**Policy Pod Meeting Minutes**

**System for monitoring the employment rights of people with disabilities**

**Skype call – January 4, 2017**

Present: Cam Crawford (York University - PostDoc), Ron Saunders (Institute for Work & Health), John Mackinnon (Injured Workers' Consultants Community Legal Clinic), Mariam Shanouda (ARCH Disability Law Centre), Don Gallant (Canadian Association for Community Living), Paula Hearn (Disability Rights Promotion International, York University), Michael Gottheil (Social Justice Tribunals of Ontario), Ravi Malholtra (University of Ottawa), Piero Narducci (Human Rights Commission), Rebecca Gowen (Human Rights Commission), Tammy Bernasky (York University PhD Student)

Regrets: Andrew King, Gail Fawcett (Employment Social and Development Canada), Alexis Buettgen (York University PhD Candidate), Roxanne Mykitiuk (York University), Steve Mantis (Ontario network of injured Workers Groups), Sandra Carpenter (Centre for Independent Living in Toronto)

The meeting started with introductions.

**The discussion then began with the question “What should this monitoring aim to achieve and why?”**

* Michael said it should look at the rates of participation in employment of people with disabilities, compensation gaps, and retention rates after employment. Piero asked if this monitoring system already exists with employment equity. Cam said employment equity tracks about 10% of the work force. Michael is not aware of any requirement to report on the workforce in Ontario. Cam said that the requirements for reporting under the AODA are not as detailed as those under the federal Employment Equity program and that there is a gap in tracking the effectiveness of legislation.
* Paula said we want to be able to have a system that is monitoring the progressive realisation of policy and programs in implementing the CRPD.
* Ravi talked about the changing nature of work. It is important to distinguish short term from precarious employment.

**Discussion followed on the Human Rights Commission and what it monitors.**

* Cam said a recent CHRC report for the CRPD on complaints made on the basis of disability in the area of employment have a five-year time frame so you can track patterns. Rebecca said that it was actually a CASHRA report that was used for the report to the CRPD committee. Canada hasn’t designated an independent monitoring mechanism, but the CHRC is doing what they can with their resources and through CASHRA
* Michael asked if the CHRC lacked data from BC or other jurisdictions. Rebecca said they did the best they could with resources. They adjusted their methodology to take these issues into account. Michael said if we are trying to design a reliable monitoring system we need to approach/ include Ontario and BC because they are the largest jurisdictions.
* Cam said that there is some basic background information and the number of claims for some jurisdictions. Are there are other areas of knowledge that the CHRC would like to see included? Rebecca said the next report will provide more information. One of the gaps is the changes to the national survey data. What we heard from stakeholders is that the lived experience of people with disabilities is important. They worked with DAWN, CCD, ARCH and other organizations. The experiences were beyond the scope of what they were doing but would be a useful addition.

**Who would be at the center of a robust monitoring system was then discussed.**

* Paula spoke about DRPI’s work. She raised the importance of employers and doing focus groups and interviews.
* Ravi spoke to the importance of work with refugees. There needs to be a mechanism to ensure diversity and including racialized communities.
* Michael said that people with cognitive disabilities and their work in sheltered workshops along with rates of pay are often viewed as discriminatory. It would be interesting to monitor the impact of individuals who previously worked in workshops. Are they getting work?

(Eric Diotte was brought into the call with Piero and Rebecca from the CHRC because of his work on the equality rights report).

* John mentioned injured workers saying that their work is with people in the worker’s compensation process.
* Paula said that DRPI methodology tries to keep it broad in terms of sample (types of disability, gender, indigenous people, etc.). Paula said often what they are finding, the stories and experiences come out when asked about their day, for example. People often share their stories about what’s most important to them.
* Piero said that veterans should be added to this group. Cam agreed saying that they get very little attention.
* Ron also raised chronic vs episodic disabilities. Cam said it’s important to know what they need an what they aren’t getting.
* Michael suggested looking at employers with robust accommodation policies and whether or not people with disabilities feel these are effective. Are people using them?

Cam summarized for the group that he’s hearing a preference for a broad approach for a wide range of people who tend to get marginalized in the system. Something that is able to get inside occupations like finance. And the importance of tapping into the experience of employers and how do people experience that? A statistical and a qualitative approach.

* Cam asked Eric what more could be done. Eric said the discouraged worker is often overlooked. That population is very hard to capture. The structure of the Statistics Canada dataset means that the sample is really low. Cam said there are people not looking for work for all kinds of reasons. There are hundreds of thousands of people who have not worked in the last five years and we don’t know much about them.
* Rebecca said that youth with mental health issues experience barriers to labour force participation which have significant implications.
* Cam said young people with learning disabilities also encounter failures when they are not adequately addressed and they become depressed and discouraged while in school. The mother/family has to deal with this and the mother’s employment and health are often affected. Some attention might also be given to informal supporters, particularly family. Paula said there needs to be some caution around how it’s done. There is a caution around what voice comes through, e.g., overemphasis of a “burden on parents and siblings” perspective. There is a need to capture the experiences from both the positive and negative of the impacts on the family – to look at it from a fuller perspective. Cam said there is also the issue of the individual’s autonomy and the family getting in the way of that. Ravi said there are lots of work on siblings of people with disabilities and some of it is negative.
* Ravi said there is also the LGBT community who should be included.
* Piero said when you look at complaints to the Canadian Human Rights Commission, 50% file on ground of disability. But when you look at intersectionality, it shoots up to 70-80% when linked back to disability.

