



Disability Policy in Canada: Provincial and Territorial Report

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The Disability Policy in Canada Provincial and Territorial Report was commissioned by Kids Brain Health Network (KBHN), and developed in collaboration with researchers from the Disability Policy Research Program (DiPo) and McGill University. The purpose of this report is to provide a comprehensive overview of the current state of disability policy across Canadian provinces and territories. This report can serve as a baseline against which future progress in policy changes can be assessed, or at least understood.

In this report series, we aim to be as comprehensive as possible by including all policy related to persons with disabilities in each province and territory. We acknowledge that this report reflects a point in time assessment of disability policy. As such, information and links will likely change over time as governments and policy change. All information included in this report is accurate as of the date of publication. To maximize the accuracy of this report, it has been reviewed and verified by individuals with expertise in and/or lived experience with disability policy across Canada.

In an effort to be comprehensive while also succinct, we chose to apply a set of inclusion and exclusion criteria to the disability policy tools included in this report. The focus in this report series is to include legislation, plans of action, advocacy/awareness initiatives, tax programs, and services that support children and adults who have disabilities that are permanent and present from birth or that develop in early childhood. This includes neurodevelopmental disabilities and physical disabilities, deafness and hearing impairments, and blindness and vision impairment. We do not include policy tools that exclusively provide support to individuals that develop disabilities later in life, for example due to accidents or workplace injury. In some cases, there are policy tools that are accessible to all citizens and so are not explicitly designed for persons with disabilities and their families. We refer to these programs as 'blended' and include them in our analysis as they may be relevant to persons with disabilities and/or have unique

eligibility criteria for them. This is particularly important in provinces and territories that do not have policy tools and programs specifically designed for persons with disabilities to highlight other avenues through which they can receive support.

We chose to focus this report on children and adults with disabilities, and do not include programs that support seniors (65 years of age or older) with disabilities. The caveat to this is that we do include programs that support seniors if they also support adults under the age of 65 years with disabilities. This report is also focused on current government-funded or administered programs. We include some non-profit and community organizations that administer programs on behalf of government, but acknowledge that there are many more that we do not mention that are instrumental to the provision of support for individuals with disabilities across the country.

With respect to education, this report includes legislation and government directives relating to inclusive education, as well as outlines the bodies that are responsible for administering inclusive education, when available. We also include specific government funding streams or government-funded programs that support inclusive education. We do not include specific programs administered by school boards or other entities.

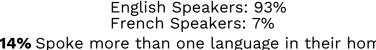
Measuring Up

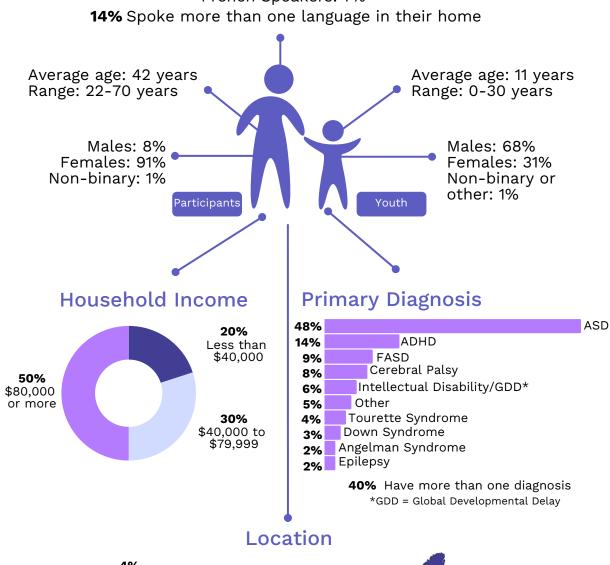
In this report, we provide information about the experiences of parents and caregivers when applying for and accessing disability programs, as well as information that emerged during the research process or from our peer reviewers. This information is provided in "Measuring Up" boxes throughout the report. Our intent in including this information is to provide additional context regarding the realities of accessing the policy tools outlined in this report and to give a voice to those with lived experience. It is important to note that these perspectives reflect opinions and experiences of a select group of individuals and may not align with the experiences of all individuals within a given province or territory.

