



# **INSIGHTS ON EMPLOYMENT AND INCOME SUPPORT FOR PERSONS WITH DISABILITIES**

Summary Report from the Ontario  
Cluster of the Centre for Research  
on Work Disability Policy

# THE CENTRE FOR RESEARCH ON WORK DISABILITY POLICY (CRWDP) ONTARIO CLUSTER

## **Ontario Cluster Co-Chairs:**

Dr. Marcia Rioux, C. M., Distinguished Research Professor Emerita, School of Health Policy and Management, York University

And

Dr. Rebecca Gewurtz, Associate Professor, School of Rehabilitation Science, McMaster University

## **Ontario Provincial Coordinators (past and present):**

Rachel Dempsey, Shaza'a Fayyaz, Tammy Bernasky (Interim)

## **Student Fellows/Researchers (past and present):**

McMaster University: Sabrina Hossain, Pamela Lahey, Firat Sayin

York University: Tammy Bernasky, Alexis Buettgen, Dana Corfield, Cameron Crawford, Anum Rafiq, Samadhi Mora Severino, Douglas Waxman

## **York University Post Doctoral Fellows:**

Dustin Galer, Cameron Crawford

*Several organizations, individuals, academics, and government representatives committed to disability and employment rights have also participated in our workshops and policy pods.*

## **Report prepared by:**

Tammy Bernasky

Marcia Rioux

Rebecca Gewurtz

August 2020



Centre de  
recherche sur les politiques en  
matière d'invalidité professionnelle



Centre for  
Research on  
Work Disability Policy

# TABLE OF CONTENTS

- Cluster Members . . . . . 2**
- List of Acronyms. . . . . 4**
- Executive Summary. . . . . 5**
- introduction . . . . . 8**
- Framing the Issues . . . . .13**
  - Complex Policy Landscape . . . . . 13
  - Employer Perceptions. . . . . 14
- Systemic Issues . . . . .17**
  - Ontario Disability Support Program (ODSP) . . . . . 17
    - Barriers to Qualifying for ODSP . . . . . 18
    - What We Have Heard from ODSP Users . . . . . 19
  - Disability Tax Credit . . . . . 20
  - Recommendations: Improving Income and Employment Support. . . . . 20
    - Make the Disability Tax Credit Refundable . . . . . 20
    - Implement a Basic Income . . . . . 21
    - Accessible Support Services . . . . . 21
- Employer Reluctance to Hire People with Disabilities. . . . .22**
  - Accessibility . . . . . 22
  - Productivity. . . . . 24
  - Liability . . . . . 24
  - Recommendations: Creating Disability Confident Employers . . . . . 25
    - Embed Disability Inclusion and Accessibility in Organizational Policies and Practices . . . . . 25
    - Positive Reframing of Disability . . . . . 26
    - Accommodation . . . . . 26
    - Employment Strategy . . . . . 27
- General Recommendations . . . . .28**
  - Maintain a Clear and Robust Definition of Disability . . . . . 28
  - Develop Effective Monitoring and Evaluation Measures . . . . . 28
  - Develop Supportive Collaboration and Partnerships . . . . . 29
- References . . . . .30**

# LIST OF ACRONYMS

Accessible Canada Act (ACA)

Accessibility for Ontarians with Disabilities Act (AODA)

Canadian Association of Statutory Human Rights Agencies (CASHRA)

Canadian Council on Rehabilitation and Work (CCRW)

Canadian Human Rights Act (CHRA)

Centre for Research on Work Disability Policy (CRWDP)

Convention on the Rights of Persons with Disabilities (CRPD)

Disability Rights Promotion International (DRPI)

Disability Tax Credit (DTC)

Human Rights Tribunal of Ontario (HRTO)

Ontario Disability Support Program (ODSP)

Ontario Human Rights Commission (OHRC)

Ontario Network of Injured Workers' Groups (ONIWG)

Ontario Works (OW)

# EXECUTIVE SUMMARY

The Centre for Research on Work Disability Policy (CRWDP) Ontario cluster was formed in 2014 to consider ways the disability policy system can better meet the needs of working-age individuals with disabilities who turn to it for support. The Ontario Cluster was led by two Co-Chairs: Dr. Marcia Rioux with the School of Health Policy and Management (Critical Disability Studies Graduate Program) at York University and Dr. Rebecca Gewurtz with the School of Rehabilitation Science at McMaster University. Over the course of the project there have been three Provincial Coordinators, as well as ten graduate students from York University and McMaster University. Two post-doctoral fellows also contributed to the project under the supervision of Dr. Rioux.

A series of meetings with community organizations and individuals, academics and policy experts led to the development of three Policy Pods that explored ways to develop employer capacity, improve income replacement, and effectively monitoring human rights. Additionally, three community consultations were held to work towards a Pan-Canadian Strategy on Disability and Work. What we collectively realized is that there are some core issues affecting people with disabilities seeking income supports and employment. Importantly, several community members attended the consultation meetings and participated in the Policy Pods. These community voices were critical to identifying the key issues and recommendations we highlight in this report.





*What we heard from the Ontario Cluster participants is that the income support system in Ontario does not adequately meet the needs of people with disabilities.*

**Part one of the report focuses on systemic barriers to income security for people with disabilities.**

What we heard from the Ontario Cluster participants is that the income support system in Ontario does not adequately meet the needs of people with disabilities. For example, the Ontario Disability Support Program (ODSP) was designed to be a safety net for Ontarians with disabilities who need income or employment support, yet many people rely on it as a primary source of income because there are few other options. Stakeholders told us there are barriers to qualifying, it is hard to save for the future on ODSP income, and ODSP does not do a good job of accounting for changes in life circumstances. A second example is the Disability Tax Credit (DTC). Stakeholders raised concerns that the credit only helps those who have taxable income, so if you are on Ontario Works (OW) or ODSP it will not benefit you. **The cluster made three recommendations:**

**First, to make the Disability Tax Credit refundable,** payable monthly like the Canada Child Benefit. This would ensure something equal to the benefits available to seniors.

