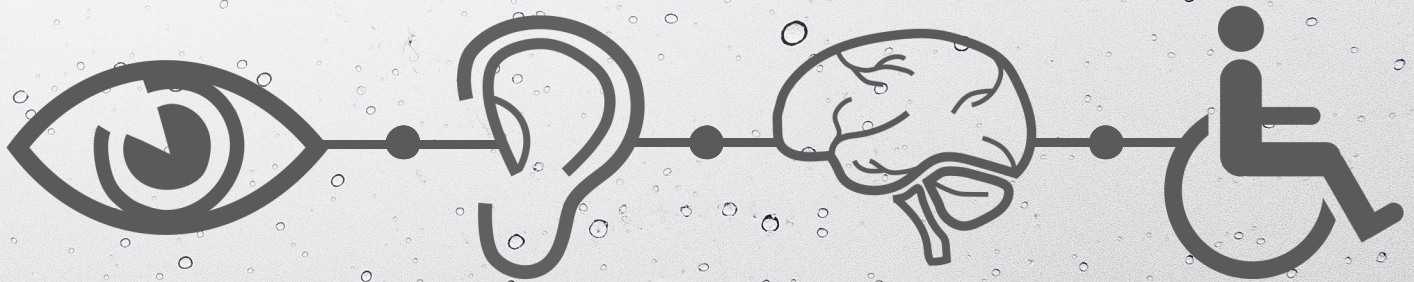




NATIVE WOMEN'S
ASSOCIATION OF CANADA

L'ASSOCIATION DES FEMMES
AUTOCHTONES DU CANADA

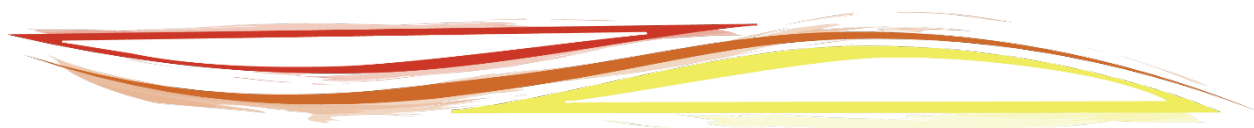
THE VOICE OF INDIGENOUS WOMEN AND THE NEW ACCESSIBILITY LEGISLATION: PHASE I



March 2017

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I. INTRODUCTION

The Government of Canada has committed itself to developing new Federal Accessibility Legislation to promote equality of opportunities and increase the inclusion and participation of Canadians who have disabilities or functional limitations. Canadians continue to face barriers that affect their ability to participate in daily activities which include:

- Physical and architectural barriers that impede the ability to move freely in the built environment, use public transportation, access information or use technology;
- Attitudes, beliefs, and misconceptions that people may have about people with disabilities and what they can and cannot do; and
- Outdated policies and practices that do not take into account the varying abilities and disabilities that people may have

Employment and Social Development Canada is consulting with Canadians both in person and online to develop new Federal Accessibility Legislation that is reflective of Canada's diverse voices. Feedback on the following topics is being collected:

- Overall goal and approach
- Whom it should cover
- What accessibility issues and barriers it should address
- How it could be monitored and enforced
- When or how often it should be reviewed
- How and when to report to Canadians on its implementation
- How to more generally raise accessibility awareness and support organizations in improving accessibility

Canada has a number of existing laws in place that protect Canadians with disabilities and promote equal legal and economic safety. These include the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, and the *Employment Equity Act*. However, people with disabilities continue to be socially and economically marginalized, and can face serious problems with accessing federal services.

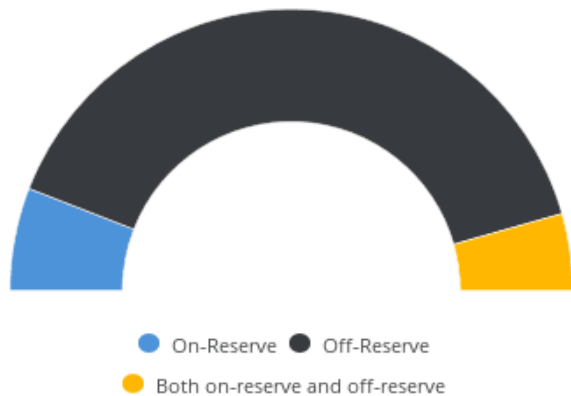
The Native Women's Association of Canada (NWAC) has completed Phase 1 of the consultation process with Indigenous women with self-identified physical or mental disabilities, or who care for someone with a physical or mental disability. This report is a summary of the findings from an online questionnaire developed and administered by NWAC in February 2017, wherein participants recounted their personal experiences with accessibility of spaces and programs that fall under federal jurisdiction. The concerns commonly raised in participants' answers include attitudes of government workers, inclusive reporting and auditing of the legislation, and ideas for improving sensitivity and cultural training.