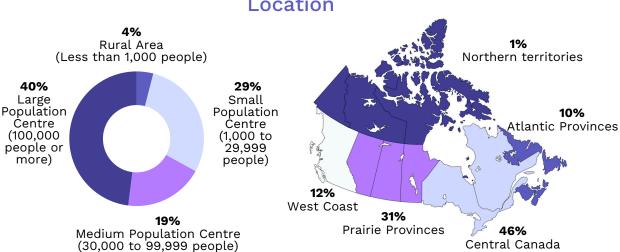
Parent and caregiver experiences were sourced from a <u>study</u> completed by our team, which involved conducting an online survey and follow-up interviews with participants across Canada. We provide more information about the individuals we spoke with during this study on the following page.

BOUT THIS

499 Survey Participants 81 Interview Participants







Acknowledgements

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Peer Reviewers

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BACKGROUND

INTRODUCTION TO DISABILITY POLICY

"Public policy can be generally defined as a system of laws, regulatory measures, courses of action, and funding priorities concerning a given topic promulgated by a governmental entity or its representatives."

-Kilpatrick, 2016

"A set of interrelated decision taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where these decisions should, in principle, be within the power of these actors to achieve"

-Jenkins, 1978

What is Disability Policy?

There are many different ways to conceptualize and define public policy, and by extension, disability policy. For the purposes of this report, disability policy is broadly defined as what governments and other decision-making entities chose to do or not do that impacts persons with disabilities and their families.

Provincial and Territorial Disability Policy

In Canada, disability policy is delivered by all levels of government in many different sectors, including health, education, finance, and social services. Our previous <u>report</u> provides an overview of disability policy at the federal level in Canada. This report series focuses on disability policy provided by provincial and territorial governments. For the purposes of this report, we provide information about disability policy for all provinces and territories in alignment with the following five categories:

1) Income Supports are programs that provide financial assistance to individuals with a low-income so they are able to afford basic necessities such as food, shelter, clothing, and other daily needs. Persons with disabilities in Canada at a lower income level or who experience barriers to employment can access financial assistance from income support programs. Some provinces and territories provide income support programs specifically designed for persons with disabilities, while others provide an additional allowance for persons with disabilities within their general income support program. Others still offer one income support program that all individuals with a low income who meet eligibility criteria can access, with no additional supports for persons with disabilities, specifically.

- 2) Laws and Policies include laws and policy documents that allow systems to be put in place to help governments carry out changes they want to make to systems and structures. Laws are created from bills that are introduced in the provincial or territorial legislature. To become law, bills must pass through a specific legislative process. Policy documents are often published by ministries and can provide guidelines with respect to a specific topic. Legislation may stipulate that ministers can publish policy documents related to the topic of the piece of legislation (for example, education-related legislation often gives ministers the power to publish policy guidelines related to inclusive education).
- 3) Advocacy, Awareness, and Action Plans include councils, offices or events funded by provincial and territorial governments that can serve a variety of purposes, such as advocating to government on behalf of individuals with disabilities, advising on the development of government programs or policies, connecting individuals with disabilities with programs in their community, awareness building and education, support for mistreatment and discrimination, and, in some cases, direct service provision. This category also includes provincial and territorial action plans related to persons with disabilities that outline policy priorities and recommendations for government action.
- 4) Programs Provided through the Tax System include refundable and nonrefundable tax credits, as well as tax deductions, that aim to offset the additional costs associated with having a disability by reducing the amount of income taxes an individual owes each year. Non-refundable tax credits reduce the amount of income tax owed but do not produce a tax refund if the amount of the credit exceeds the income tax owed, whereas refundable tax credits reduce the amount of tax owed and will create a tax refund if the amount of the credit exceeds the income tax owed. Tax deductions allow for certain expenses to be deducted from taxable income to lower the amount of taxes owed. In Canada, provincial and territorial governments develop their own tax law and policies; however, the Canada Revenue Agency collects and administers individual income taxes on behalf of provincial and territorial governments (except for the province of Quebec, where taxes are administered by Revenu Quebec).
- 5) Services and Supports for Basic Needs and Activities of Daily Living are services, supports, and programs that provide assistance to persons with disabilities in their day-to-day lives. This can include community-based support, employment programs, home and housing support, respite, early intervention, transportation support, and rehabilitation, among others. For each province and territory, we provide sub-categories within this section for added clarity.

