OAPD's dedicated staff build relationships with community members to understand the issues and concerns they face every day.

The Advocate and the OAPD help children, youth, adults and seniors with disabilities access the supports and services available to them. By building relationships with people and stakeholders in the disability community, the Advocate's Office can learn about and bring important issues and concerns to the government with recommendations.

The Advocate and the OAPD act as a point of contact between the community and government. The OAPD supports Albertans with disabilities and other disability stakeholders through support to resolve individual concerns, provide education to promote the rights, interests and well-being of persons with disabilities, and to provide government leaders with information and advice pertaining to gaps in programs and services for persons with disabilities.

Vision, Mission, Mandate and Values

Vision

To champion and promote the inclusion of persons with disabilities in Alberta's social and economic fabric.

Mission

The mission of the Advocate is to represent the rights, interests and viewpoints of persons with disabilities and to provide information and advice to government to address challenges and opportunities to enhance the lives and well-being of Albertans with disabilities.

Mandate

Stated in Section 3(2) of the *Advocate for Persons with Disabilities Act* (2018), the Advocate and his staff represent the rights, interests and well-being of Albertans, achieved through six mandated functions which may include:

- Identify and study issues of concern to persons with disabilities and recommend action where appropriate;
- Review programs and policies affecting persons with disabilities;
- Participate in consultations in which systemic decisions are made about persons with disabilities;
- Promote the rights, interests and well-being of persons with disabilities through public education;
- Provide information and advice to the Government with respect to any matter relating to the rights, interests and well-being of persons with disabilities; and,
- Provide education as needed to ensure individuals having difficulty accessing services and related programs for persons with disabilities are aware of appropriate resources, persons and organizations.

Values

The Advocate and staff of the OAPD promote empowerment of Albertans with disabilities, and supports them in resolving concerns through information, referrals and navigation of services and programs. Values that help to define the culture and spirit of the OAPD include self-advocacy, self-determination, human rights, well-being, social inclusion, raised awareness and systemic change. The OAPD duties and responsibilities will be guided by the principles of dignity, inclusion, accountability and collaboration as the work of the OAPD is grounded in the United Nations Convention on the Rights of Persons with Disabilities.

Strategic Context

Disability is multi-faceted and can occur any time in someone's life. It can be permanent, temporary or episodic. No one person's experience with disability is the same, and disability is intersectional. According to *Statistics Canada Survey on Disability* in 2017, 22% of Canadians over the age of 15 identified as having a disability that impacts their everyday lives. The CRPD defines those with disabilities as "those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."

In order to gain understanding of how to champion the social and economic inclusion of those with disabilities, it is important to examine the underlying factors and barriers. Although it is impossible to identify all factors, it is important to identify some generalities to target for change. Additionally, societal recognition of the contributions of the disability community will lend to better policy decisions, and to help ensure understanding that one policy may not meet the needs of all people with disabilities. The following information will help to provide context.

Highlights:

- People with disabilities have a right to participate and be included.
- People with disabilities are all different with many intersecting factors that impact their lives.
- Social constraints and structures put up barriers for those with disabilities.
- Discrimination and stigma are major barriers that hinder full participation and inclusion.
- Structural stigmatization of having to prove one is "deserving" of assistance.
- People with disabilities are more likely to live in poverty and face additional costs.

Poverty and social and economic exclusion

Social exclusion for those with disabilities from health care, employment, education, and general participation in society can be linked to the relationship between disability and poverty. Those with disabilities and their families often face multiple economic barriers and higher levels of poverty. They face direct costs (e.g. assistive equipment), indirect costs (e.g. informal care) and opportunity costs (e.g. difficulty gaining employment) that those without disabilities do not. Additionally, those with disabilities face potential structural stigma, where unless they can "prove" they are worthy of government assistance they are seen as "undeserving" and thus a drain on the system.

Some barriers to social and economic inclusion found in the literature and materials include:

- Structural stigma for those needing government financial assistance.
- Taking a "one size fits all approach" to policy, when disability is multi-faceted.

- Higher rates of poverty and additional costs for those with disabilities.

In order to improve social and economic inclusion for those with disabilities, the underlying theme of discrimination must be targeted as it relates to all above barriers faced by those with disabilities.

The priority areas to target social and economic inclusion of people with disabilities

The following five sections highlight key issues within each priority.

1. Employment for persons with disabilities

UN CRPD Article 27 – Work and employment

Highlights:

- Higher unemployment and underemployment rates for those with disabilities.
- No one size fits all solution: issue is multi-faceted (e.g. transit, rural-urban issues).
- Gainful employment is beneficial for people’s wellbeing. It is a human right.
- Education for government and employers is needed to combat unfounded misconceptions about hiring people with disabilities such as slower, more sick time, unreliable, etc.
- Remove disincentives not to work- e.g. Increase earning amount allowed on assistance.
- Employers need assistance in the provision of work accommodation and job-related supports.

