

The James McGregor Stewart Society



Law Amendments Committee
Submission on Bill 59
November 4, 2016

Dear Committee,

The most important effect of Bill 59 derives from its very existence. People with disabilities welcome the affirmation it brings and eagerly await its practical effects. We must not let them down.

Enabling productive, engaged and useful citizens is the objective. All Nova Scotians understand the emphasis on fairness and equality and will benefit from the opportunity to lift up a whole group of their fellow citizens.

Does the legislation have shortcomings? Of course. But Nova Scotia can ill afford to ignore the rights and situation of a whole class of citizens, especially as its own future is uncertain. We cannot hold out for perfection when there is so much good to be done.

The principal problem lies with inconsistent and conflicting priorities. The Act needs to continually challenge the assumption that access bears only costs and carries little economic or social benefit.

At every opportunity we need to acknowledge and quantify the costs of **not** improving access. For example, exempting some classes of structures affects very tangible measures like employment, government support expenditures, tax revenue, and commerce. It is the proper role of government to take a broad view of policy and the implications for the future.

In that regard, it is critical to grow the carrot as well as sharpen the stick. The government needs to develop incentives and weigh their cost against long-term economic and social benefits.

In particular, we think these provisions could improve the chances for success of the Act:

Section	Change
Preamble	add AND WHEREAS the talents, potential and energies of people with disabilities are underestimated and underutilized.
3 (k)	Having the Department of Community Services as the responsible ministry may sound right to a casual observer, but it goes against the strong recommendations of the Minister's Advisory Panel. DCS, for all of its good works, represents a caretaker approach that has

been largely supplanted by the acknowledgement of the rights and potential of all people. The two alternatives - support or self-reliance - are in fundamental conflict. Imagine instead that this Act was the responsibility of Justice, where the focus would be on civil rights, or even a business-related ministry, where the focus would be on productive participation, or the minister of education, where the focus would be on self-improvement and potential. The choice of department carries an important message.

Imagine if the responsibility for immigration fell under the Department of Justice. Do we want to welcome immigrants or watch them? The medium is the message, as a famous Canadian once said.

10 **add** Accept and investigate complaints of unimplemented standards in a timely and efficient manner

12 **add** Monitor, prototype and introduce technological innovations
add offer price concessions to local government through volume discounts

16 Note Four meetings a year bears the unmistakable promise of perpetual consultation, an endless dance where little is accomplished It reminds me of the former Coordinating Council of Ministers responsible for The Disabled Persons Commission. They met 6 times in 3,956 days. With such a shameful precedent, this Board should meet monthly, and attendance should be mandatory.

17 **add** Identify practical incentives for standards implementation and assess their economic impact.

21 2 (a) **add** A summary of the impact of the standard upon rights enumerated in the Charter, The UN Treaty and the Nova Scotia Human Rights Act
change A progressive timeline which takes into account both the immediate costs of implementation and the long term economic benefits, including government revenue and commercial activity.

21 3 **add** The cost of not adopting the standard

30 **Note** Sections 30 and 31 risk the invention of arbitrary classes. As in the building code, where rights are subject to fictional constructs, the temptation will be to carve out groups to whom standards do not apply. It might be tempting to exempt museums for example; they are sometimes in older buildings, and operate on tight budgets. But short-term relief in the form of exemptions invites long-term disaster for tourism (7 million New Englanders with

	disabilities), for culture, for history, for employment. Short-sighted expediency is usually a bad choice. 30(c) is particularly dangerous in that regard, and we recommend that it be removed.
45	Note Where is the compliance and enforcement function located? It should lie with the directorate

On a personal note I would like to add that my patience has been sorely tested by the long run-up to this legislation. My initial enthusiasm of more than 2 years ago has been tempered by an increasing sense that nothing is happening, receiving only one update from DCS. Nova Scotians have invested months and years in this process.

Now we have the first and second readings of a bill that no one (except the business community) has seen, in quick succession, followed by your hearing two business days later. This bill itself allows 60 days for comment on standards. There must be a happy medium.

Factor in the inadequacies of the transportation system, the fact that many of those most affected by the legislation have few resources, that they may not be able to take time from work, that they often don't drive and you have opened the door to accusations of bias and discrimination. In your case it may stem from poor planning, but it is typical in Nova Scotia. This Bill is meant to dismantle barriers, and you are busy erecting them!

Nothing this legislature does will have more lasting effect than this Act. It is your legacy, impacting Nova Scotians directly and indirectly for years to come. The burden to get it right lies with you.

Thank you for the opportunity to bring these important matters to your attention. We trust that you will give them serious consideration. Please do not hesitate to be in touch.

Yours truly,

Warren Reed, spokesman
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