Disability Policy Outside Government

In many provinces and territories, disability policy is delivered by entities outside of government, such as Crown Corporations, non-profit organizations and registered charities. In some cases, these organizations are funded and/or contracted by the provincial or territorial government to provide these services. We specify these cases whenever possible throughout the report. We also provide a list of these organizations at the end of the section on each province and territory as a resource for individuals and families looking for support.

UN CRPD

The <u>United Nations Convention on the Rights of Persons with Disabilities</u> (UN CRPD) is an international treaty that upholds and protects the rights of persons with disabilities worldwide. Canada, along with 183 other states parties, has adopted the UN CRPD, which means that they accept the legal obligations contained in the UN CRPD. These obligations include ensuring that there are national laws to prevent discrimination, eliminating barriers to accessibility, and working to promote the capabilities and contributions of persons with disabilities. Associated with the creation of laws are the provision of disability programs that have the purpose of providing support to persons with disabilities to ensure they are able to fully participate in society.

Contained in the UN CRPD are processes that help to ensure that states parties are meeting the obligations outlined in the UN CRPD. For example, states parties must regularly report to the UN Committee on the Rights of Persons with Disabilities to explain what actions they are taking to implement the UN CRPD. In Canada, the Canadian Human Rights Commission is also tasked with monitoring how well Canada is implementing the obligations outlined in the UN CRPD.

Canada and 99 other states parties have also signed on to the Optional Protocol to the UN CRPD. The Optional Protocol creates a process for people to make complaints directly to the UN Committee on the Rights of Persons with Disabilities if they have exhausted all other legal options within Canada.

While the UN CRPD is ratified federally, many of the obligations contained in the UN CRPD can be met by policy and programs delivered at the provincial and territorial level. In fact, due to the federalist nature of Canada, many articles, such as Health (Article 25), Habilitation and Rehabilitation (Article 26), and Education (Article 24) are met to a greater extent by programs provided by provincial and territorial governments, rather than the federal government.

To demonstrate how government actions can fulfill requirements under the UN CRPD, we link UN CRPD articles with the various disability policy tools we include in this report. For the purposes of this report, we have sorted the 50 articles of the UN CRPD with similar aims into 10 categories (outlined below). Articles that are not included in this report are administrative in nature, related to reporting requirements, or are outside the scope of government action in this context. The icons used on the following pages will be used throughout the report to demonstrate how provincial and territorial disability policy is aligned with the UN CRPD articles.



Equality

Description

This category includes articles that promote equality for persons with disabilities both before and under the law, and ensure that persons with disabilities do not face discrimination.

Relevant Articles

Article 4: General obligations

Article 5: Equality and non-discrimination

Article 6: Children with disabilities

Article 7: Women with disabilities

Article 10: Right to life

Article 14: Liberty and security of person

Article 17: Protecting the integrity of the person

Article 22: Respect for privacy



Accessibility

Description

This category includes articles that ensure that persons with disabilities can access public spaces, systems, and facilities, such as the physical environment, transportation and communication technologies.

Relevant Article

Article 9 - Accessibility



Social Participation

Description

This category includes articles that ensure that persons with disabilities are able to participate in society fully and on an equal basis with others.

Relevant Articles

Article 18: Liberty of movement and nationality

Article 20: Personal mobility

Article 21: Freedom of expression and opinion, and access to

information

Article 29: Participation in political and public life

Article 30: Participation in cultural life, recreation, leisure and sport



Employment and Financial Security

Description

This category includes articles that ensure that persons with disabilities have the opportunity to work, and have access to inclusive and accessible workplaces. It also includes articles that outline the responsibility of states parties to alleviate poverty and promote financial security of persons with disabilities.

Relevant Articles

Article 27: Work and employment

Article 28: Adequate standard of living and social protection



Health and Social Services

Description

This category includes articles that ensure that persons with disabilities have equal access to healthcare and social services that allows them to have the highest attainable standard of health and well-being, achieve inclusion and maintain maximum independence.

Relevant Articles

Article 25: Health

Article 26: Habilitation and rehabilitation



Public Education and Information

Description

This category includes articles that require states parties to provide public information about persons with disabilities to foster respect and combat stereotypes.

Relevant Article

Article 8: Awareness-raising



${f \mathbb \Delta}$ Legal Capacity and Justice

Description

This category includes articles that ensure persons with disabilities have equality with respect to legal capacity and access to justice.