Employment is a fundamental human right and participation in meaningful employment contributes to the physical and psychological well-being of all people, including those with disabilities. Additionally, studies have shown that hiring people with disabilities can improve workplaces by increasing profitability and staff retention, while creating a more inclusive work culture. Helping those with disabilities gain meaningful employment would better the lives of all Albertans, not only just those with disabilities.

Those who identify as having a disability face more underemployment and unemployment than any other group in Canada. Additionally, employment rates for those with disabilities vary by type of disability and education level. Employer attitudes are often pessimistic towards those with disabilities with the view permeating all aspects of the employment cycle and these views are unfounded.

Some barriers found in the literature and materials include:

- Employers’ attitudes and misconceptions that it is more costly to hire people with disabilities.
- Accessibility issues when applying for jobs or requiring accommodation within jobs.
- Lack of transportation options hinders access to employment (includes rural/urban differences).
- Limited education and training programs for those with disabilities or that take a disability lens.

People with disabilities are a significant unrealized pool of workers. In order to tap into this pool, employers need to be connected to those with disabilities and both need assistance regarding work accommodations and job-related supports. Additionally, ensuring that Albertans’ with disabilities’ rights are protected by labour legislation is crucial.

2. Improve social Inclusion and supports to mitigate issues exacerbated by COVID-19

Highlights:

- The COVID Pandemic highlighted inequities faced by those with disabilities.
- Whole government commitment, across sectors, to equal access and inclusive planning.
- COVID-19 mitigation strategies (and future mitigation, COVID or otherwise) need to be inclusive.
- COVID-19 pandemic impacted mental health and increased social isolation.

Since March 2020, public health measures were introduced to reduce the spread of the COVID-19 virus. These included social distancing, quarantine periods, in-person services being closed, and mask use in public. These measures along with the potential adverse health impact of the virus on people with disabilities brought to light many inequities faced by those with disabilities, providing an opportunity for these factors to be addressed. Inequities could be seen in all areas. Some barriers spoken of in the literature included:

- Impacted employment and lack of access to unemployment benefits for those with disabilities.
- Inequities in access to information, technology, transportation, and access to health care.
- Lack of consultation or engagement with disability community concerning mitigation strategies.

Accordingly, recommendations addressing these issues include:

- Ensuring information is accessible.
- Decision making is inclusive.
- Continuity of care and social supports is maintained.
- Ensuring there are economic supports for those with disabilities and their caregivers (e.g. paid sick time and more funding for developmental disability service providers).

Additionally, other factors such as universal design and government commitment to equal access would help mitigate negative effects.

3. Accessibility legislation

Highlights:

- No central provincial legislation concerning disability in Alberta.
- The breadth of accessibility is significant in the *Accessible Canada Act*, including access to programs and service delivery, employment, the built environment, information and communications technology, procurement and transportation.
- Recommendation for a pro-active approach towards accessibility through provincial legislation that would help reduce barriers and improve opportunities for those with disabilities.
- Ontario's *Accessibility for Ontarians with Disabilities Act (AODA)* has been a model to other provinces that have (or are in the process) of passing similar legislation.

Current federal and provincial human rights legislation exists to prohibit discrimination based on disability, yet many feel that a more proactive approach is needed to address systemic barriers. Currently, in Alberta, the anti-discrimination legislation of the *Alberta Human Rights Act*, follows a more reactive approach that relies on complaints, investigation, possible litigation and court or tribunal orders.

The National *Accessible Canada Act* (the Act) was passed in 2019 and covers federally-regulated private sectors and all Government of Canada programs and services. Overall, it looks to proactively remove barriers, while ensuring greater opportunities for those with disabilities. Currently, four provinces – Ontario, Manitoba, Nova Scotia and British Columbia have passed or are passing similar legislation for matters under provincial jurisdiction.

Because there is no one size fits all approach to disability it is important to take into account the experiences of those with disabilities and use this to identify the gaps. Enhancing the involvement of those with disabilities recognizes their unique knowledge when developing legislation.

4. Affordable and Accessible Housing and in-home care

UN CRPD Article 19 – Living independently and being included in the community

Highlights:

- Housing is a human right. Canada lacks a rights based approach to housing.
- Housing needs vary by disability and a person’s built, social and care environment varies.
- Estimated that 45% homeless population in Canada have a disability or mental health issue.
- Housing first is the best approach for those experiencing homelessness and co-morbidities.
- Literature talks of “affordable housing” and “accessible housing” but often not together.
- Access to adequate inclusive housing positively impacts community engagement and workforce participation outcomes.
- All stakeholders must be involved in the process of design and implementation.
- People with disabilities may be living in environments that do not fit their needs (e.g. placement of young adults in long term care home with older adults).