Phase II of this consultation process will take place in April-June 2017 and will consist of another survey based on the main themes and recommendations provided by the participants in Phase I. This report is by no means comprehensive, but is rather meant to provide an overview of data collected in Phase I.

II. METHODOLOGY

An online survey was created in both English and French and was active from January 25, 2017 - February 19, 2017. The survey was promoted through NWAC's website and social media channels, and was emailed out to community partners and regional Aboriginal Health Centres across Canada. A total of 85 people participated in the survey, but after analysis 16 were omitted because they indicated they did not have a physical or mental disability nor did they care for someone with a physical or mental disability. This resulted in a final total of 69 participants, all of whom indicated they are First Nations, Inuit or Métis, and impacted by a physical or mental disability.

Figure 1 - Where do you live?



The online survey consisted of 19 multiple choice and essay questions written to collect both demographic information and personal opinion on community and federal accessibility. Participants had the option of skipping questions or ending the survey if they did not feel comfortable providing answers.

III. DEMOGRAPHICS

The majority of survey participants are First Nations women who live off-reserve (Figure 1). 56% of participants identify as having a physical or mental disability while the remaining 44% care for someone with a disability (Figure 2), and Indigenous women from across Canada participated with the majority residing in British Columbia (Figure 3). Additionally, women reported a wide range of ages (Figure 4) with the majority of people with a disability being in the 31-64 age range. Of the women who care for someone with a physical or mental disability, they most often reported that the person they care for is their mother or child, and less frequently reported caring for a sibling or significant other.

Figure 2 - Do you have a disability, or do you care for someone with a disability?

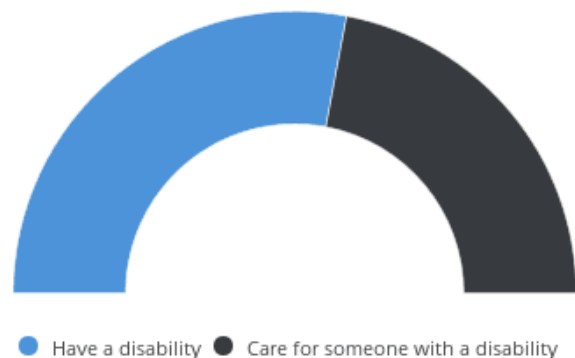
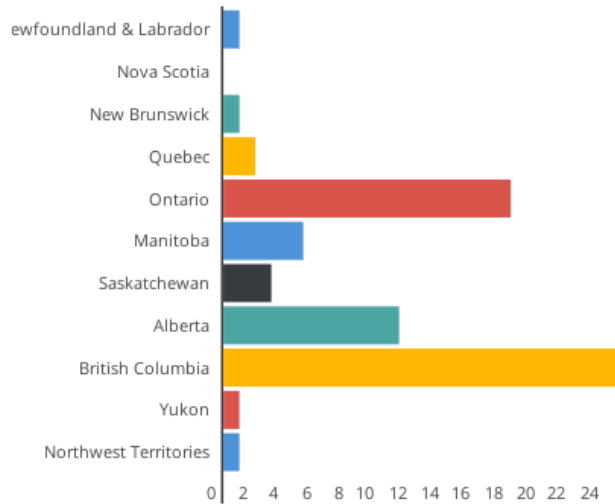


Figure 3 - Location of Survey Participants



i) Voices and Attitudes

Many participants report that **patience and compassion** are conspicuously absent in the current system. These participants felt that their encounters with federal employees and service providers did not reflect an understanding of their accessibility needs and contributed to a hostile environment.

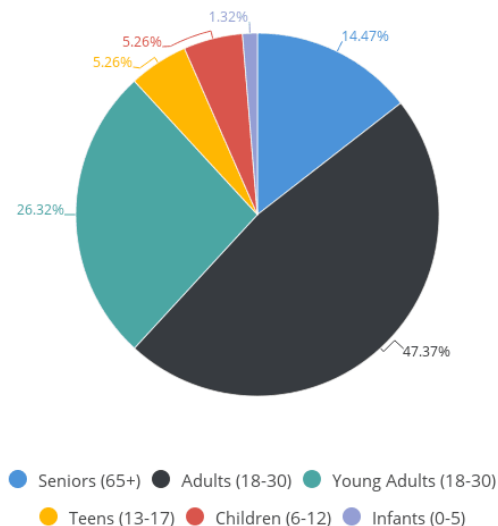
Similarly, participants convey a need for the federal government to understand the **barriers and limitations that Indigenous women with disabilities face**. This requires an intersectional understanding of barriers that impact Indigenous people, women, and people with physical and mental disabilities, and how limitations are exacerbated when a person identifies with these three groups. By reducing stigma in this way, the quality of service provided by federal employees would be improved.