Relevant Articles

Article 12: Equal recognition before the law

Article 13: Access to justice



Caregiving and Family

Description

This category includes articles that ensure that persons with disabilities have equal rights with respect to family life.

Relevant Articles

Article 23: Respect for home and the family



Education

Description

This category includes articles that maintain the right to education for persons with disabilities through the provision of inclusive and quality education, accommodations, and support.

Relevant Articles

Article 24: Education



Housing and Related Supports

Description

This category includes articles that ensure that persons with disabilities have equality in their ability to choose where they would like to live and are able to live as independently as possible in the community through the provision of in-home and community supports.

Relevant Articles

<u>Article 19:</u> Living independently and being included in the community

YUKON

PROGRAMS AT A GLANCE

Income Support	
Disability-Specific	Blended
	Social AssistanceYukon Supplementary Allowance
Laws and Policies	
Disability-Specific	Blended
	 Yukon Human Rights Act Adult Protection and Decision Making Act Care Consent Act Education Act
Advocacy, Awareness and Action Plans	
Disability-Specific	Blended
	 Yukon Human Rights Commission Yukon Child and Youth Advocate Office Yukon Ombudsman Yukon Information and Privacy Commissioner (IPC) A Better Yukon for All: Government of Yukon's Social Inclusion and Poverty Reduction Strategy Putting People First
Programs Provided by the Tax System	
Disability-Specific	Blended
Caregiver amount for infirm children under 18 years of age	 Medical expenses for self, spouse or common-law partner, and your dependent children born in 2006 or later

Programs Provided by the Tax System Blended Disability-Specific • Caregiver amount for infirm children Medical expenses for self, spouse under 18 years of age or common-law partner, and your dependent children born in 2006 or later Allowable amount of medical expenses for other dependents Children's arts amount Children's fitness tax credit Services and Supports for Activities of Daily 😑 🗟 🍿 🦃 🚱 🗟 숙 Living **Disability-Specific** Blended • Children's Disability Services Home Care Program • Supported Child Care Program • Home Repair Program • Adult Disability Services Chronic Disease and Disability • Developmental Diagnostic and Benefits Program Support Clinic (DDSC) • Labor Market Development Student Support Services • Long-Term Care • Accessible Parking Permit

ACRONYMS

ATIPPA Access to Information and Protection of Privacy Act
DDSC Developmental Diagnostic and Support Clinic
HIPMA Health Information Privacy and Management Act
IPC Information and Privacy Commissioner

INCOME SUPPORT PROGRAMS

Employment & Financial Security Health & Social Services Social Participation

Equality Housing & Related Supports

At the time of publication, Yukon does not have an income assistance program specifically for persons with disabilities.

The <u>Social Assistance</u> program provides financial support for adults (19 years of age or older) that need help covering the cost of their basic needs. When applying for this program, applicants must make an intake appointment with a

social worker, who will determine whether an applicant is approved to receive assistance. Individuals that are approved to receive assistance are assessed on a monthly basis to determine the amount of assistance they are able to receive. The social worker provided through this program can also support clients in finding housing and looking for employment. Recipients of this program are able to receive a shelter allowance (the amount of this allowance is based on family size and community the recipient lives in) to help cover the cost of housing, and funding for prescription drugs, in some cases.

Social Assistance clients that are assessed as unemployed because of a severe long-term disability or at the age that they can receive Old Age Security can access the <u>Yukon Supplementary Allowance</u>, which provides an additional \$250 per month.

LAWS AND POLICIES

😑 Equality 👫 Legal Capacity & Justice 🥎 Health & Social Services 🤧 Education

At the time of publication, Yukon does not have legislation specific to persons with disabilities and their families. However, other pieces of legislation related to persons with disabilities in Yukon are as follows:

- The <u>Yukon Human Rights Act</u> prohibits treating "an individual or group unfavourably" on the basis of physical or mental disability, among other grounds. Additionally, this Act outlines the duty for all individuals in the territory to make reasonable provisions in connection with employment, accommodations, and services for the needs of those with physical disabilities.
- The <u>Adult Protection and Decision Making Act</u> provides a framework for responding to abuse and neglect of vulnerable adults.
- The <u>Care Consent Act</u> provides information about giving consent for health care and substitute decision-making.
- The <u>Education Act</u> Part 3 Division 2 provides rules and regulations relating to the provision of special education in Yukon. Specifically, it states that "students who, because of intellectual, communicative, behavioural, physical, or multiple exceptionalities, are in need of special education programs are entitled to receive a program outlined in an Individualized Education Plan." It also states that "a student who is entitled to an Individualized Education Plan shall have the program delivered in the least restrictive and most enabling environment to the extent that is considered practicable [...] having due regard for the educational needs and rights of all students."