**Cam asked What are the key issues? What do we want to know? Do they have a job? How long? Permanent? Salary? Are there other areas?**

* Michael said the participation of people in the workplace, do they feel included?
* Mariam said it might be good to look at people with disabilities who have a job vs. who don’t have a job? Then ask questions about why? i.e. is it transportation, compensation, accommodation, modified work schedules, etc.?
* Ravi talked about enion membership– are people with disabilities likely to be included in unions? Cam said we have employers as a group to get information about. The union is sometimes framed as part of “the employer” and could be interviewed. Ravi said that would be really useful.
* Michael said many people with disabilities do require medical supports. To what extent to people not seek employment because they worry about losing their supports?
* He also raised the effectiveness of human rights complaint policy. He was hoping to see more reinstatements to jobs through the process, but we haven’t seen that. It’s almost non-existent.
* Michael said also internal complaint processes are important as well.

**A discussion followed on accommodation in the workplace**

* Piero indicated that there is information available at the Human Rights Commission. Further studies on how complaints processes affect people with disabilities specifically would be useful. He added that there is a group of people with disabilities who are returning to work and experience specific issues that are either divisive or supportive. For example, because of a return to work there needs to be a change to the work place that does not necessarily need to be shared with others, but the workplace may become less welcoming to that person with a disability, e.g., everyone needs to change their behaviour.
* Cam said that his experience is that where accommodations are granted they often help several people, not just the person with a disability.
* Paula said being able to capture what businesses and private sector are doing and talking to all levels is important. They heard from employers in Asia, that when they look at the workplace from an accessibility perspective it benefits everyone, but it’s good to capture the fears about hiring a person with a disability. So it is important to look at experiences, legislation, policies and laws in place to figure out where the gaps are.
* Michael said that hopefully some employers are people with disabilities and senior managers may also have a disability.
* Piero said the actual cost of accommodation is important because it is often not as high as they expect. Usually most are lower than $500. Cam said there is also the worried-about cost in terms of the employee’s productive value etc.

**The policy and programmatic level was raised**.

* The long times it takes to process a worker’s compensation claim was raised. Ron said there may be the issue of how long it takes to access supports they need given the complexity of the system

**The meeting concluded with a discussion on where to find the information.**

* Surveys. Paula said DRPI has an Interview guide adapted for employment, focus group set up as well, template adapted to employment. They explore, from a human rights perspective, whether laws and policies are meeting rights. DRPI has tools that could be used. People with disabilities would need to be involved in the data collection.
* Cam asked if DRPI used Survey Monkey. Paula said the interview tool is online but they haven’t done survey’s because we wanted to dig deeper and ask a general question so people get to issues that are important to them. The questions and answers are typed. She explained that it has just been launched and it is closed to the sample population.
* Piero said data is collected as a function of the Canadian Human Rights Commission’s work. It is resource intensive. Piero said he’d be happy to have a side conversation on data mining. The big challenge is privacy laws right now.
* Michael said he would be happy to share the data they collect on complaints. The Ontario HR Legal Support Center also collects a lot of data.
* John said they don’t have access to a lot of data at the legal clinic, but they have the ability to connect with workers’ comp organizations.
* Ron said some colleagues have done a lot of work and suggested connecting with Emile.
* Ravi asked to take a moment to acknowledge that Professor Dianne Pothier of Dalhousie University had passed away. She made significant contributions to the disability community.

Cam thanked everyone for their participation.

**Post-meeting summary of key themes**

**The general characteristics of the monitoring system**

It would reflect a broad, intersectional approach, mindful of the experiences of employers and people with disabilities who often get marginalized in data-gathering and monitoring processes. The approach would be both qualitative (e.g., through focus groups, interviews) and quantitative. It would include people with disabilities as gatherers of data.

**Who should be the focus of attention?**

The approach would include (but not be limited to) the following:

***Employers***

* That have progressive/positive accommodation policies
* Senior managers with disabilities
* Unions

***Individuals with disabilities***

* Women, youth with learning disabilities, youth with mental health issues, LGBT people, refugees, racialized people, indigenous people, people in sheltered workshops, people with episodic disabilities, people discouraged from looking for work, war veterans, injured workers.

**Issues to be captured and explored**

* Basic demographics such as employment rates, occupational distributions, extent of employment in precarious work, in short-term work, etc.
* Why people get / don’t get jobs, e.g., issues pertaining to transportation, compensation, accommodations (like work schedules), etc.
* Why so many people get discouraged from looking for work, e.g., concern about losing medical coverage
* Whether and how people do / don’t make transitions from sheltered work to regular employment
* How human rights complaints based on disability are often connected to other issues and grounds of diversity/intersectionality
* Experiences of and explanations for the lack of job reinstatements after engaging with the human rights system
* Patterns in human rights complaints
* Injured workers’ experiences with the workers’ compensation system, e.g., complexity, delays in processing claims, obtaining needed supports
* Whether employers’ accommodation policies are working
* Whether employers’ internal complaint procedures are working
* The experience of working (and of returning to work), e.g., whether people feel welcomed, whether co-workers seem resentful, etc.
* Union membership and people’s experiences with unions
* Employers’ concerns/ worries about hiring / retaining people with disabilities
* Employers’ perceptions of changes to the workplace as a result of hiring / retaining people with disabilities, e.g., how job accommodations have made a difference to the workplace
* People’s experiences with precarious work vs. short-term work
* Whether laws and policies are meeting human rights commitments