Participants also share a common sentiment that **wait times are often unreasonable** for someone with a disability, as it can be difficult—or impossible—for people with physical or mental disabilities to wait for long periods of time in an office setting or on the telephone.

IV. SUMMARY OF FINDINGS

Most participants (70%) report encountering accessibility difficulties when interacting with federal government workers or accessing services. Most of these difficulties were encountered in program and service delivery and employment services (Figure 5). Moreover, program and service delivery was identified as the most important sector for eliminating accessibility barriers, followed closely by employment, information and communications, and physical structures.

Figure 4 - Age Range of Participants



Some participants noted that while they may feel accepted in society overall, their accessibility needs are not always met, causing them to feel that they will **never feel fully able to participate** in society. The new Federal Accessibility Legislation should work to mitigate these feelings as much as possible, especially for women who face compounded discrimination like Indigenous women with disabilities. For example, some participants noted that they felt better able to participate when they were welcomed to community events such as potlatches and powwows, and do not feel judged or excluded based on their accessibility needs. Phase II of this project will focus more on these specific ways to foster accessibility inclusion.

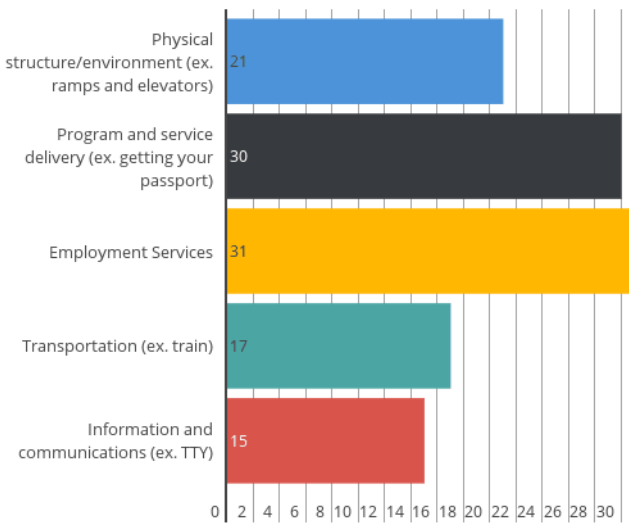


70% of participants reported encountering accessibility difficulties when interacting with federal government workers or accessing services.

ii) Structure and Reporting

Canada’s current legal approach to accessibility is primarily centered on protecting the human rights of people with disabilities. Systemic issues are prominent and the burden of auditing is on the shoulders of Canadians with disabilities. This system is inefficient, time-consuming, and does not always address important structural deficiencies.

Figure 5 - Which government areas/services did not meet your accessibility needs?



There are several provinces who have highly developed accessibility frameworks including Ontario, Manitoba, and Quebec. Using best practices for service and program delivery as reported by Indigenous women in these regions could be an important stepping stone to creating a strong and inclusive Federal Accessibility Legislation. As nearly all participants state, instead of “reinventing the wheel” the new Federal Accessibility Legislation should be **built off the strengths of both provincial and territorial accessibility frameworks** as well as those from other countries with large Indigenous populations such as Australia.¹ Australia has been working on creating more accessible and culturally appropriate frameworks with its Indigenous people for many years, and including their findings as best and promising practices could relieve a significant research burden for creating Canada’s new legislation.

¹ See the Australian Government’s *Aboriginal and Torres Strait Islander Health Performance Framework* <<http://www.health.gov.au/indigenous-hpf>>

Additionally, participants note that there is a particular need for **mental health services** for Canada’s Indigenous people. Currently, their invisible disabilities² are not being accommodated in employment and service provision. Participants report federal employees showing frustration, discriminatory behaviour, and an unwillingness to accommodate their disability. The majority of participants are calling for a greater understanding of the mental health challenges specific to Indigenous adults and youth. This requires an awareness of the mental health impacts of the historical relationship between the Canadian government and Indigenous people.

Most accessibility issues the participants face with the federal government can be classified under themes of **employment or program and service delivery**, which are also reported as the most important sectors for development according to the participants. Able-bodied Indigenous people can face several barriers in accessing employment and government programs compared to the non-Indigenous population.

Figure 6 - How should progress on accessibility be measured?