ADVOCACY, AWARENESS, AND ACTION PLANS

e Equality Public Education & Information Legal Capacity & Justice

At the time of publication, the Government of Yukon does not have any advocacy or awareness initiatives related to persons with disabilities, specifically. However, there are other strategic plans, offices, and entities that are relevant to persons with disabilities in Yukon, as outlined below:

- The <u>Yukon Human Rights Commission</u> enforces the Yukon Human Rights Act and has the following functions:
 - Conduct research and share information about equality, harassment, discrimination, and human rights.
 - o Provide educational resources and training on human rights issues.
 - · Host conferences and events to bring awareness to human rights issues.
 - Receive human rights complaints and determine whether complaints warrant a hearing in front of the Yukon Human Rights Panel of Adjudicators.
- Yukon Child and Youth Advocate Office is an independent office of the Yukon Legislative Assembly that represents the rights, views and preferences of children and youth who are eligible for or currently receiving government services and programs.
- <u>Yukon Ombudsman</u> is an independent and impartial Officer of the Legislative Assembly who accepts complaints of unfairness in territorial government services.
- Yukon Information and Privacy Commissioner (IPC) is responsible for investigating complaints about non-compliance of public bodies and health sector custodians with the Access to Information and Protection of Privacy Act (ATIPPA) and the Health Information Privacy and Management Act (HIPMA). The IPC also provides public education about these laws.
- A Better Yukon for All: Government of Yukon's Social Inclusion and Poverty Reduction Strategy outlines the future direction of social policy development in Yukon, and the Government of Yukon's commitment to improve outcomes for those most vulnerable, including those with disabilities.
- <u>Putting People First</u> report was the result of a comprehensive review of health and social services in Yukon. This report contains several recommendations related to improving services for people with disabilities.



Did you know?

The Whitehorse City Council has a Disability Advisory Committee, an appointed volunteer committee that guides City Council's approach and commitment to people with disability in the community.

PROGRAMS PROVIDED BY THE TAX SYSTEM

Outlined below are the tax-related programs provided by the Government of Yukon that are available to individuals with disabilities and their families. More information about all Yukon taxes for the 2023 tax year can be found here. All dollar amounts provided in this section are accurate for the 2023 tax year.

Tax Credit

Description and Eligibility

Caregiver amount for infirm children under 18 years of age

Parents and caregivers of children under the age of 18
years that has an impairment in physical or mental
functions that is deponent on others and needs more help
with personal needs and care than other children of the
same age can claim this amount.

Medical expenses for self, spouse or common-law partner and your dependent children born in 2006 or later

- Individuals can claim the same medical expenses on their provincial tax return that they claimed through the federal medical expenses tax credit.
- Dependents must be under the age of 18 years.

Allowable amount of medical expenses for other dependents

 Individuals can claim the same medical expenses on their provincial tax return that they claimed through the federal medical expenses tax credit for their other dependents 18 years of age or older.

Children's arts amount

- Parents of children under the age of 16 years of age are able to claim registration or membership fees (up to \$500) for a prescribed program of artistic, cultural, recreational, or developmental activity.
- Parents of children with Disability Tax Credit eligibility are able to claim this amount until they are 17 years of age and are able to claim an additional amount of \$500.

Children's fitness tax credit

- Parents of children under 16 years of age can claim fees for a prescribed program of physical activity (up to \$1,000).
- Parents of children with Disability Tax Credit eligibility are able to claim this amount until they are 17 years of age and are able to claim an additional amount of \$500.

