

# Feds crafting law for people with disabilities

## *Government plans to get more people working follows survey showing one-half unemployed*

BY MARCEL VANDER WIER

**THE** federal government has committed to crafting a law aimed at getting more disabled Canadians to work. The creation of the Canadians with Disabilities Act, which would affect federally regulated employers, is set to follow consultation sessions happening across the country.

And removing accessibility barriers will be key, said Carla Qualtrough, minister of sport and persons with disabilities, speaking to the Canadian Press (CP), adding enforcement will also be on the agenda.

"Everything impacts employment," she said. "If you don't have a building environment that's accessible, you can't work there. If you don't have the transportation that gets you there, you can't work there. If you don't have the technology that's accessible, you can't work there. All roads lead back to employment in some way."

"So, in that regard, absolutely, employment will be impacted quite significantly by that law."

It's about taking a direct approach and going beyond simply accommodating would-be employees, Qualtrough told CP.

"We really need to change the conversation around disability generally from one of need and inabilities and retrofitting and accommodation to one of inclusion," she said. "It's time we started looking at people as contributing members of society instead of burdens on society."

### High unemployment

The announcement follows a poll

released by CIBC that found 49 per cent of Canadians with disabilities are unemployed, compared to 79 per cent of the general population. Statistics Canada found similar results two years ago.

That means more than 400,000 working-age adults with physical or mental disabilities are unemployed across the country, despite their willingness to work, said Michael Prince, a social policy professor at the University of Victoria.

"The statistics haven't changed, so we still have a long way to go," he said. "I think we are starting to see a shift towards greater awareness. But within our own communities, we have thousands of Canadians who are maybe not getting job interviews. There's still a lot of basic learning that needs to take place."

More than one-third (37 per cent) of the 1,002 respondents to the survey are unemployed, despite actively looking, while 11 per cent do not work because they prefer to be at home or school. (The poll refers to disability as individual functioning, including long-term or recurring physical, mental, sensory, psychiatric or learning limitations.)

And when it comes to finding a job, just 23 per cent of those surveyed said they were comfortable disclosing a disability to a prospective employer.

While human resources departments may have policies for diversity and equity in place, those are often constrained to visible minorities and gender, said Prince. Society's attitude towards disabled workers is gradually softening, he said, but there's a long way to go in terms of

quelling "systemic" discrimination.

"Disability still seems to be the Cinderella of this issue. It's kind of the forgotten sister."

### How can HR help?

Going forward, HR needs to openly share best practice methods with colleagues and peers, work on hiring policies to make them more comprehensive, as well as reach out to disability groups within their community to seek potential recruits, said Prince.

If serious about spurring change and recruiting from the disabled talent pool, HR needs to go to where those workers are, said James Hicks, national director of the Council of Canadians with Disabilities in Ottawa.

"If they keep leaving it to applications that come in through regular job postings, I don't know that they're going to get a lot of people," he said.

CIBC recently announced it would hire 500 disabled employees this year.

"We really are of the view that, as an organization, we benefit from having different people, different perspectives," said Laura Dottori-Attanasio, the bank's senior executive vice-president in Toronto.

Tapping into an oft-overlooked talent pool will help the company deliver stronger productivity and financial results, she said. "It just makes really good business sense."

When it comes to the employment stats, the numbers should not be this high, said Dottori-Attanasio.

"A large part of what we need to do, along with other businesses, is

remove those barriers to employment. We've got a whole untapped reserve of talent that we would all benefit from having... This is really about seeing the ability in people."

Aside from empathy, diversity and social corporate responsibility, companies need to understand why hiring disabled workers can also make sense for the bottom line, she said. That may mean educating the current workforce to ensure buy-in.

"If you're in human resources, you can offer the right supports, but you need all of your colleagues in the different departments to want to do the same thing as well. Otherwise, it won't happen."

Partnering with appropriate organizations to aid in the recruitment process can also make sense, said Dottori-Attanasio, as CIBC worked with Magnet, a Toronto-based web network that connects disabled job-seekers to employers.

"Persons with disabilities need to be hired more broadly and holistically across organizations, and should be in visible, customer-facing roles," said Mark Patterson, Magnet's executive director. "We need to do a better job of showcasing the ability of people that may have a disability in customer-facing roles."

Smaller businesses without an HR department may not have diversity policies in place and could face unknowns when looking to hire disabled employees, he said. Perceived difficulties may cause companies to shy away from doing so.

"When you take the opportunity to interact and get to know people

that are different than yourselves, the fears go away," said Patterson. "It's really about identifying the fits and making sure the supports are in place, no matter who you are as an employee. If you think about it, we're all accommodated every day in our employment."

Many employers think it's a hassle to accommodate and hold on to misconceptions regarding potential effects on the bottom line, said Hicks.

"The reality is that Canada has a lot of small employers," he said. "There's more restrictions on them, based on finances, if there's an accommodation that costs money."

The average cost of accommodation for disabled workers — if required — is \$400, said Patterson.

### **Legislation, litigation, education**

But more substantive work needs

to be done to address this issue, said experts.

Canadian policymakers should look to Europe for guidance on how to remove systemic barriers from the workplace, said David Baker, disability lawyer at BakerLaw in Toronto.

"There is nothing in place, as there is in Europe, to provide employers with incentives to hire people with disabilities," he said. "In Germany... there is a financial incentive to hire people with more severe disabilities."

Ontario did implement the Employment Equity Act in 1993, but it was quickly repealed by incoming premier Mike Harris, who claimed the law undermined merit-based hiring, said Baker.

In lieu of future legislation, employers need to be aware of the potential for human rights lawsuits on behalf of disabled Canadians,

specifically in terms of unlawful dismissal.

"The damage awards are increasing and will continue to increase," he said. "The question is: When are employers going to get smarter and recognize that it's in their interest to address these issues in a prospective fashion rather than a litigative fashion?"

Tax dollars should be levied towards educating employers and ensuring employees have the personal equipment necessary to successfully do their job, said Hicks.

"There's a need to empower the person with the disability to be the holder of their accommodations, as opposed to the employer being the holder," he said.

Alongside governmental leadership, education of the next generation is critical, said Prince.

"I would focus on youth and education... a grassroots initiative,

kind of a bottom-up as opposed to one of these top-down, big national strategies," he said. "That probably takes longer and isn't as glamorous-sounding, but that's the way it's going to stick and work."

There are many success stories that have resulted out of company decisions to hire disabled workers, said Patterson.

"There are times when legislation is important, but I think it's a multi-prong approach. For me, it's about telling the stories well and getting the word out to other employers about this population that has the desire to contribute to the success of people's businesses that is being overlooked right now."

Currently, Ontario's government spends more than \$4 billion annually on income support for persons with disabilities — many of whom are both capable and actively looking for work, he said.