

# Discussion Paper for Made in Manitoba Accessibility Legislation

November 2010

Greetings,

More than 15 per cent of the provincial population face barriers that prevent their full participation in activities others take for granted. These barriers come at an enormous cost – to seniors and persons with disabilities, to their family and friends and to their communities.

We imagine a Manitoba in which people of all ages and abilities can live up to their greatest potential, and where all Manitobans can work, learn and play in a society free of barriers. Accessibility legislation is not about extending new rights; it is about Manitobans working together to develop a plan for how we achieve our vision of an inclusive Manitoba.

In Manitoba, a tremendous amount of progress has been made in creating a more inclusive society. We have developed appropriate education in our schools that allows children with disabilities to learn in classrooms with their peers. The provincial government and private employers are hiring more persons with disabilities. Initiatives are helping communities become more accessible and welcoming to seniors. The universal access ramp at the front entrance to the Manitoba Legislative Building serves as a testament to the province's commitment to equality. But much remains to be done.

Legislation will provide a process for the removal of barriers, as well as the prevention of new ones. Increased accessibility also promises to provide significant economic benefits and will support Manitoba-based businesses in better meeting the growing demand for accessible products and services.

We want to hear your views on accessibility legislation. The purpose of this paper is to encourage discussion on legislation that will move our province toward the goal of an inclusive society by eliminating the institutional and physical barriers faced by seniors and persons with disabilities. Your ideas and experience will help define made-in-Manitoba accessibility legislation, and will play a crucial role within Manitoba's renewed disability and age-friendly strategies by advancing our government's commitment to creating a more accessible society.

Thank you for your help in this important task.



JENNIFER HOWARD  
Minister responsible for Persons with Disabilities



JIM RONDEAU  
Minister of Healthy Living, Youth and Seniors

## Executive Summary

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Manitoba is seeking the public's views on accessibility legislation, which consists of the removal and prevention of barriers to full inclusion for all Manitobans, in particular older persons and persons with disabilities. The Manitoba Government will be accepting written submissions and briefs on this topic. For more information and to submit your ideas and comments, please visit the Disabilities Issues Office website at [www.gov.mb.ca/dio](http://www.gov.mb.ca/dio) or the Seniors and Healthy Aging Secretariat website at [www.gov.mb.ca/shas](http://www.gov.mb.ca/shas).

Barriers to accessibility are the daily reality for many Manitobans with a range of abilities. Some are born with a disability. Others develop a disability through accident, illness or as part of the aging process. Nearly every Manitoban has a disability, knows someone with a disability, or will acquire a disability in the coming years.

The barriers faced by older adults and persons with disabilities are widespread and span such key sectors as housing, transportation, community support, civic participation, employment, education and commerce. It is estimated that in Manitoba, persons with disabilities represent over \$1 billion in consumer spending. Older adults represent an increasingly large portion of the consumer market. Positive impacts to the Manitoba economy from fuller inclusion can be realized in several areas,

including: growth in employment; incomes and consumer spending; addressing labour market shortages by engaging skilled and educated workers with disabilities; and, increased tourism by seniors, people with disabilities and their families and friends.

The Manitoba government continues to strive to create better opportunities for seniors and Manitobans with disabilities by providing expanded housing opportunities, greater access to government programs and services, and opportunities for employment. These are examples of a continued provincial strategy with the vision of full participation and inclusion for all Manitobans. The introduction of legislation to lay out a plan to achieve accessibility will serve as an important step in achieving this vision.

The equality rights of persons with disabilities and seniors are enshrined in the *Canadian Charter of Rights and Freedoms* and *The Manitoba Human Rights Code*. While these mechanisms are essential and will continue to play a central role in any legislative model considered, they have not been able to eliminate all of the barriers that prevent equitable access.

