FOCUS ON PERSONS WITH DISABILITIES
KEY EQUITY & HUMAN RIGHTS MILESTONES IN ALBERTA & CANADA

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This timeline maps significant milestones in disability equity, human rights and anti-discrimination activism, laws and policy in the province of Alberta and nationally. Understanding the historic milestones in recognizing, accommodating and mitigating discrimination against people with visible and invisible disabilities is key to closing the disabilities knowledge gap, and to contextualizing the persistent underrepresentation of persons with disabilities in Canadian universities and colleges.

Disability equity encompasses proactive measures to identify and remove barriers to accessibility for persons who identify as having disabilities, as well as those who identify as disabled, Mad, or Deaf.[1]

Employment equity more broadly refers to policies, processes, programs and practices aimed at removing barriers to equity in employment, eliminating workplace discrimination, and creating opportunities for members of historically marginalized groups, including persons with disabilities as per the Employment Equity Act.[2] Progress towards the achievement of disability equity remains slow, and persons with disabilities constitute a very small percentage of the professoriate.[3]

Definitions:

Persons with Disabilities: The *Employment Equity Act* defines persons with disabilities as "persons who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who:

(a) consider themselves to be disadvantaged in employment by reason of that impairment, or

(b) believe that an employer or potential employer is likely to consider them to be disadvantaged in employment by reason of that impairment, and includes persons whose functional imitations owing to their impairment have been accommodated in their current job or workplace".[4]

The World Health Organization's (WHO) International Classification of Functioning, Disability and Health framework defines disability as "the relationship between body function and structure, daily activities and social participation, while recognizing the role of environmental factors" ([WHO, 2001](#)). Statistics Canada uses this definition in its Canadian Survey on Disability, which encompasses people who "not only have difficulty or impairment due to a long-term condition or health problem, but also those who experience a limitation in their daily activities". The CSD definition also "includes people who reported being 'sometimes,' 'often' or 'always' limited in their daily activities due to a long-term condition or health problem as well as those persons who reported being 'rarely' limited if they were also unable to do certain tasks or could do them only with a lot of difficulty.

A note on language: The person-first language of "persons with disabilities" is called into question by many proponents of critical approaches to disability. Critics of the person-first language question the way it emphasizes the person as the site of the "problem". Rather, the term "disabled" identifies the source of the problem as the attitudes, policies, practices, spaces, and structures that *dis*able certain individuals, and actively construct barriers to access, inclusion and equity.[5] Critical approaches to disability stress that all individuals have

accessibility needs, particularly over a life span, although some individuals' needs are met automatically by the normative attitudes, policies and practices that structure people's lives. Deaf communities reject the person-first language of "persons with disabilities", preferring to assert their status as a linguistic and cultural group. Disability intersects with race, indigeneity, gender, sexuality, and class to shape people's experiences of equity and inclusion. This timeline uses inclusive language unless referring to the specific language of the *Employment Equity Act*, relevant human rights legislation, and the language adopted by particular organizations themselves.

Timeline of Events

Year	Event
1831	On June 15, the first residential school for Deaf students opened in Lower Canada. Its former student Antoine Caron became the first Deaf person to teach Deaf children in Canada in 1833. Deaf schools opened across Canada, helping to build Deaf communities.
	READ: "Deaf Culture".[6]
1928	Alberta passes the *Sexual Sterilization Act* authorizing the involuntary sterilization of people deemed "mentally defective".[7]
	INTERACTIVE: Eugenics Archive.[8]
	On March 21, 1928, Chair of the University of Alberta's Department of Psychology and Philosophy Dr. John MacEachran becomes the head of the Alberta Eugenics Board. Dr. MacEachran authorized the forcible sterilization of thousands of Albertans.[9]
1958	Disability rights activists found the Canadian Association for Community Living (CACL), which advocated for the de-institutionalization and de-segregation of people classified as having intellectual disabilities. [10]

Year	Event
1960	The 1960s in Canada sees a wave of de-institutionalization of individuals placed in psychiatric hospitals. With de-institutionalization, provincial governments reduced their own roles in providing supports and services for psychiatric survivors of institutionalization and for receiving mental illness care.[11] The work of patient-rights advocates and survivors triggers a shift towards community-based supports, however, de-institutionalization was partial[12] Alberta creates new institutions and facilities and participates in the shift towards community-based services and care.
	On August 10th, under Prime Minister John Diefenbaker, the Parliament of Canada passes a *Bill of Rights*, the first attempt to protect human rights and freedoms in Canada.[13] It prohibited "discrimination by reason of race, national origin, colour, religion or sex" and recognized fundamental rights and freedoms, including of "life, liberty, security of person and enjoyment of property, and the right not to be deprived thereof except by due process'; right to equality before the law; freedom of religion, speech, assembly and association, and the press. Notably, disability is not included as a protected ground.
1967	The Alberta Government commissions University of Alberta Psychology Chair W.R.N Blair to study mental health and illness services in the province. The 1969 "Blair Report" makes 189 recommendations, among them "an end to segregation and stigma of the mentally ill".[14]
1970's	The Council of Canadians with Disabilities (CCD) is founded in Alberta, Manitoba, and Saskatchewan.[15]