**Second, implement a basic income for everyone regardless of disability status.** This would increase basic income levels for low income Canadians, with some additional funds for people with disabilities to pay for added disability-related expenses. Not only would this benefit everyone, it would reduce reliance on ODSP for people with disabilities.

**Third, the cluster recommends making support services more accessible** by eliminating barriers for the OW and ODSP programs and designing a system that helps recipients understand how employment earnings and benefits might intermingle.



**Part two of the report focuses on employment.** We address reasons why employers might be reluctant to hire people with disabilities. There may be misconceptions that workplace accommodations will be costly without recognizing that the benefits will far outweigh the costs. Employers may assume that an employee with a disability will be less productive than their non-disabled counterpart. There may also be a fear of liability. They may perceive a legal and financial risk, for example. **We highlight four recommendations to build employer confidence:**

**First is to embed disability inclusion and accessibility in organizational policies and practices.** Existing diversity and inclusion policies need to include disability. In addition to a specific recruitment strategy for people with disabilities, disability inclusion should be a part of performance reviews, staff training, employee awards programs and accommodations. Employers should aim for disability representation at all levels of the organization.

**Second, there needs to be a positive reframing of disability,** such that people with disabilities can exhibit disability pride. Employees with disabilities need to be empowered to become self-advocates.

**Third, there needs to be improved workplace accommodation** with ongoing check-ins.

**Fourth, there needs to be more effective disability employment strategies.**

The report concludes with **overall recommendations** to maintain a clear and **robust definition of disability that is not work-based**, focus on **monitoring and evaluation** to ensure that programs and policies are working in the best interest of people with disabilities, and work in **partnership** with organizations, governments, individuals and other stakeholders in order to advance the objectives outlined in this report.

Finally, this report is the result of six years of collaborations between various community members, stakeholders, organizations, and universities. We would like to thank everyone who has taken the time to participate in community consultations and workshops. Your participation helped to move this important work forward.

# INTRODUCTION

Working-age Ontarians with disabilities who seek employment or income support face a complex policy system involving complicated program eligibility criteria, onerous reporting procedures, and challenges to meeting basic needs while accessing social assistance programs. They also face systemic barriers to accessing employment, which often stems from employer reluctance to hire people with disabilities. The Centre for Research on Work Disability Policy (CRWDP) Ontario Cluster was formed in 2014 to consider ways the disability policy system can better meet the needs of working-age individuals with disabilities who turn to it for support.

A series of meetings with community members, organizations, academics and policy experts led to the development of three Policy Pods that explored ways to develop employer capacity, improve income replacement, and effectively monitoring human rights. These pods included a research lead, student co-leads and membership from Ontario Cluster members who expressed interest in a pod theme. The first pod, Building and Transforming Employers Capacity, was led by Dr. Marcia Rioux. The student leads were Douglas Waxman and Samadhi Mora Severino. The second pod, Income Replacement, was led by Dr. Rebecca Gewurtz with student lead Pamela Lahey. The third pod, Systems for Monitoring the Employment Rights of People with Disabilities, was led by Dr. Cameron Crawford with student lead Tammy Bernasky. The pods worked individually and together on issues related to their pod themes.



In November 2018, consultations were held to work towards a Pan-Canadian Strategy on Disability and Work. Two further consultations were then held to develop the strategy. What we have collectively realized is that there are some core issues affecting people with disabilities seeking income supports and employment. We worked to identify these issues and came up with solutions to addressing this challenging policy environment.

The Ontario Cluster was led by two Co-Chairs: Dr. Marcia Rioux with the School of Health Policy and Management at York University (Critical Disability Studies Graduate Program) and Dr. Rebecca Gewurtz with the School of Rehabilitation Science at McMaster University. Coordinating the project was the Ontario Provincial Coordinator. This position was held by Rachel Dempsey (2017-2019), Shaza'a Fayyaz (Maternity Leave, 2018), and Tammy Bernasky (Interim) (2019-2020).

Ten graduate students and two post-doctoral fellows from York University and McMaster University have contributed to the Ontario Cluster to support student development and also to benefit from their contributions (their names can be found at the beginning of this report). The graduate students participated in cluster meetings and the policy pods, presented their work, and engaged in research and publications. The post-doctoral fellows, under the supervision of Dr. Rioux made similar contributions to the project.