Last year, 41 per cent of the formal complaints made to the Manitoba Human Rights Commission related to disability discrimination, making it the primary reason for complaint. In the

previous six years, 37 per cent of all formal complaints related to disability discrimination. As the Canadian Human Rights Commission stated in its 2002 Annual Report,

*For those who are discriminated against because of their disability, the human rights complaints system is not necessarily the answer... Eliminating obstacles one at a time, step by step, or ramp by ramp, so to speak, is not the best way to achieve a barrier free and inclusive world.*

The main goal of accessibility legislation is to prevent barriers from existing by working with the public and private sectors on long-range plans to ensure accessibility. Rather than relying on human rights complaints to remove barriers one at a time, the vision is to bring together all Manitobans to create a province that includes everyone.

Other jurisdictions, including the United States, Australia and most recently Ontario, have introduced legislation aimed at combating barriers that prevent the full participation and integration of persons with disabilities. While these laws take different forms, there are certain elements common to each:

- clear, specific and achievable goals
- accessibility standards for both the public and private sectors
- persons with disabilities and other stakeholders affected by the legislation, such as business, play a central role in the development of legislation
- guarantees contained by human rights codes are not undermined in any way
- regular review of the progress made

In Manitoba, it is recognized that barriers to accessibility affect persons with disabilities as well as seniors, and should therefore reflect the diversity of these groups. Accessibility legislation will provide tangible benefits to all Manitobans, and build on other efforts to make Manitoba more accessible by ensuring that appropriate services and programs are available. Accessibility legislation will advance the inclusion of seniors and persons with disabilities in Manitoba into all facets of society. Therefore, this discussion paper is seeking input from a broad range of Manitobans.

## Introduction

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No one is immune to disability. Manitobans with disabilities reflect the diversity of the population as a whole in terms of age, gender, race, religion, ethno-cultural community and political perspective. Further, the likelihood of disability increases with age. As seniors are expected to make up an ever larger part of our community, the number of people with disabilities will increase in coming years.

Accessibility rights laws that have been enacted in the United States, Australia and the United Kingdom have all had a significant impact on improving the circumstances of those who face barriers to full inclusion. Most recently and closest to home, the Ontario government has adopted a similar approach. Through the *Accessibility for Ontarians with Disabilities Act (2005)*, Ontario has provided itself a 20-year timeline to achieve full accessibility for all Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises.

In 2003, the Manitoba government implemented *Advancing Age: Promoting Older Manitobans*, a consultative strategy to promote discussions on issues related to an aging population.

These consultations led to the launch of the Age-Friendly Manitoba Initiative in 2008, with the goal of contributing to the independence of seniors by making Manitoba more accessible.

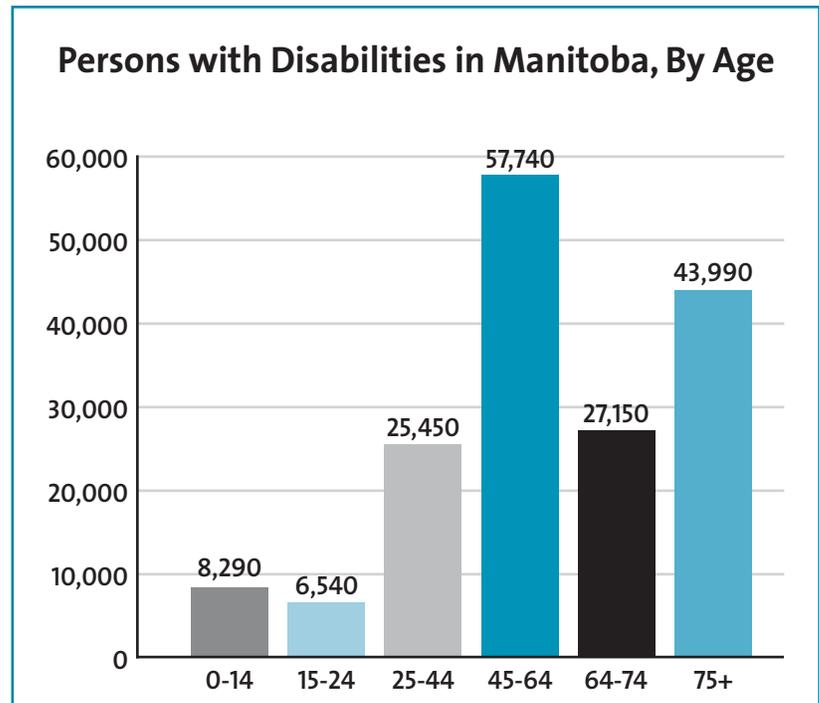
On March 11, 2010, Canada ratified the *United Nations Convention on the Rights of Persons with Disabilities*, making a commitment to abide by the convention and to monitor progress in promoting and protecting the human rights of people with disabilities in civil, cultural, economic, political and social life. One of the core obligations under the convention relates to addressing accessibility. Specifically, parties to the convention agree to develop and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open to the public.

