

PRESS RELEASE

BLIND MBA CHALLENGES FEDERAL GOVERNMENT OVER INACCESSIBLE JOBS WEBSITES

Ground-breaking Charter of Rights case now before courts

Toronto – August 6, 2008 – Donna Jodhan had all the right qualifications for the government jobs she wanted to apply for – an MBA from McGill University’s prestigious business school, high-level technical certifications from Microsoft and Novell, and a strong résumé of relevant private-sector postings at companies like IBM and Royal Bank.

There was just one catch: Jodhan, who has been blind since birth, found that on-line application forms for the positions she wanted to apply for were not accessible to visually impaired web surfers. No matter how hard she tried, she couldn’t even get in the government’s virtual front door.

“I got so darn tired,” says Jodhan, who lives in Scarborough, Ontario. “I followed up and followed up, but nobody seemed interested in giving me the help I needed. I’d had to push hard with the private sector too, but this was on a whole different level.”

With the help of Bakerlaw, a Toronto human-rights law firm, Jodhan has now taken the matter to the courts, arguing that the Charter of Rights and Freedoms guarantees blind and visually impaired Canadians the same access to government websites as everyone else. The complainants are asking the government to work with experts and visually impaired users to ensure that crucial services like job application forms are accessible.

“Blind and visually impaired Canadians are shut out from crucial services that everyone else can use,” says David Baker, Jodhan’s lead lawyer. “That makes it an issue of discrimination under the Charter.” When it comes to employment, the need for fair access is particularly urgent – recent studies report that the blind and visually impaired have an unemployment rate of about 70%, and low per-capita incomes compared to both the population as a whole and to other disabled groups.

“One of the tragic things here is that Canada used to be an exemplar when it came to on-line accessibility,” says Jutta Treviranus, director of the University of Toronto’s Adaptive Technology Resource Center, and an expert on accessible technologies. Treviranus, who is acting as an advisor on the case, says that the technical resources and strategies – web development toolkits, templates, authoring tools, accessibility evaluation methods and standards – are readily available and affordable.

“The real problem is the lack of a government-wide plan, a roadmap for equitable access when it comes to interactive web technologies” she says. “Plus, there are only three people in the government’s accessibility office, which is responsible for supporting the accessibility of hundreds of government websites across the country. When we approach them with requests, they understandably say ‘but we have so many websites, it’s too much to implement.’ Clearly more resources are needed and accessibility must be considered at all levels of information and communication technology decision-making within the government.”

Bakerlaw originally filed the Charter challenge in July of 2007. In response, the government tried to have the case thrown out of court on technical grounds, but that motion to strike was rejected by the court in late June of this year, paving the way for the case to go forward. Unless the government voluntarily agrees to make their websites accessible, the case would likely move on to litigation later this month.

Regardless of what happens with the case in the immediate future, Jodhan and her legal team remain focussed on the long term. “If we don’t stand up and make ourselves heard, the government will keep on dragging its feet,” Jodhan predicts. “We need to act now, to make things better for tomorrow’s generation.”

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