## **POLICY PODS**

Building and  
Transforming  
Employer's Capacity

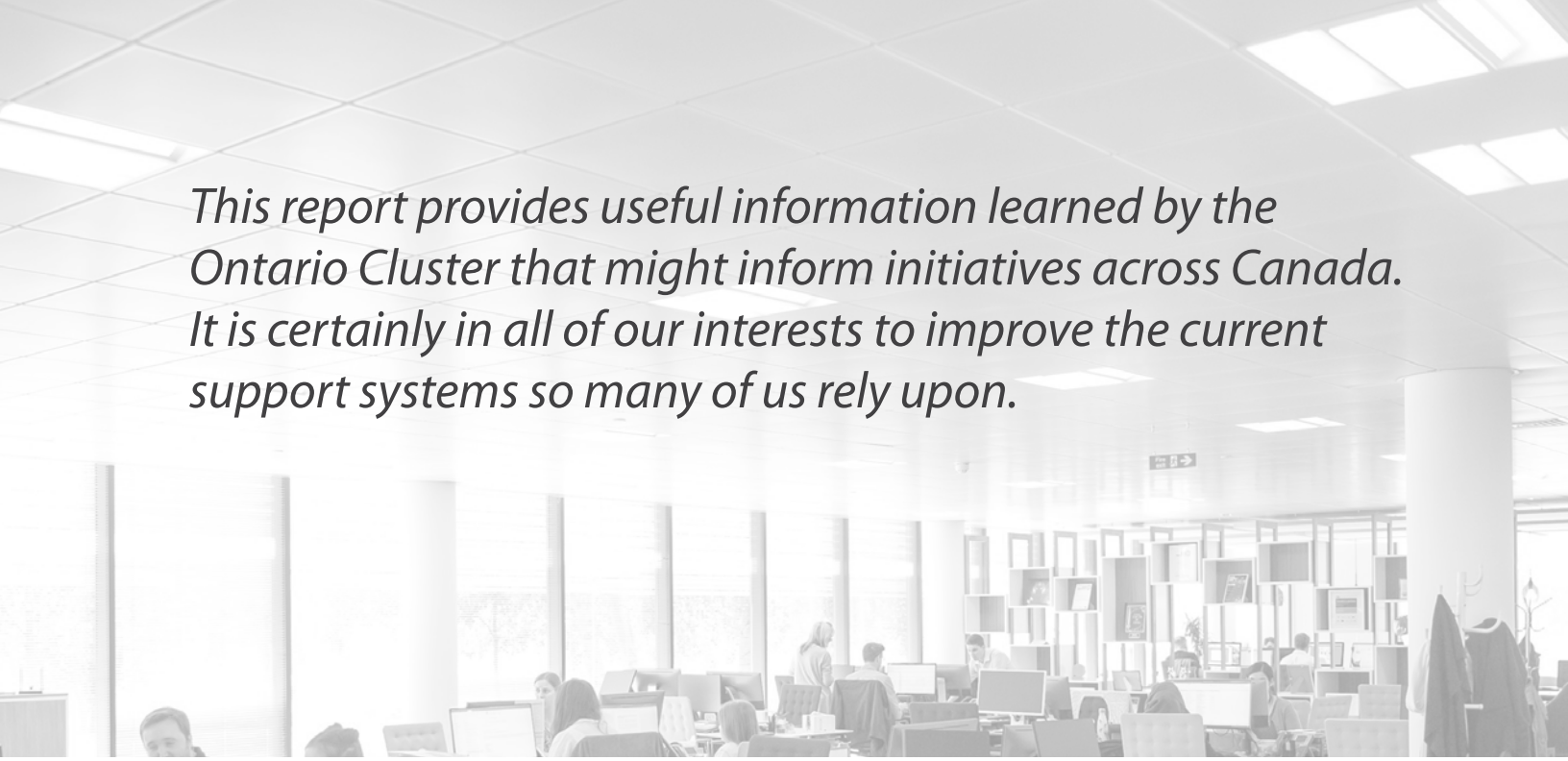
Income Replacement

Systems for  
Monitoring  
Employment Rights  
for People with  
Disabilities

During his post-doctoral research [Dustin Galer](#) published a paper in 2016 entitled, “Life and Work at the Margins: (Un)employment, Poverty and Activism in Canada’s Disability Community Since 1966,” which was published jointly with CRWDP and York University. During his fellowship Dr. Galer also finalized his book, *[Working Towards Equity: Disability Rights Activism and Employment in Late Twentieth-Century Canada](#)*, which was published in 2018. His research interests have also included the Canadian origins of the social model of disability, historical perspectives of brain injury, and disability, poverty and homelessness.

During his post-doctoral research, [Cameron Crawford](#) operationalized a measure of “decent work” using the Canadian Survey on Disability, based on a multi-dimensional definition provided by the International Labour Organization. Drawing from 32 separate indicators and measures, the research provides an intuitively simple and meaningful way of showing the demographic characteristics of people with disabilities who are participating in high-quality, medium-quality and low-quality work, the industry sectors and occupations where decent work is most likely and least likely to be found, the occupations and industries in which people with various disabilities are most likely to be in high-quality vs. low-quality work, and the factors which contribute to the work being high-quality vs. low-quality. Factors included in the research were the extent to which people’s employment provides: adequate earnings and support for productivity; decent working time; stability and security of work; equal opportunity and treatment in employment; a safe work environment; employer support workers who receive social security in the event of unemployment; and social dialogue and workers’ and employers’ representation.





*This report provides useful information learned by the Ontario Cluster that might inform initiatives across Canada. It is certainly in all of our interests to improve the current support systems so many of us rely upon.*

## **PURPOSE**

This report is designed to offer information to anyone interested in learning more about the policy structure in Ontario that affects access to income supports for people with disabilities, or for anyone wishing to learn more about how to help employers become more confident in hiring people with disabilities. Finally, it provides useful information learned by the Ontario Cluster that might inform initiatives across Canada. It is certainly in all of our interests to improve the current support systems so many of us rely upon.

Our purpose is to highlight key issues that came out of the consultations and work done by the Ontario Cluster and its Policy Pods. **The central issues that were raised by pod members and also through community consultations fit broadly into areas of systemic barriers to accessing income and employment supports, and issues around employer reluctance to hire people with disabilities.** Employment rights were found to be a cross-cutting issue that has implications in both of these thematic areas. The Ontario Cluster worked through these issues to come up with potential solutions. This report is a result of that work.

## STRUCTURE

This report is divided into two sections. Part one focuses on systemic barriers to income security for people with disabilities. What we heard from the Ontario Cluster participants is that the income support system in Ontario does not adequately meet the needs of people with disabilities. [In this report we focus on the Ontario Disability Support Program \(ODSP\) and the Disability Tax Credit \(DTC\)](#), and some of the issues that have been raised by stakeholders about each. We will offer recommendations to improve these systems which came from our consultations with community members and other stakeholders. Part two focuses on employment.

[We address some of the reasons why employers might be reluctant to hire people with disabilities and ways employers can overcome this reluctance to become more inclusive.](#)

The report concludes with overall recommendations to evaluate progress, collect better data on employment and income support, and create better partnerships that will improve the economic realities faced by people with disabilities in Ontario.