The proposed legislation will provide for a long-term, systematic and proactive approach to dealing with accessibility issues for seniors and persons with disabilities. With this approach, Manitoba can advance beyond a complaints-based process for the removal of barriers to full inclusion. This will complement *The Manitoba Human Rights Code* in ensuring the rights of all Manitobans are protected.

## Disabilities in Manitoba

Statistics Canada reports that one out of every six people in Manitoba had a disability in 2006. This represents an estimated 170,000 Manitobans. It is projected that the number of Manitobans with a disability will rise sharply in the future. Due mostly to the aging of Manitoba's population, but also as a result of the major projected increase in incidence of chronic diseases like diabetes, it is estimated that the number of Manitobans with disabilities will increase by 38 per cent between 2006 and 2031. This is more than twice the growth rate of the province's general population over this period. Among Aboriginal Manitobans the rate of disability is greater.

Even those who are not directly affected by a disability today are very likely to experience one in the future. It is estimated that 40 per cent of adults without a disability at age 25 will have had at least one experience with a long-term disability by the time they reach the age of 65. And those who do not experience a disability as working aged adults will likely acquire one in their senior years.



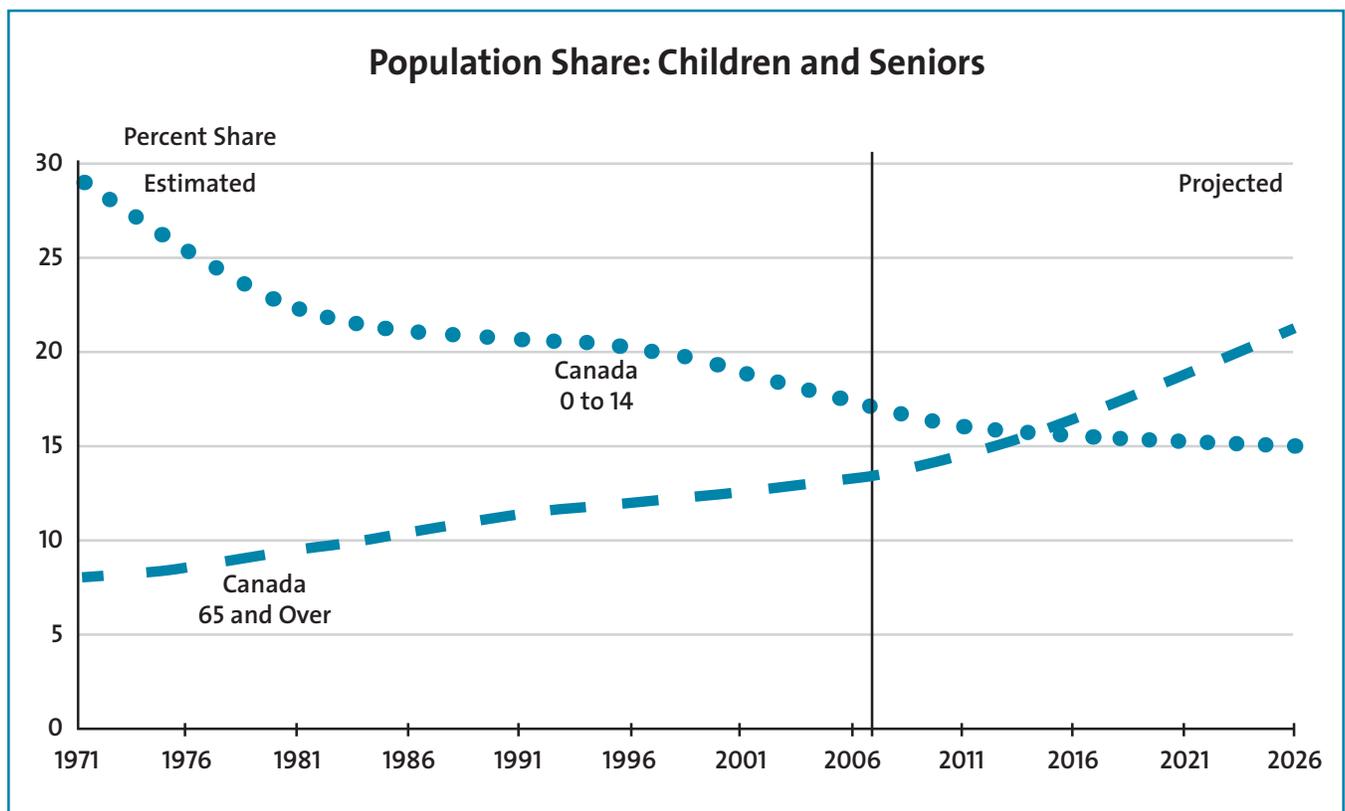
Source: Statistics Canada, Participation and Activity Limitation Survey, 2006