Year	Event
1972	The Alberta provincial government under Premier Peter Lougheed repeals the *Alberta Sexual Sterilization Act*.[16]
	INTERACTIVE: Eugenics Archive.[17]
	The Alberta *Individual Rights Protection Act* (IRPA) creates a provincial Human Rights Commission and replaces the *Alberta Human Rights Act S.A. 1966, c.39.*.[18]
1973 - 74	Disability activists form People First of Canada, which emphasizes self-advocacy for "people who have been labeled".[19]
1976	The Coalition of Provincial Organizations of the Handicapped (COPOH) is formed, and a national disability advocacy movement begins to emerge.[20] COPOH challenged "the federal government's idea of what inclusion of people with disabilities would look like".[21] COPOH is now known as the Council of Canadians with Disabilities (CCD).
	READ: "Disability Rights Movement in Canada"[22]
	EXPLORE: Council of Canadians with Disabilities
1977	The *Canadian Human Rights Act* prohibits employment discrimination based on race, religion, national origin, ethnicity, sex, age, martial status, disability, or a pardoned conviction against Canadians employed by the federal government or private companies regulated by the federal government.[23]
1978	The federal government creates a voluntary Affirmative Action Program. This voluntary program applied to the private sector, extending to federal contractors and Crown corporations in 1979.[24]

Year	Event
1979	Disabled activists staged a successful demonstration on Parliament Hill. To show how physically inaccessible Parliament Hill can be, protestors "climbed and leapt out of their wheelchairs onto the steps and across the entranceways of buildings".[25] The demonstration motivated MPs to pass a resolution immediately to create more accessible spaces.
1981	The United Nations General Assembly proclaims 1981 the International Year of Disabled Persons (IYDP) with resolution 31/123. The theme of IYDP was "full participation and equality", which was "defined as the right of persons with disabilities to take part fully in the life and development of their societies, enjoy living conditions equal to those of other citizens, and have an equal share in improved conditions resulting from socio-economic development".
	The Parliamentary Special Committee on the Disabled and the Handicapped (David Smith, Chair) publishes the *Obstacles Report*. The report outlines 130 recommendations regarding the full integration of people with disabilities into Canadian society, among them the recommendation for regular national data collection on persons with disabilities.[27]
	Disability rights activists successfully pressure the government and parliamentarians to include disability in Section 15 of the *Canadian Charter of Rights and Freedoms*.[28]
	READ: "Including Disability in the Charter"[29]

Year	Event
1983	An Affirmative Action program focusing on women, Aboriginal peoples, visible minorities, and people with disabilities is established in the federal public service. Voluntary affirmative action programs prove ineffective at addressing employment discrimination.[30]
	READ: PSCC's History of Employment Equity in Public Service (2011).
	The federal government under Prime Minister Pierre Elliott Trudeau established the Royal Commission on Equality in Employment (Judge Rosalie Silberman Abella, Chair) with the mandate "to inquire into the most efficient, effective, and equitable means of promoting employment opportunities for and eliminating systemic discrimination against four designated groups: women, native people, disabled persons, and visible minorities."[31]
1984	Judge Rosalie Abella released her report on the Commission's findings. The Abella Report concludes that voluntary affirmative action programs cannot adequately address "the pervasiveness of systemic discrimination in Canadian workplaces" confronting visible minorities, women, Aboriginal peoples, and people with disabilities. Judge Abella adopts the term "employment equity" to describe programs designed to remove structural barriers impeding fairness in hiring and promotion and to make the workplace more diverse, inclusive and equitable.
	READ: M. Cohen, "Employment Equity is not Affirmative Action" (1985).[32]

Year	Event
1985	In *O'Malley v. Simpsons-Sears Ltd.*, the Supreme Court of Canada rules that discrimination can be due to a policy's direct impact or its adverse effect, establishing an important precedent for visible minorities and persons with disabilities.[33]
1986	The federal government under Prime Minister Brian Mulroney passes the Employment Equity Act, creating the Legislated Employment Equity Program aimed at removing systemic barriers impeding the success of people with disabilities, visible minorities, Aboriginal peoples, and women in federally regulated workplaces.

The federal government expands upon the *Employment Equity Act* to create the Federal Contractors Program. Until 2013, the program required provincially-regulated institutions (100 or more employees) receiving contracts of over $200,000 per year in goods and services from the federal government to commit to employment equity by following twelve steps:

- Create accountability mechanisms
- Make a senior official responsible for employment equity
- Communicate with employees regarding employment equity
- Collect data about the workforce via a voluntary self-identification questionnaire to determine whether employees self-identify with one or more of the four protected groups: women, Aboriginal peoples, visible minorities, or disabled persons.
- Analyze data to identify gaps
- Review hiring practices to identify barriers
- Create short and long term goals for decreasing gaps
- Adopt measures such as hiring initiatives targeting under-represented groups
- Create monitoring system to track progress.[34]