*Research has highlighted that the structure and content of income support policies can restrict employment participation and limit career development among recipients.*

## FRAMING THE ISSUES

### COMPLEX POLICY LANDSCAPE

There are several income replacement routes for Ontario workers who exit the workforce due to a disability. These include private employer paid income schemes, federally paid employment insurance benefits, and Ontario's Worker's Compensation (Campolieti & Lavis, 2000). For those who have exhausted one or more of these income systems, the province/territory in Canada provides a system of benefits for people with disabilities that includes income support and employment supports. Each system varies in terms of eligibility criteria and rules governing employment. Research has highlighted that the structure and content of income support policies can restrict employment participation and limit career development among recipients (Gewurtz et al., 2019). Moreover, **the income levels provided within the provincial systems are inadequate to provide for the basic costs of living**. In addition, the employment supports they offer are often guided by the "any job is a good job" philosophy despite their voluntary nature, resulting in **inadequate attention to matching the skills and experiences of the job seeker to potential jobs**, and almost no attention to career development and advancement (Gewurtz, 2011; Ontario, 2016).

In sum, systemic barriers stem primarily from complex, confusing, and onerous support systems that are not designed to adequately meet the needs of people with disabilities who rely on them. These systems can be even more complicated if you are trying to access other supports at the same time (child support payments, for example). This creates an environment where accessing services and supports related to income and employment can be intimidating. Furthermore, qualifying for services can become costly if medical documentation is required or if you have to prove your disability multiple times. Program eligibility can sometimes overlap and can be confusing, resulting in difficulty with navigation.

## EMPLOYER PERCEPTIONS

Previous literature and research demonstrates that [disability is socially constructed](#). This means that society influences our views and attitudes about disability. In respect to employment, disability is socially constructed in the way work is organized and in the attitudes of employers, co-workers and customers. The issue is structural and embedded in existing culture, which reinforces biases and ableist assumptions. Disability discrimination in respect to employment very likely stems from individual biases. [Any strategy to address employment that does not seek to effect structural change in implicit biases will likely only have minor success](#) (Waxman, 2019).

*Systemic barriers stem primarily from complex, confusing, and onerous support systems that are not designed to adequately meet the needs of people with disabilities who rely on them.*





A second but inter-related problem is in the nature of **market failure**. Market failure is where the individual incentives for rational

behavior do not lead to rational outcomes for the group. Market failure occurs when decisions are based on something other than supply and demand. In other words, **firms make decisions they think are in their best interest, but they actually make society, as a whole, worse off** (Waxman, 2019).

One form of market failure is **information failure**. This sort of market failure stems from firms making decisions based on erroneous assumptions. That is failure exists when some, or all, of the participants in an economic exchange do not have perfect knowledge. In this case **employers make decisions on hiring persons with disabilities based on erroneous perceptions** about a lack of productivity, cost to accommodate, risk, etc. (Waxman, 2019).



50%

*of the cases investigated by Ontario Human Rights Commission are related to disability in the workplace.*

*Disability-based complaints of discrimination in employment comprise the single-largest caseload facing the Human Rights Tribunal of Ontario and other Canadian tribunals.*

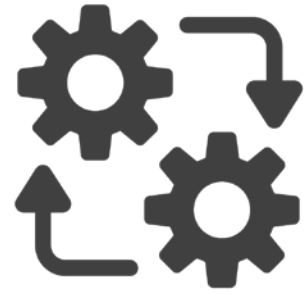
We know that systemic barriers and worker discouragement due to employer reluctance are leading to a loss of income support and employment for workers with disabilities. We also know that [workers with disabilities face discrimination](#). The Canadian Human Rights Act (CHRA) prohibits discrimination on several grounds including disability. The Act applies to the public service and federally regulated industries. The Ontario Human Rights Commission (OHRC) reports that 50% of its cases relate to disability in the workplace (Ontario Human Rights Commission, 2016). Disability-based complaints of discrimination in employment have long comprised the single-largest caseload facing the OHRC and the Human Rights Tribunal of Ontario (HRTO), and human rights commissions and tribunals elsewhere in Canada (e.g., Canadian Human Rights Commission, 2016; Crawford, 2004; Human Rights Legal Resource Centre (Ontario), 2015; Ontario Human Rights Commission, 2001; Social Justice Tribunals of Ontario—Human Rights Tribunal of Ontario, 2015).

# SYSTEMIC ISSUES

Many people with disabilities face multiple barriers to securing meaningful employment and income security. **Nearly 650,000 Canadians with disabilities are able to work but are not currently employed.** This means a high number of people with disabilities are forced to rely on social assistance programs to meet their daily needs. The Ontario Cluster of the CRWPD have worked to identify challenges and solutions to the current employment landscape in order to address systemic barriers to employment of persons with disabilities in Ontario.

## ONTARIO DISABILITY SUPPORT PROGRAM (ODSP)

The ODSP is a social assistance program that provides income support and employment supports for eligible residents in Ontario. In order to qualify on the grounds of disability, in most cases you will need to provide documentation filled out by your healthcare provider. You will also need to provide documentation to verify your household income, assets and costs (Ontario Ministry of Children, Community and Social Services, 2019). If you qualify, you may be eligible for benefits for things like prescription drugs, dental or vision care, or other disability supports. Applicants do not have to be eligible for income supports in order to access employment supports.



*“Not much is known about people before they come into the ODSP program or after they leave. What impact does the program have on people’s employment trajectory? It would be a good idea to track people after they leave so we can learn how effective the OPSP system is and where the problems exist.”*

— Cameron Crawford,  
Senior Research Officer  
with the Canadian  
Centre on Disability  
Studies, operating as  
Eviance, May 2019  
Ontario Cluster Meeting

This program is intended to be a program of last resort for income support for Ontarians with work-limiting disabilities who are 18 years of age or older. This means you must look for help from every other source available before applying for ODSP. ODSP is one of two social assistance programs, the other being Ontario Works (OW), for people who are temporarily unemployed.