## Aging in Manitoba

According to Statistics Canada, approximately 162,000 individuals in Manitoba are aged 65 and over. Between 2006 and 2026, the percent of Manitoba's senior population is projected to grow by 43 per cent – from 14 to 20 per cent of the total population. With this rapid increase in the population of older Manitobans, our communities are now facing both new opportunities and new challenges in responding to their needs and desires.

Over 16 per cent of the employed labour force in 2006 was aged 55 and over, and one-fifth of Manitobans aged 65 to 74 were still participating in the work force. However, 17 per cent of retired Manitobans would have continued working had they been given the opportunity to do so on a part-time basis. The use of technology among seniors is increasing; Statistics Canada data indicates that seniors use the Internet the least, but are the fastest growing group of users.

While seniors and persons with disabilities are often seen as two distinct groups, there is much overlap between the two communities. This overlap will continue to grow, and by 2026 it is projected that more than two thirds of Manitobans with disabilities will be seniors.



## Barriers to Accessibility

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Barriers faced by seniors and persons with a disability span such key sectors as housing, transportation, community support, civic participation, employment, education and commerce. Barriers to accessibility are multifaceted and reflect the diversity of abilities in Manitoba.

Some find it helpful to think of barriers as falling into one of the five following categories:

- **Attitudes:** negative attitudes or the lack of knowledge that contribute to exclusion
- **Built Environment:** design and physical features of buildings and infrastructure that prevent or limit access
- **Communication:** limiting or preventing access to information that is otherwise available to the general public
- **Technology:** usability of existing and emerging technologies, as well as the increasing number of service-related and consumer electronic devices
- **Policies and Practices:** systemic discrimination established in policies or practices

Barriers related to the built environment may seem like the most obvious kind, but these barriers can take on many forms. What might seem as minor annoyances in daily life to many can be a major blockade for others, keeping

them from benefitting from the goods, services and other chances for participation in society available to everyone else.

These barriers share three defining features:

- The barriers reflect a historic and still frequently current practice of designing goods, services, buildings and overall systems that do not take into account the rights and needs of persons with a range of abilities.
- The barriers do not provide benefits to society. Rather the barriers create significant and unnecessary costs – to persons with disabilities and seniors, to their families and friends, to their communities, and to the overall economy.
- Many of these barriers can be removed without significant cost or, in some cases, any costs at all. Likewise, most new barriers can be prevented without major expense through proper planning during the design stage.