Year	Event
1990's	Voting rights are extended to Canadians with "psychiatric and mental disabilities." Bill C-78 requires wheelchair-accessible polling stations.[35]
	READ: Removing barriers to voting.[36]
1992	The United Nations General Assembly declares December 3 the International Day of Disabled Persons with the aim of promoting "the rights and well-being of persons with disabilities in all spheres of society and development" and increasing "awareness of the situation of persons with disabilities in every aspect of political, social, economic, and cultural life."[37]
1995	The federal government under Prime Minister Jean Chrétien amended the *Employment Equity Act* to confer responsibility upon the Canadian Human Rights Commission to oversee its enforcement,[38] and conduct equity audits.[39]
1996	Leilani Muir – in *Muir v. The Queen in right of Alberta* – successfully sues the Government of Alberta for wrongful confinement and sterilization.[40]
	WATCH: The Sterilization of Leilani Muir (NFB 1996).[41]
	Alberta passes the *Human Rights, Citizenship, and Multiculturalism Act*, now called the *Alberta Human Rights Act*.
1997	In the *Eldridge v. British Columbia* case, the Supreme Court ruled that the government must provide Deaf patients and those with hearing impairments with access to sign language interpretation when they are receiving health care.[42]

Year	Event
1998	As 703 people filed lawsuits against the Alberta Government for forced sterilization and wrongful confinement, the provincial government under Premier Ralph Klein drafts Bill 26 in an attempt to limit the amount claimants could receive in damages. Amid intense controversy and internal pressure, the Klein government eventually elects not to invoke the notwithstanding clause to limit claimants' damages.
	READ: Alberta backs down on sterilization compensation.[43]
	At the University of Alberta, the Department of Philosophy's "MacEachran Subcommittee"— named for the former chair of the Alberta Eugenics Board, John MacEachran—issued a report recommending the removal of his name from academic awards.[44]
	A Coalition of Federal, Provincial, and Territorial Ministers Responsible for Social Services releases In Unison: A Canadian Approach to Disability Issues, which aims to provide "a blueprint for promoting the integration of persons with disabilities in Canada."[45] *In Unison* stresses the need for employers to make workplaces more accessible and provide supports for employees with disabilities.
	READ: In Unison: A Canadian Approach to Disability Issues.
2000	Federal, Provincial, and Territorial Ministers Responsible for Social Services follow up their 1998 report with another iteration of In Unison. This report aims to establish "a new national consensus on disability issues that brings together all sectors".[46]

Year	Event
2006	On December 13, 2006, The United Nations adopts the [Convention on the Rights of Persons with Disabilities](), which focuses on challenging perceptions of persons with disabilities as "'objects' of charity, medical treatment and social protection" in favour of a view of persons with disabilities as "'subjects' with rights" and "active members of society".[47] Canada signed the Convention immediately, ratifying it in March 2010. However, Canada did not accede to the optional protocol until 2018, which enables complaints of non-compliance against Canada.[48]
	READ: <u>United Nations Convention on the Rights of Persons with Disabilities</u> (CRPD).[49]
2010	On March 11, 2010, Canada ratifies the [United Nations Convention for the Rights of Persons with Disabilities](), meaning it agrees to: ensure its laws and policies do not discriminate against persons with disabilities; proactively create accessible spaces, transportation, communications, and services; and to promote employment equity and full citizenship.[50]
2012	In the case of [*Jodhan v. AG Canada*](), the Federal Court of Appeal rules that federal government websites must be compatible with basic screen-reading software so that the visually impaired are not denied access to information about federal government jobs and services.[51]

Year	Event
2013	The federal government under Prime Minister Stephen Harper changes the requirements of the Federal Contractors Program. Previously, organizations receiving over $200,000 in goods and services contracts from the federal government would be required to implement an employment equity program. The Harper government raised the threshold to $1 million in an individual goods and services contract, meaning that many institutions would no longer need to prove that they are committed to employment equity.
2017	For the first time, the Canadian Survey on Disabilities (CSD) utilizes an inclusive definition of disability that incorporates persons with cognitive and mental health-related disabilities. The survey results indicate that 22% of Canadians identify as having a disability.[52] Notably, the CSD does *not* account for those living on reserves or in group homes such as hospitals, nursing homes, or shelters. This is a major erasure since many people with disabilities live in these spaces.
	READ: The Evolution of Disability Data in Canada.[53]
2018	On January 1, changes made to the *Fair and Family-Friendly Workplaces Act* by the Alberta provincial government under Premier Rachel Notley come into effect.
	Bill C-81, the Accessible Canada Act: An Act to Ensure a Barrier Free Canada passes third reading in the House of Commons.[54] The Act aims to proactively identity, remove, and prevent barriers to accessibility in sectors regulated by the federal government. This legislation, currently under Senate review, follows the report Creating New National Accessibility Legislation: What We Learned from Canadians.[55]

Year	Event
2018	The Government of Canada accedes to the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities, giving Canadians with disabilities the option to file a complaint to the UN Committee on the Rights of Persons with Disabilities in the case of a potential human rights violation. [56]

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