ODSP was designed to be a safety net for Ontarians with disabilities who need income or employment support, yet many people rely on it as a primary source of income because there are few other options. **On average, a recipient of ODSP receives support for ten years** (Ontario, 2016). **Most ODSP recipients live below any poverty measure** (Stapleton Procyk & Kocher, 2011).

### **Barriers to Qualifying for ODSP**

There are several issues with the program that make being on ODSP difficult. If you're a person with a disability and trying to qualify for ODSP, it is harder to qualify if your spouse or common law partner lives with you. Recipients, as a consequence of ODSP, actually choose or are forced to stay single to avoid total dependency on a partner. Seventy-eight percent of cases are single persons, so not a lot is known about secondary earner effects. However, we know that **many recipients choose to not cohabitate because of the impact it has on their eligibility and benefits**. We heard from our consultations with stakeholders that this rule seems to run against the objective of the program, which is to foster economic independence, because cohabitation is a common strategy that people use as a means to reduce their living expenses. Further, once you are on ODSP, the rules make it even harder for people to exit for employment (Lahey, forthcoming).

*Nearly **650, 000** Canadians with disabilities are able to work but are not currently employed.*

*On average, a recipient of ODSP receives support for **10** years.*

*Most ODSP recipients live below any poverty measure.*

## What We Have Heard from ODSP Users

**It's hard to save for the future.** We heard that if you are on ODSP and you find a part-time job, **your monthly income benefits are deducted by 50% of your earnings over \$200** (Ontario Ministry of Children, Community and Social Services, 2018). This makes it hard to save money for the future or for emergencies. It also makes it hard to get work experience without being penalized for it. While the government encourages saving for retirement in general, **it penalizes ODSP recipients who attempt to save.** This means recipients will continue to rely on a system that does not meet their basic needs.

**ODSP does not account for changes in life circumstances.** If you find part time work, or work more hours one month, you risk overpayments from ODSP since the deductions for earnings are applied approximately one month after they occurred. **If there is anything unusual about your income your ODSP payments can be automatically suspended** while the system tries to figure out how to deal with the discrepancy. This can be even more complicated if you have a change in your life; maybe you've had a child, got married, or divorced. ODSP payments might be incorrectly made resulting in a suspension of payment until the issues are resolved. **While suspension of benefits is immediate, reinstatement can take a long time.** This adds unnecessary stress and pressure on ODSP recipients.



*"ODSP and Ontario Works recipients frequently have their benefits suspended when they have earnings. The system is broken in its administration of people who have earnings. I've heard it over and over again from people. Remember that suspension is instantaneous, and reinstatement is glacial. That is really important."*

— John Stapleton,  
Open Policy Ontario  
/ Metcalf Foundation,  
November 2019 Ontario  
Cluster Meeting





*"I've been advocating for a long time making the Disability Tax Credit refundable. I have written about it and the Council of Canadians with Disabilities took it up as their primary recommendation. There's a Senate report that actually recommended it. It's not a perfect solution, but it would have an immediate impact of adding a substantial amount of additional income for the lowest income persons with disability."*

— Michael Mendelson,  
Maytree Fellow,  
November 2019 Ontario  
Cluster Meeting

## DISABILITY TAX CREDIT

The Disability Tax Credit (DTC) is a non-refundable tax credit for people with disabilities or their support persons to reduce the amount of income tax they may have to pay. **This credit only helps those who have taxable income.** In other words, the DTC will only help you if you owe taxes to the government. **If you are on ODSP or OW, then this credit will likely not benefit you.**

## RECOMMENDATIONS: IMPROVING INCOME AND EMPLOYMENT SUPPORT

### Make the Disability Tax Credit Refundable

To work towards Income Security that adequately addresses poverty among people with disabilities, the Disability Tax Credit should be a refundable payment, payable monthly like the Canada Child Benefit. The goal of making it refundable would be to ensure something equal to the benefits available to seniors, which is approximately \$20,000 per year. Our recommendation is in line with a 2018 Senate report on the Disability Tax Credit (Standing Senate Committee on Social Affairs, Science and Technology, 2018) which recommended that the federal government should work with the provinces so the refund, should it be given, would not be deducted from social assistance.



Family Type	Current Rate (February 2020)			
OW	Basic Needs	Max Shelter	Max OCB*	Total
Single	\$343	\$390	\$0	\$733
Single Parent - 1 child	\$360	\$642	\$117	\$1,119
Couple	\$494	\$642	\$0	\$1,136
Couple - 1 child	\$494	\$697	\$117	\$1,308
ODSP	Basic Needs	Max Shelter	Max OCB*	Total
Single	\$672	\$497	\$0	\$1,169
Single Parent - 1 child	\$815	\$781	\$117	\$1,713
Single Parent - 2 children	\$815	\$846	\$234	\$1,895
Couple	\$969	\$781	\$0	\$1,750
Couple - 1 child	\$969	\$846	\$117	\$1,932

\*OCB (Ontario Child Benefit). Income Security Advocacy Centre, 2020.

## Implement a Basic Income

The Ontario Cluster of the CRWDP advocates for creating a basic income for everyone regardless of disability status. The goal would be to increase basic income levels for low income Canadians, with some additional funds for people with disabilities to pay for added disability-related expenses such as dietary needs. A basic income would benefit everyone and reduce the reliance on ODSP for people with disabilities.

## Accessible Support Services

We advocate **eliminating barriers for the OW and ODSP programs and for a system that helps recipients understand how employment earnings and benefits might intermingle**. There is currently a fear and distrust of ODSP. There is also a false presumption that people are trying to cheat the system, but evidence shows that this is not the case. To support these challenges, there should be an investment in system navigational supports in order to make services easier to access (Gewurtz et al., 2019).