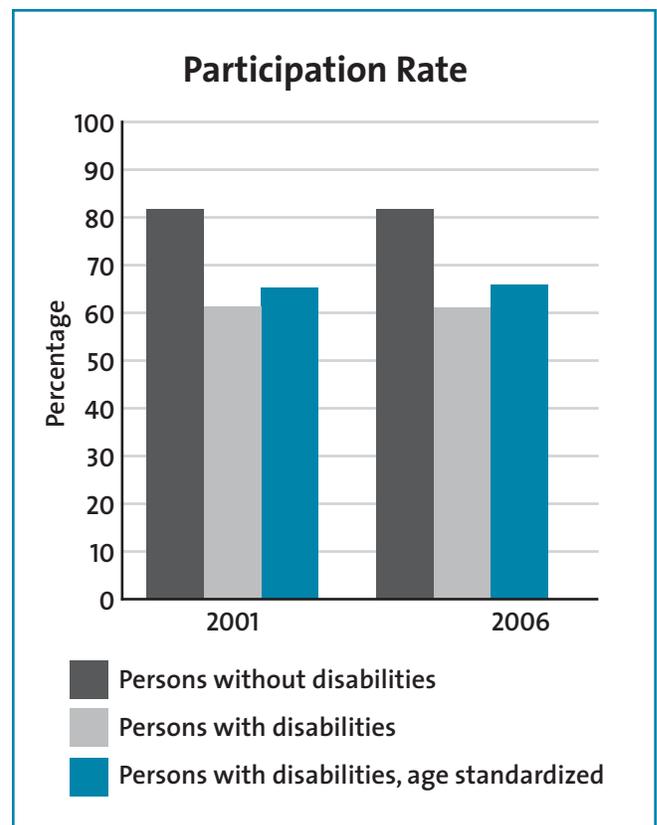
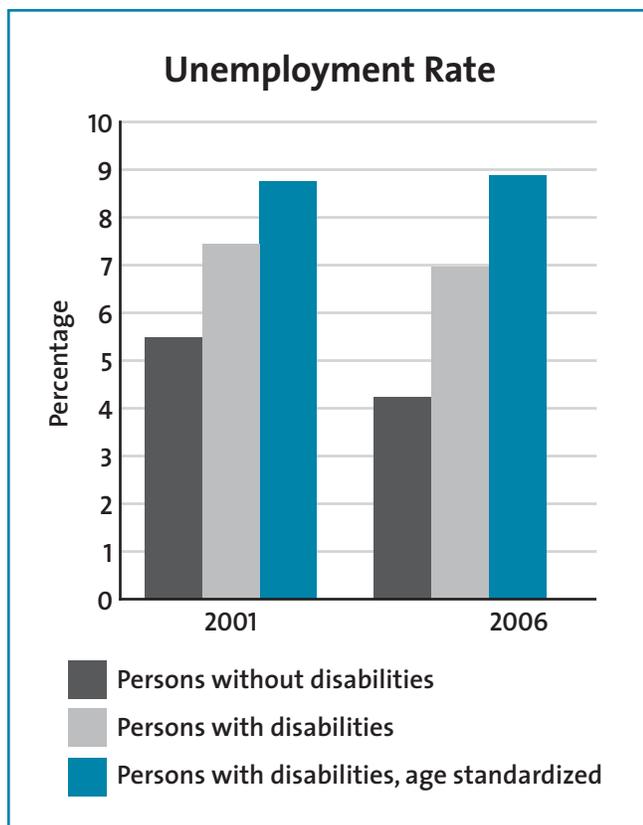
Legislation alone will not remove every barrier, but it is an important tool to help us make Manitoba more accessible by preventing new barriers and setting in motion long-term plans to remove existing ones. It will take the efforts of all Manitobans working together to change attitudes, policies and practices.

# The Economic Benefits of Eliminating Barriers to Accessibility

Addressing barriers to accessibility and thereby allowing all Manitobans to achieve fuller inclusion into society can lead to substantial economic benefits.