People with disabilities face multiple barriers when it comes to housing that is affordable and accessible. They report housing need (adequate, suitability and affordability) at a higher rate than those without disability. Lack of adequate housing is correlated with issues such as social exclusion and food insecurity. Additionally, some people with disabilities may be forced to live in environments that do not meet their health needs or place a burden on family members due to lack of accessible home environments where they would get the care and support required. The potential for people with disabilities to be screened out of housing options due to some accessing government assistance programs (i.e., landlords’ bias) also occurs. Barriers found in the literature and material scan include:

- Lack of housing stock that is affordable and also accessible.
- Constrained housing options, where accessible housing, tenure options and locations are restricted at lower income levels.
- Lack of home environments that meet the needs of people or allow them housing autonomy (e.g. lack of in home care forcing some into a more institutional like setting).
- Those with lower incomes (correlated with disability) may face screening out practices when it comes to housing.
- End user consideration has often not been part of the decision making in developing housing.

A coordinated effort across public and private sectors to meet the need for accessible housing that takes the user into account is needed. This includes bringing a variety of stakeholders together, such as government, builders, designers, and service/end users. Additionally, affordability must be addressed.

5. Access to Justice

UN CRPD Article 12 – Equal recognition before the law

Highlights:

- Justice system includes civil and criminal sectors and consists of formal and informal systems.
- Need to take a “people first” approach when looking at access to justice.
- Various barriers including physical barriers, attitudinal barriers, financial barriers.
- People with disabilities are more likely to encounter legal problems.
- Unresolved legal issues can lead to other health and social costs.
- Pro-bono/volunteer efforts cannot fill the gap between public and private market legal services.

Access to justice is ensuring people have access to resources that allow them to deal with legal problems. The justice sector includes civil and criminal systems consisting of formal and informal institutions. Access to justice can consist of various forms of assistance, such as legal representation, legal advice, access to information, and others depending on the circumstances.

Currently, vulnerable populations, including those with disabilities are more prone to legal problems, thus needing specific attention. Justice issues that are not addressed can lead to greater potential costs—economic, health and social to the person, society, and the state. Barriers to access to justice can include long delays, expense, lack of available and affordable legal protection, and limited public participation in legal reform programs. Some barriers found in the literature and materials scan include:

- Lack of accessibility—both physical and technological spaces within the legal system.
- Limited or unavailable affordable legal protection and representation.
- Lack of education about disability in law schools and other justice professions.
- No understanding of needs and experience of those with disabilities in the justice system.
- Insufficient public engagement and participation.

Many of the barriers can be addressed through multifaceted solutions. For example, law schools could focus on disability issues. Additionally more engagement and perspectives that take into account the users of the system and their specific needs.

Conclusion

Discrimination and stigma underlie all priorities, therefore it must be targeted and removed in order for those with disabilities to be included socially and economically. Persons with disabilities need to be placed at the front for consultation and engagement. This includes, education, advocacy and policy changes.

Advocate's Strategic Priorities and Objectives

Priority One: Enable and expand employment for Albertans with disabilities through support of employer led and targeted job creation

Objective 1.1- Collaborate with civil society, business and the public sectors to promote existing initiatives and champion new initiatives to support Albertans with disabilities to obtain and maintain meaningful employment.

Objective 1.2- Educate and promote workplace accommodation policies with businesses and civil society.

Priority Two: Improve social inclusion and supports to mitigate issues exacerbated by COVID 19

Objective 2.1- Collaborate with leaders in Alberta Health Services and Alberta Health to expand access to mental health services for persons with disabilities in rural and remote communities.

Objective 2.2- Champion mental health supports and services for Albertans with disabilities that are timely, accessible and sustainable.

Priority Three: Champion and mobilize stakeholder outreach work toward Accessibility Legislation

Objective 3.1- Identify Federal, Provincial and Territorial best practices in developing and enacting accessibility legislation.

Objective 3.2 -Engage and educate disability stakeholders on the breadth, impact and value of accessibility legislation.

Priority Four: Champion efforts to increase access to justice

Objective 4.1- Engage Alberta legal community to identify and address access to justice barriers for persons with disabilities.

Priority Five: Champion efforts to increase and expand accessible and affordable housing and in-home supports

Objective 5.1- Collaborate with civil society and the business and public sectors to increase stock of accessible and affordable housing for Albertans with disabilities.

Objective 5.2- Engage Albertans with disabilities and the public sector to identify gaps related to in-home supports and services to Albertans accessing affordable and accessible housing.