# EMPLOYER RELUCTANCE TO HIRE PEOPLE WITH DISABILITIES

So, where does this leave us? The main concerns of employers seem to be misunderstandings about accessibility and productivity, fear of liability, and false perceptions that hiring people with disabilities is financial risk.



## ACCESSIBILITY

Given the barriers that people with disabilities face in securing employment, employers may be discriminating against those with disabilities in their hiring practices—through **lack of knowledge about disability and accessibility** or through prejudice. To make matters more complicated, employment agencies often do not understand accommodations.

*“Many companies outsource job accommodations. So, an outsider will make recommendations for accommodations without understanding the work environment. A company may be committed to accommodating workers with disabilities, but they also need to ensure that the outsourced partner organization understands the company’s ethos.”*

— Monica Ackermann, Digital Accessibility Lead at Scotia Bank.  
November 2018 Ontario Cluster Meeting

*“There is family accommodation. If you are a mother and you have to pick up your kids, change your work hours a little bit. There is religious accommodation. I think we are seeing all kinds of accommodations being made based on the Ontario Human Rights Code. Why can’t we say that accommodation is not just for people with disability. Normalize it when people are coming in for an interview. Ask if they need accommodation, not accommodation if you have a disability, just any accommodations.”*

— Yin Brown, Disability Advocate, Alliance for Equality of Blind Canadians, Toronto Chapter November 2019 Ontario Cluster Meeting

There may be misunderstandings about what is involved in ensuring that a workplace is accessible and assumptions that accessibility strategies will be costly, despite the legal requirements for accommodation. The Accessible Canada Act (ACA) came into force in 2019, so its effectiveness remains to be seen. Its aim is to identify, remove and prevent barriers in a number of areas including employment (see ACA, section 5a). In Ontario, the Accessibility for Ontarians with Disabilities Act (AODA) emphasizes accessibility standards for the public and private sectors to be achieved by 2025 (see AODA).

Further, the Convention on the Rights of Persons with Disabilities (CRPD), to which Canada is a signatory, emphasizes non-discrimination and accessibility in all areas of life including employment and work (see Article 27, CRPD). Additionally, research shows that the substantial number of accommodations in an organization are provided to non-disabled personnel (Shur et.al., 2014). Furthermore, there is growing evidence that the benefits of accommodating an employee with a disability far outweigh the costs (Tomba et al., 2019). Yet the stigmas and misconceptions about disability accommodations remain.



## PRODUCTIVITY

Employers may assume that an employee with a disability will be less productive than their non-disabled counterpart (Collin, Lafontaine-Emond, & Pang, 2013). Part of the challenge is that **people with disabilities are not well represented in the workforce, so the skills are not recognized**. That said, assumptions that people with disabilities are less productive or more resource intensive are simply not true (Torjman & Makhoul, 2016).



## LIABILITY

The nature of work is changing and sometimes employers may fear backlash if they do hire a person with a disability (Torjman & Makhoul, 2016). First, organizations often avoid hiring people with disabilities out of a perception of legal and financial risk (Canadian Human Rights Commission, 2016). **In reality the risks are no different than hiring any other employee**—if the right match of skills to needs is made then the likelihood of termination should be minimal (DRPI, 2019).

Second, liability is a reflection of the employer's discriminatory actions. If the employer exercises the appropriate human resource practices, there should not be any additional liability issues. Just like any other employee, an employee with a disability can't be terminated if it is not warranted. Therefore, the fear of increased liability is a reflection of employers acting on erroneous perceptions, due to mis-information or prejudice. **This mis-information needs to be corrected through education and skilling up employers about disability and good human resource practices.**



## RECOMMENDATIONS: CREATING DISABILITY CONFIDENT EMPLOYERS

There are a number of things employers can do to make inclusion and accessibility a part of organizational culture. The Ontario Cluster came up with a number of recommendations through our consultations.

### **Embed disability inclusion and accessibility in organizational policies and practices**

Existing diversity and inclusion policies need to include disability. Employers should also develop an anti-ableism policy within organizations in addition to gender equality, anti-racism and anti-oppression policies.

In addition to a specific recruitment strategy for people with disabilities, disability inclusion should be a part of performance reviews, staff training, employee awards programs and accommodations. This will encourage employers as well as fellow employees to be more aware of accommodation and inclusion.

**Employers should aim for disability representation at all levels of the organization;** this includes on boards, in leadership roles, as front-line workers, and as volunteers.

## Positive Reframing of Disability

Sometimes people with disabilities are reluctant to disclose their disability because of misconceptions and negative attitudes that they know exist about disability (Torjman & Makhoul, 2016). Disability needs to be reframed positively, such that people with disabilities can exhibit disability pride.

Employees with disabilities need to be empowered to become self-advocates. These positive framings of disability can start from a young age in school and even in university so that people with disabilities and their peers understand that they are equal and valuable. As well, these young people will become employers who accommodate all of their employees whether it is on the grounds of disability or some other characteristic.

## Accommodation

Employees with disabilities still face inadequate workplace accommodation. The aim should be to normalize accommodation for people with disabilities similar to family and religious accommodations or accommodations for pregnant women, indigenous groups, and trans people. There should be on-going check-ins. The more accessible a workspace is, the less need there will be for accommodations of any kind.



*"Accommodation is seen as a problem that has got to be solved. Well, right away there is the problem. I'm now the problem. How can we be supportive so that management sees employees as their most important resource? The work process is designed and then people have to fit into it. Whereas universal design means it's not just people with disabilities who have to be accommodated. We all should be accommodated."*

— Steve Mantis,  
Ontario Network of  
Injured Workers Groups,  
November 2018 Ontario  
Cluster Meeting



## Employment Strategy

There are few effective disability employment strategies in place<sup>1</sup>. Both the Federal and Ontario governments have had high level panels to make recommendations on how to achieve greater employment of persons with disabilities (Fredeen et al., 2013; Ontario, 2016). The very limited effort in Ontario has now gone by the wayside with the recent change in government.