Manitoba businesses need skilled employees to grow and the demand for these workers is growing. New businesses are attracted by a labour force that is skilled, loyal and available. Employees with disabilities have met and exceeded general expectations in each of these criteria. Yet, the participation rate of Manitobans with disabilities in the labour force continues to be much lower than the rest of the population. Of those who are in the labour force, the unemployment rate for persons with disabilities is nearly double.

Hiring and accommodating older workers and persons with disabilities is a strong strategy for dealing with tight labour markets and the challenge of retaining skilled workers. A survey of employers in the United States found that the majority of workplace accommodations cost nothing. Nearly 85 per cent of those who did report an expense cited just a one-time expenditure, with the median cost being



Source: Statistics Canada, Participation and Activity Limitation Survey, 2006

\$600. When expenses are incurred, these can be greatly reduced by tax incentives available under the federal *Income Tax Act*. Employers cite many benefits to accommodation, with the most common being the retention and promotion of a qualified employee.

The benefits of hiring persons with disabilities and older adults do not just accrue to the businesses that hire them, but rather are experienced by the wider economy and society as well. The outcomes include increased incomes and well-being, increased tax revenues and a reduced need for publicly funded income supports. In fact, reducing the unemployment rate among persons with disabilities in Manitoba by just one per cent could reduce the need for income assistance payments by over \$6 million annually. Accessibility legislation will not require businesses to hire people with disabilities, rather, removing barriers will help employers find and keep these skilled and valuable workers.

It is estimated that in Manitoba, persons with disabilities represent over \$1 billion in consumer spending. Half of these

individuals are the principle shoppers in their household. Older Manitobans are making up an increasingly large portion of the consumer market. Eliminating the barriers to employment and consumer services will greatly expand these figures, and boost the contribution of these consumers to the Manitoban economy. A recent study in Ontario found that retail sales in that province are projected to increase between \$3.8 and \$9.6 billion over five years due to the elimination of barriers related to customer service and access.

By reducing barriers to the marketplace, Manitoba businesses can reach new markets. When persons of all abilities feel like valued customers, this will improve consumer confidence and earn loyal customers among these individuals, along with their friends and families.

While the market potential of persons with disabilities, seniors and their companions is often underestimated, frequently products and services that are directly marketed to this demographic are demanded by many more consumers than originally intended,

*'I want to go. I always have gone. I make a list and go to the grocery store and I buy all these things. But I have friends, and they never get to go to the grocery store. Their husbands go and pick out the groceries. They bring them home and I think they are missing a lot [In not getting to go to the store]. I want to go to the grocery store.'*

– Excerpt from *Consumer Normalcy* by Stacey Menzel Baker

creating further positive spinoffs to considerations of accessibility. This is termed the ‘curb cut effect,’ referring to the benefits that cyclists, parents with strollers and other citizens enjoy from the curb cuts originally installed for persons in wheelchairs or scooters. For example, cell phones and MP3 players with voice output screen readers, initially developed for the visually impaired, are now demanded by those who want to know who is calling when the phone is in another room or find a favourite song while jogging. New markets and innovations such as these are the result of reducing barriers to the marketplace for persons with disabilities.

By progressively addressing barriers here in Manitoba, local businesses will also gain from increased tourism. Several studies on accessible travel have demonstrated a preference among travelers for accessible infrastructure such as ramps at their destinations.

Older adults and those with children need these features as well. Therefore, when faced with the choice, accessible destinations will be chosen by a large portion of travelers, and Manitoba can be in a good position to attract these visitors to our province by ensuring accessible infrastructure, accommodations and services are in place.

## Elements of Accessibility Legislation

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Other jurisdictions, including the United States, Australia and most recently Ontario, have introduced legislation aimed at proactively combating barriers that prevent the full participation and integration of all citizens into every facet of life. While there are many types of legislative models, there are certain elements common to each:

- clear, specific and achievable goals
- accessibility standards for both the public and private sectors
- persons with disabilities and other stakeholders, including business, play a central role in the development of legislation

- guarantees contained by human rights codes are not undermined in any way
- regular review of the progress made

### Clear, specific and achievable goals

The goal of legislation should be the identification, removal and prevention of barriers, allowing older persons and persons with disabilities to achieve full participation. Accessibility legislation will present the opportunity to continue to eliminate barriers to accessibility in a more systematic and harmonized way by setting out goals and strategies to achieving full inclusion.