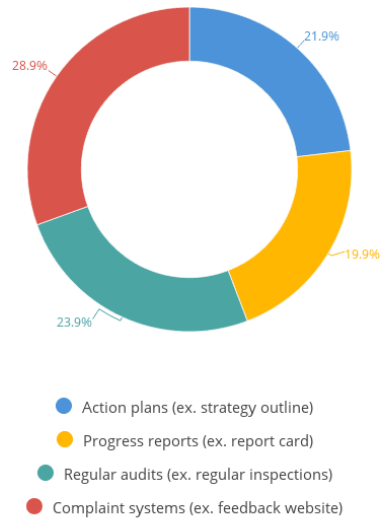


Figure 7 - How can the government raise accessibility awareness?



- Training / Education
- Promotion / Storytelling
- Lobbying / Improving Processes
- Unsure

Unfortunately, as a triple-marginalized group, Indigenous women with disabilities have even more barriers which go unrecognized by able-bodied and non-Indigenous Canadians.³ The new Federal Accessibility Legislation needs to address the level of discrimination, systemic, and structural barriers that Indigenous Canadians with disabilities encounter.

Participants note that in order for federal government departments to remain accountable to the Federal Accessibility Legislation, a combination of action plans, progress reports, regular audits and civil complaint systems should be incorporated and implemented (Figure 6). Participants suggest a range of methods for raising accessibility awareness, including training/education, promotion/storytelling, and lobbying/improving processes (Figure 7).

² The term *invisible disabilities* refers to symptoms such as debilitating pain, fatigue, dizziness, cognitive dysfunctions, brain injuries, learning differences and mental health disorders, as well as hearing and vision impairments. These are not always obvious to the onlooker, but can sometimes or always limit daily activities, range from mild challenges to severe limitations and vary from person to person. Invisible Disabilities Association, *What is an Invisible Disability?* Online: <<https://invisibledisabilities.org/what-is-an-invisible-disability/>>

³ See *About Canada: Disability Rights* (2012) by Deborah Stienstra, p. 19.

iii) Notable Recommendations

Participants were asked to describe actions and methods the Canadian government could take to improve accessibility or comfort in accessing federal government services. A common recommendation in regards to this question was to improve the current accessibility training of government employees. Sensitivity training should include a cultural component that highlights the specific needs of Indigenous Canadians with disabilities. Of the respondents who reside in Ontario, half felt that tailoring the current Accessibility for Ontarians with Disabilities Act (AODA) training program to be applicable on a national level would benefit all Canadians.

Many participants would rather the government limit the amount of consultations and frameworks, instead prioritizing actions that will create more accessible services for Indigenous people impacted by a disability. For example, working on simple changes such as having clearer signage in federal offices to relieve wait times and stress.



Increase Visibility

through social media campaigns and storytelling.



Decrease Stigma

through education and training.

One participant suggested an appointment system for people with disabilities who are accessing services under federal jurisdiction. This system would work to ensure a federal employee is present who is adequately trained, is aware of their specific needs, and would ensure the client would not have to travel long distances and endure long wait times without being helped.

What would make it easier for you to access government services?

“Top answer: **Patience and compassion.**”

A few participants express that they would prefer the government to use more inclusive language such as “neurodiverse” or “differently abled” and use this legislation as the starting point to move away from harmful official terms such as “disability” or “mentally disabled”. As such, NWAC has committed to using this less stigmatized language in Phase II of this consultation project.

V. FURTHER RESEARCH

Indigenous youth are currently undergoing a nation-wide mental health crisis which is causing a rise in functional impairments. A youth-specific framework within the Federal Accessibility Legislation is important to ensure the unique needs of Canada’s Indigenous youth with physical and mental disabilities are being heard and met.

Although participants were not asked to disclose their physical or mental disabilities, nearly one third reported knowing or caring for someone with Fetal Alcohol Spectrum Disorder (FASD) or Down syndrome. Indigenous communities are disproportionately impacted by these conditions which can



92.5% of participants

felt that an advisory council of people with disabilities from across Canada should advise the government on issues related to accessibility.

cause functional limitations, and this should be considered in the drafting of Federal Accessibility Legislation.

Moving forward, it is vital that the Ministry of Sport and Persons of Disabilities consults periodically with Canadians with disabilities. This could be through an advisory council or through outreach programs where Indigenous people with disabilities are appropriately represented and included in all decision-making processes.

Finally, exploring the possibility of a centralized federal website to allow for easier navigation of government services would be easier for those who cannot easily navigate information technology systems. Often times meeting in-person is more difficult for Indigenous people with disabilities, therefore easy to understand government websites are essential. Also, making public computers available in federal service buildings would allow clients to access online services are available if they do not have access in their homes.

“
The federal system must educate themselves about the true history of Canada and First Nations and learn to embrace diversity with honesty.

- Survey Participant

NWAC recognizes that not all recommendations were included in this Phase I report, however, they will be included and referenced in the making of the Phase II questionnaire and final report.