In 2019, CRWPD, in partnership with the Canadian Council on Rehabilitation and Work (CCRW), Inclusion Newfoundland (InclusionNL) and the Ontario Network of Injured Workers' Groups (ONIWG), produced a strategy called *Moving Forward Together: A Pan-Canadian Strategy for Disability and Work*. In it they offered recommendations to produce disability confident and inclusive workplaces. They also offer ways to development more robust supports for people with disabilities. Many of these recommendations have been echoed in this report (see <https://www.crwdp.ca/dwc-strategy>). Further development and implementation efforts will be ongoing.

There has been discussion on preparing for the labour market of the future. There remains uncertainty about what skills will be in high demand in the future, but any strategy on employment for people with disabilities must consider solutions for the future that include fair hiring practices and equal access to jobs.

<sup>1</sup>See, for example, *Pan Canadian Strategy for Disability and Work* produced by the Disability and Work in Canada Steering Committee (discussed briefly in this report) or the *Ontario government strategy Access Talent: Ontario's Employment Strategy for People with Disabilities*.

# GENERAL RECOMMENDATIONS

As part of our collaborations the Ontario Cluster came up with a series of recommendations that would help to improve the income support and employment landscape for people with disabilities. The recommendations around policy changes have already been addressed. To conclude, we would like to share some general recommendations to move this work forward.



## MAINTAIN A CLEAR AND ROBUST DEFINITION OF DISABILITY

Most income support policies in Canada contain work-based disability definitions, meaning they are based upon the ability to work. The ODSP definition of disability is the only one in Ontario that is not work-based. It is based on function and also goes beyond defining the condition. It is the most closely aligned to [rights-based definitions that focus broadly on functioning in society](#). As the only policy in Ontario that is not work-based, we recommend keeping this definition in the development of future policies.

## DEVELOP EFFECTIVE MONITORING AND EVALUATION MEASURES

The Canadian Association of Statutory Human Rights Agencies (CASHRA) recently spearheaded an attempt at monitoring the Convention on the Rights of Persons with Disabilities by pulling together information about human rights complaints that have recently come before national and provincial/territorial human rights commissions/tribunals. The document provides high-level counts of complaints by disability status in the areas of employment and services from the fall of 2009 to early in 2014 (CASHRA, 2015). Meanwhile, researchers in academia and the NGO sector have advanced their own proposals and models for monitoring the human rights situation of people with disabilities.

Disability Rights Promotion International (DRPI), for instance, has developed and implemented a global system for tracking and reporting human rights violations, which includes Canada. One of that model's strengths is that it integrates quantitative data from statistical sources and qualitative information based on interviews with people with disabilities, media reports and other sources (DRPI, 2016, see <https://drpi.research.yorku.ca/>). Some of that material focuses on discrimination and related issues in employment.

Overall, however, the information about the human rights situation of people with disabilities in Canada is fragmented across reporting authorities, individual authors and specific reports. This splintering of information and analysis makes it difficult for people engaged in policy and program change to know where to focus their efforts.

In order to ensure that programs and policies are working in the best interest of people with disabilities, monitoring and evaluation is critical. We recommend developing a robust federal system for the collection of data on health and disability, and employment and income, including better measures of disability.

## **DEVELOP SUPPORTIVE COLLABORATION AND PARTNERSHIPS**

We know that working in partnership with organizations, governments, individuals and other stakeholders is key to advancing the objectives outlined in this report. To do this, we recommend the following:

**1) Build strong working relationships among disability organizations.**

**2) Build a broad-based coalition on inclusive workplaces and societies** by bringing together impacted parties with the federal, provincial and municipal governments. The aim should be to establish key priorities and to provide an evidence-based proposal for governments to change the current paradigm and to base any move forward on the CRPD, which has been ratified by Canada and the provinces.

This report is the result of six years of collaborations between various community members, stakeholders, organizations, and universities. We would like to thank everyone who has taken the time to participate in community consultations and workshops. Your participation helped to move this important work forward.

## REFERENCES

Accessibility Directorate of Ontario. (2018). *Access talent: Ontario's employment strategy for people with disabilities*. <https://www.ontario.ca/page/access-talent-ontarios-employment-strategy-people-disabilities>.

Campolieti, M., & Lavis, J. N. (2000). Disability expenditures in Canada, 1970-1996: trends, reform efforts and a path for the future. *Canadian Public Policy/Analyse de Politiques*, 241-264.

Canadian Human Rights Commission. (2016). *People first. The Canadian Human Rights Commission's 2015 Annual report to Parliament*. Ottawa: Minister of Public Works and Government Services.

Canadian Association of Statutory Human Rights Agencies. (2015). *The rights of persons with disabilities to equality and non-discrimination — Monitoring the implementation of the UN Convention of the Rights of Persons with Disabilities in Canada*. Ottawa: Canadian Human Rights Commission.

Centre for Research on Work Disability Policy. (2019). *Moving forward together: a pan-Canadian strategy for disability and work*. <https://www.crwdp.ca/dwc-strategy>

Crawford, C. (2004). *Improving the odds: Employment, disability and public programs in Canada*. Toronto: The Roeher Institute.

Collin, C., Lafontaine-Emond, I., & Pang, M. (2013). *Persons with disabilities in the Canadian labour market: an overlooked talent pool* (Vol. 2013-17-E). Library of Parliament.