## Enact standards as required, applying to both the public and private sectors

Many people may want to make their business or facility more accessible, but are unsure of how this can be accomplished. Standards set out specific procedural or technical accessibility requirements that must be met by individuals or organizations specified in the act. These standards will be reached through discussion and consultation with those who will be affected, including people with disabilities, seniors, the private and public sectors and others. Timelines to achieve these standards are set in consideration of not placing an undue burden on businesses and organizations by allowing enough time to plan for any costs associated with meeting standards. Some standards may be achieved quickly with little or no cost, while others may take several years. These timelines will be set in consultation with all who are affected by the standards.

## Persons with disabilities, seniors and other stakeholders to play a central role in the development of legislation

Dialogue between private and public sectors, older Manitobans and the disability community will be essential to the success of this legislation. Persons with disabilities and seniors are well-suited to identify priority areas and common barriers that exist, and to provide viable solutions. Many businesses and public sector organizations

are already embracing accessibility and can provide demonstrated and practical approaches to removing barriers. A successful approach will require collaboration and consensus among all stakeholders affected by legislation.

## Guarantees contained in *The Manitoba Human Rights Code* are not undermined

The Manitoba Human Rights Commission must play a central role in any legislative model considered. The commission will remain a critical institution for addressing individual accessibility-related human rights complaints.

## Regular review of progress

Legislation should require regular reviews, reporting on the act's effectiveness and making recommendations. Regular reviews mandated by legislation will ensure the public stays informed of the progress being made and the work yet to be completed. The public, private and non-profit sectors will all play a role in ensuring the success of achieving greater accessibility for all Manitobans.

An important quality of any legislation is its value as an educational tool for creating awareness about the everyday barriers faced by persons with disabilities and seniors. The result can be several positive spin-off effects, or unforeseen benefits, that come with this greater awareness. Groups or organizations may choose to move beyond developed standards and incorporate

a more inclusive approach in their attitudes and practices. Attitudinal barriers can be removed by building awareness and educating the public on the benefits of an inclusive society.

## Conclusion

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No one would argue that barriers to accessibility benefit society. Often these barriers are not created out of any necessity, but rather because of a lack of planning and appreciation of the significance these obstacles play in the daily life of many individuals. Accessibility legislation should not be seen as a remedy to all of these challenges; programs and supports remain important to achieving our vision for seniors and persons with disabilities. However, legislation that focuses on the proactive identification and removal of systemic barriers will move us toward a more inclusive society for all Manitobans.

Everyone faces some barriers to full inclusion, knows somebody who does, or will at some time in the future. For that reason, accessibility legislation will be designed for all members of society. The Government of Manitoba is seeking input from a broad range of Manitobans so that we can work together to realize the vision of a fully accessible province for everyone.

## How to Reach Us

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The Manitoba Government is seeking the public's views on accessibility legislation. For more information and to submit your ideas and comments please contact:

**Disabilities Issues Office**  
630-240 Graham Ave  
Winnipeg, MB  
R3C 0J7

Email: [accessibilitylegislation@gov.mb.ca](mailto:accessibilitylegislation@gov.mb.ca)  
Web: [www.gov.mb.ca/dio](http://www.gov.mb.ca/dio)  
Phone: (204) 945-7613  
Toll Free: 1-800-282-8069 Ext. 7613

**Seniors and Healthy Aging Secretariat**  
1610-155 Carlton  
Winnipeg, MB  
R3C 3H8

Email: [accessibilitylegislation@gov.mb.ca](mailto:accessibilitylegislation@gov.mb.ca)  
Web: [www.gov.mb.ca/shas](http://www.gov.mb.ca/shas)  
Phone: (204) 945-6565  
Toll Free: 1-800-665-6565

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