SERVICES AND SUPPORTS

Services for Children

Children with disabilities (under the age of 19 years) and their families can receive funding for support from <u>Children's Disability Services</u>. To access this program, families need a referral from a professional that works with their child, such as a doctor or a teacher. Referred families will meet with a social worker to discuss their needs and share information about services and supports that are available through this program. Applicants will need to share an assessment or report that identifies how their child's disability limits their ability to function in daily life. Specific services and supports offered through this program include the following:

- An inclusion worker
- Respite care
- A behavioural consultant and applied behaviour analysis therapy
- Occupational therapy and physical therapy
- Speech-language pathology therapy
- Hearing screening and supports

Additionally, children with disabilities can receive support indirectly through the <u>Supported Child Care Program</u>, which provides funding to licensed early learning and child care programs to provide an inclusive environment that adequately supports children with diverse developmental needs. Funding through this program can be used for staff training, transportation, reduced staff ratios, additional child care educators, assistance with renovations, specialized equipment, and educational materials.

Services for Adults

Adults (19 years of age or older) with intellectual or developmental disabilities can receive support through <u>Adult Disability Services</u>, which offers the following services and supports:

- Case management that focuses on promoting inclusion in the community
- Respite funding
- Support in the community, such as day programs
- Supported living services

Education

Yukon Education provides the framework, policies, guidelines, and funding for special education programs and services. They also provide <u>Student Support Services consultants</u>, who support schools and families in the delivery of services to students with special education needs. Special education services



Parent Perspective: Experience with Children's Disability Services

We only spoke to one parent in Yukon for our study. This parent shared their experience accessing the Children's Disability Services program, which was an overall positive experience. We provide their story below to highlight an example of a process that worked well.

"The best application process has been the Children with Disability. Um, it worked well because you can refer yourself and can also be referred by somebody. They don't have application forms that you have to fill out on your own and mail it off and just wait and wait and wait and wait. The way it works for them is that they invite you in and you're working with a person through their application process and it makes it easier because if you have a question about the application, it's answered immediately because there's a person right in front of you working through it with you. They're not requiring reports and referrals from pediatricians or anything. When we went to them, my friend hadn't had the assessment yet for autism and they, they didn't restrict her from any of their services. If there is, with their program if there is a query of autism, you automatically are approved to use all of the services for autistic children. And then, um, it's, like later down the line you do the assessment and it turns out the child doesn't have autism, the services will stop and there will be no punishment. So it's great because you're automatically approved and they get the services started right away. Yeah, and their staff is just really great. They have a really, really supportive staff in that building."

are delivered to students at the school-level by school-based teams, which include teachers, principals, learning assistant or specialist teachers, school counselors, parents or guardians, students, consultants from Student Support Services, and representatives from other community services.

Blended Programs

Blended programs that may provide support to individuals with disabilities despite the fact that they are not specific to individuals with disabilities include the following:

• <u>Home Care Program</u>. This program provides rehabilitation services, respite care, care coordination, nursing, and home support services to individuals with an assessed need for home care.

- <u>Home Repair Program</u>. This program provides funding to low- to moderate-income homeowners to repair or address housing needs in their principal residence. Loans and grants are available to support emergency repairs, improve accessibility, improve air quality due to wildfire smoke, and support the cost of home repairs and upgrades.
- Chronic Disease and Disability Benefits Program. This program can help to cover the cost of prescription drugs, surgical supplies, medical equipment (including wheelchairs), food supplements, and prostheses for individuals with a chronic disease or disability. This program also provides support for the cost of hearing aids for children under the age of 16 years.
- <u>Labour Market Development</u>. This program connects individuals to community-based agencies that can provide employment and training services for people who experience barriers to employment.
- <u>Long-Term Care</u>. Yukon has four long-term care homes that provide support to individuals with an assessed need for long-term care.
- <u>Accessible Parking Permit</u>. The City of Whitehorse supplies Accessible Parking Permits to individuals who cannot walk more than 50 metres without assistance or due to a medical or health condition. Applications must be completed by a regulated health professional.



Support for Individuals and Families

There are many non-profits, charities, and other organizations that advocate for and provide support to individuals in Yukon with disabilities and their families. These organizations often receive most of their funding from the Government of Yukon. A selection of these organizations include the following:

- Autism Yukon
- Child Development Centre
- Fetal Alcohol Syndrome Society Yukon
- Learning Disabilities Association Yukon Centre for Learning
- Inclusion Yukon
- Opportunities Yukon