Disability Rights Promotion International. (2019). *DRPI AWARE: Roadmap to work: a model for employment for persons with disabilities*. Toronto: Disability Rights Promotion International. <http://drpi.research.yorku.ca/wp-content/uploads/2019/02/DRPI-AWARE-Manual.pdf>

Disability Rights Promotion International. (2016). *Establishing a monitoring system to address disability discrimination globally*. Author. <http://drpi.research.yorku.ca/>

Fredeen, K. J., Martin, K., Birch G., & Wafer, M. (2013). *Rethinking disability in the private Sector*. Government of Canada. <https://www.canada.ca/en/employment-social-development/programs/disability/consultations/rethinking-disabilities.html>

Galer, D. (2018). *Working towards equity: Disability rights activism and employment in late twentieth-century Canada*. University of Toronto Press.

Galer, D. (2016). *Life and work at the margins: (Un)employment, poverty and activism in Canada's disability community since 1966*. Centre for Research on Work and Disability Policy & York University. [https://www.crwdp.ca/sites/default/files/Research%20and%20Publications/life\\_and\\_work\\_at\\_the\\_margins.pdf](https://www.crwdp.ca/sites/default/files/Research%20and%20Publications/life_and_work_at_the_margins.pdf)

Gewurtz R, Lahey P, Cook K, Kirsh B, Lysaght R, & Wilton R. (2019). Fear and distrust within the Canadian welfare system: Experiences of people with mental illness. *Journal of Disability Policy Studies* 29(4). 216-225. doi: 10.1177/1044207318796839

Gewurtz, R. E. (2011). *Instituting market-based principles within social services for people living with mental illness: the case of the revised ODSP employment supports policy* (Doctoral dissertation, University of Toronto).

Government of Canada. (2019) *Accessible Canada Act* (S.C. 2019, c. 10) <https://laws-lois.justice.gc.ca/eng/acts/A-0.6/>

Human Rights Legal Resource Centre (Ontario). (2015). *Annual Report 2014-2015*. Toronto.

Income Security Advocacy Centre. (2020). *OW and ODSP rates and the OCB March 2020 / Les taux d'OT, du POSPH et de la POE Mars 2020*. <https://incomesecurity.org/public-education/ow-and-odsp-rates-and-the-ocb-march-2020-les-taux-dot-du-posph-et-de-la-poe-mars-2020/>

Lahey P, Kirsh B, Tompa E, MacDermid J, Gewurtz R. (Forthcoming). *From welfare to work: A quantitative study of work exits for ODSP recipients who have mental illness*. Submitted for publication, 2018.

Ontario Human Rights Commission. (2016). *Policy on ableism and discrimination based on disability*. <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability>

Ontario Human Rights Commission. (2001). *Annual Report, 2000-2001*. <http://www.ohrc.on.ca/en/annual-report-2000%E2%80%932001>

Ontario Ministry of Children, Community and Social Services. (2019). *Ontario Disability Support Program*. <https://www.mcsc.gov.on.ca/en/mcsc/programs/social/odsp/index.aspx>

Ontario Ministry of Children, Community and Social Services. (2018). *Ontario Disability Support Program – Income Support*. [https://www.mcsc.gov.on.ca/en/mcsc/programs/social/directives/odsp/is/5\\_3\\_ODSP\\_ISDirectives.aspx](https://www.mcsc.gov.on.ca/en/mcsc/programs/social/directives/odsp/is/5_3_ODSP_ISDirectives.aspx)

Ontario. (2016). *Partnership council on employment opportunities for persons with disabilities report*. <https://www.ontario.ca/page/partnership-council-employment-opportunities-persons-disabilities-report>

Ontario. (2005). *Accessibility for Ontarians with Disabilities Act*. <https://www.ontario.ca/laws/statute/05a11>

Schur, L., Nishi, L., Adya M., Kruse, D., Bruyere, S. M., & Blanck, P. (2014). Accommodating employees with and without disabilities. *Human Resource Management*, 53(4), 593–621.

Standing Senate Committee on Social Affairs, Science and Technology. (2018). *Breaking down barriers, a critical analysis of the Disability Tax Credit and the Registered Disability Savings Plan*. <https://sencanada.ca/en/info-page/parl-42-1/soci-breaking-down-barriers/>

Social Justice Tribunals of Ontario. (2015). *Annual Report 2013-2014 – Human Rights Tribunal of Ontario*. Toronto: Ontario Human Rights Commission. [http://www.ohrc.on.ca/sites/default/files/Annual%20Report%202013-2014%20English\\_Accessible.pdf](http://www.ohrc.on.ca/sites/default/files/Annual%20Report%202013-2014%20English_Accessible.pdf)

Stapleton, J., Procyk, S., & Kochen, L. (2011). *What Stops us from working?* <https://www.camh.ca/-/media/files/pdfs---public-policy-submissions/odsp-report-final-pdf.pdf>

Tompa, E. Mofidi, A., Jetha, A., Lahey, P. & Buettgen, A. (2019). *Environmental scan of the impacts, including social benefits, of accessibility and social inclusion for persons with disabilities*. Employment and Social Development Canada.

Torjman, S. & Makhoul, A. (2016). *Disability supports and employment policy*. Caledon Institute of Social Policy.

United Nations. (2006). *Convention on the Rights of Persons with Disabilities and Optional Protocol*. <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

Waxman, D. (2019, May). *Disability and work as a market failure and the current Pan-Canadian draft strategy*. Presentation at the Pan-Canadian Strategy on Disability and Work Consultation meeting of the CRWDP Ontario Cluster, Toronto, Ontario

Photographs:

On cover, pp. 5, 6, 11, 13,14,16, 18 from Unsplash (<https://unsplash.com/>).

On pp. 10, 15, 25, 28 from Disability:IN (<https://disabilityin.org/resource/disability-stock-photography/>).

On p. 12 from Disability and Work in Canada National Conference 2017, used with permission (<https://www.crwdp.ca/en/disability-and-work-canada-national-conference-2017>).

All icons from The Noun Project (<https://thenounproject.com/>).

Report designed by Patricia Ki.