

Workers with Disabilities and Disability Justice

EXECUTIVE SUMMARY



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Approximately 8 million people in Canada aged 15 years or older, or 27% of the population, have at least one disability. This paper lays the groundwork for unions to gain a deeper understanding of the realities of people with disabilities and how unions can be better allies to people with disabilities and the disability justice movement.

The paper begins by giving an overview of the most common models of disability to show how our understanding of disability has evolved over time. The paper then moves into the social determinants of health and looks at how factors such as poverty, employment, and housing impact on the health and lives of people with disabilities. The section also highlights violent and fatal interactions with law enforcement and barriers in health care systems faced by people with disabilities.

The paper touches on injured workers and the overlap with people with disabilities. It then moves onto defining ableism and a discussion of terminology and person-first language vs identity-first language. It also touches on the perceived phenomenon of an increase in diagnoses and late diagnoses of certain disorders and disabilities, digging into the historical and contemporary factors that explain what we see happening in the present.

Episodic disabilities and invisible disabilities are broken out into their own section that investigates the barriers to employment and how they differ from the barriers faced by people who have continuous disabilities. A large section of the paper deals with accommodations and the duty to accommodate. It then moves into a section on universal design and advocates for moving from a model of accommodation to a model of universal design in all areas of life. The paper then explores the impact of the COVID-19 pandemic, both in terms of the effects it continues to have on people with disabilities and the rapid increase of people acquiring a disability due to COVID-19.

The paper then moves into contemporary legislation and policies that affect people with disabilities such as the *Accessible Canada Act*, the Canada Disability Benefit, and Medical Assistance in Dying (MAID). It ends on a cautionary note about the diligence unions must conduct when working with organizations that cater to people with disabilities and the impact of the Trump administration on people with disabilities and global health.

The paper concludes with a section on what unions can do and breaks the suggestions into three sections: actions within unions, collective bargaining and employer relations, and lobbying and advocacy.

WHAT CAN UNIONS DO?

Above all else, listen to people with disabilities and adhere to the principles of “nothing about us, without us”. The burden of ending ableism and making the world accessible is not on people with disabilities, but they must be included in all matters that relate to them. Unions should make sure they engage with people who have different types of disabilities and who belong to multiple equity-deserving groups and ensure intersectionality is a guiding framework.

This is not a complete list of what unions can do, but it serves as a starting point for several areas. Some of the actions recommended for unions to do internally can also apply to actions unions can take during collective bargaining and in employer relations.

Actions Within Unions

- Do an internal EDIA audit of the union and union practices, policies, and procedures (followed by routine reviews).
- Implement EDIA training that emphasizes the lived experience of people with disabilities for union staff, elected positions, and members.
- Embrace universal design and plain language in all aspects of the union.
- Create accessible materials in a variety of formats (e.g. accessible PDFs, audio recordings of collective agreements, accessible websites and social media, etc.).
- Demonstrate to the membership that unions will fight for workers with disabilities, particularly on discrimination and accommodations.
- Go beyond boilerplate language of inclusivity in job postings (e.g. only list the core job functions and bona fide occupational requirements, advertise the job in physical and online spaces that people with disabilities visit, note ways in which the job/workplace is already accessible, offer the interview questions in advance of the interview, etc.).
- Host educational sessions on disability and the duty to accommodate.
- Foster solidarity between members with and without disabilities.
- Ensure that scent free policies are in place and followed in union buildings and workplaces.
- Provide sector specific training on bias, systemic ableism, and their intersections with other experiences of oppression.
- Create a code of conduct and anti-oppression policy.
- Share resources like the [Job Demands and Accommodation Planning Tool \(JDAPT\)](#) and the [Job Accommodation Network \(JAN\)](#) with members.
- Audit in-person and online union meetings and events for accessibility.
- Ensure members with disabilities are represented on all committees and working groups.
- Embody equity, as opposed to equality, understanding that different members have different needs, and therefore must be treated differently for there to be an equality of outcome.

Collective Bargaining and Employer Relations

- Engage with the employer on the importance of universal design, particularly as a tool to reduce the number of individual accommodations the employer must respond to.
- Bargain for flexible work arrangements (including flexible hours, remote work, and hybrid work).
- Engage with the employer on ongoing EDIA training in the workplace, particularly as a tool for retention of workers with disabilities.
- Ensure people with disabilities are included in designing workplace emergency policies and evacuation plans.
- Work with employers to create accommodations for members with disabilities and members who are caregivers for people with disabilities (and work to raise awareness with members that their union can assist them with the accommodation process). Emphasize that accommodations cannot take a one-size-fits-all approach.
- Encourage employers to create disability management programs and plans. This should be done in consultation with workers with disabilities, disability organizations, and the union (e.g. [CSA Z1011:20, Work disability management system](#)).
- Prior to bargaining, engage with members with disabilities and include their needs in bargaining proposals (e.g. increased amount of sick leave benefits everyone, but particularly workers with disabilities).
- Strengthen anti-discrimination clauses in collective agreements to include specific protections for members with disabilities.
- Push employers to enact monitoring mechanisms so workers can provide feedback on whether they have the tools and supports they need to produce quality work.
- Work with the employer to evaluate which positions are held by members with disabilities and assist members with disabilities in advancing their careers.
- Ensure employers are adequately training workers on occupational health and safety and go beyond legal requirements for training.
- Press employers to look seriously at reducing stress in the workplace.
- Include mental health coverage in collective bargaining.
- Work with employers to provide sector specific training for members on how to better serve people with disabilities.
- Encourage public service employers to create resources for people with disabilities on their rights when accessing specific public services (e.g. health care).
- Encourage public service employers to adopt trauma-informed care as part of their services.
- Push employers to ensure all policies are looked at with a disability justice lens.

Lobbying and Advocacy

- Advocate for more intersectional research on disabilities.
- Lobby governments to modify disability support programs to be more responsive to the changing circumstances of people with episodic disabilities.
- Lobby to integrate human rights values into workers compensation systems.
- Lobby the federal government to nationalize home care services.
- Lobby governments to increase disability support payments and reduce employment income claw backs.
- Lobby governments to ensure funds for housing are only being given to projects that comply with the principles of universal design.
- Lobby the federal government to ensure Statistics Canada creates reports that look at disability intersectionally and also includes intersectional data on disability in other reports (e.g. Labour Force Reports, Canadian Community Health Survey, etc.).
- Lobby the federal government to publish a plan with timelines on how it will enact and implement regulations related to the *Accessible Canada Act*.

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