

LAW AMMENDMENTS COMMITTEE – APRIL 8, 2019

Thank you for this opportunity to address the committee and share my thoughts about the budget as it pertains to the population of Nova Scotians with developmental disabilities and their families.

My name is Wendy Lill and I'm Chair of Community Homes Action Group - a group of concerned citizens, health care professionals, parents and advocates formed in 2010 to draw attention yet again to the government of the day about the crisis in residential options for persons with disabilities. And to work with them to find solutions.

A bit of history here: In the mid-nineties, a moratorium was placed on creation of small community based homes for persons with developmental disabilities. By 2010, this had led to a critical and growing shortage of community options for people. Hundreds of young people with disabilities – including those with Downs Syndrome and Autism Spectrum Disorder, (ASD) had come of age since the Charter of Rights and Freedoms came into force. They and their parents had grown up with the belief that, like their brothers and sisters they have the right to live and work and enjoy life in their communities. To make that happen however, they needed community-based housing supports.

At the same time, there were still with some 1100 people living in large congregate facilities – at a time when provinces across the country were far ahead of us in terms of deinstitutionalization.

The lack of community capacity had grown through several governments and all political stripes. We realized then and we realize now that the issue is one of political will.

That is why we presented to the Community Services Standing Committee three times since 2011 to alert MLA's to the issues.

We joined with other organizations such as NSACL, People First and Disability Rights Coalition calling on the province to honor the UN Convention on the Rights of Persons with Disability which states persons with disabilities should be able to choose their place of residence.

Perhaps all of our combined efforts over the years finally led to some action. In early 2013 the province struck a joint community-government committee – to develop a roadmap for the transformation of the NS Services of Persons with Disabilities Program guided by the UN Convention.

The Roadmap Process called for:

- Number one, greater self direction, choice and control by persons with disabilities and their families;
- modernized delivery systems for supports and services to advance social and economic inclusion;
- and thirdly, increased community capacity – meaning more supported living choices within the communities.

The Roadmap laid out a five-year implementation time frame for emptying institutions, clearing waitlists and creating community capacity. The government accepted the plan – but with a ten- year time frame.

In early 2014, Minister Joanne Bernard confirmed the current Liberal government’s acceptance of the Roadmap and committed to meeting the 2023 deadline for completion.

There were some very high hopes that real change would occur for our population.

A big job ahead but everyone seemed clear about the goals.

Creating community capacity was what it was all about. For the many hundreds of individuals living in institutions who should have the opportunity to live in community. For the hundreds of people living with their aging parents and wanting to start their lives.

So how has this all unfolded?

Families, advocates and the very hopeful members of the Roadmap process have been very disappointed at the lack of real change on the ground, on the central issues - the lack of capacity in community based options. Waitlists continue to grow.

Although there has been some investment and some progress, it is the glacial PACE with which change is happening that is so frustrating.

In the budgets of 2014 and 2015, there was no new money for implementing the Roadmap, specifically for expanding small option home capacity.

The budget of 2016, announced a \$3 million to transition 25 people from institutions to community-based care.

In 2017 the government announced funding to create 8 small option homes to create opportunities for up to 32 people

The budget of 2018 re-announced the creation of the same 8 small option homes as announced in 2017.

A couple of months ago, we began a campaign called "8 is not enough!" I have buttons if anyone wants one.

But it seems the government hasn't heard us.

The budget of last week announced, astonishingly, no new money for new homes.

The Department's business plan for 2019-20 instead said "we are moving forward on our commitment to develop eight community-based small option homes so residents can live more inclusively as part of their community. Residents have already begun moving into two of the new homes."

It's a gross understatement to say we're disappointed with this budget. Many of those on waitlists now will be dead and gone at the rate government is moving. These people may be your friends, your loved ones or your neighbours.

The lack of action in this 2019 budget is doubly disappointing in light of the Human Rights Inquiry which found the government clearly violated the human rights of three Nova Scotians for many years by failing to provide the resources necessary to allow them to live in community, not locked away.

We would have thought in light of the revelations that have come out over months of the inquiry that this budget would recognize the government's obligation to respect the human rights of persons with disabilities.

We hoped this budget would address with much greater urgency the long-established need for more supported living choices within community – a need acknowledged by the current government and the previous government when they endorsed the Roadmap.

Instead, this budget does even less than previous budgets to address the human rights of persons with disabilities

Before the 2018 budget, CHAG recommended to the Finance Minister an investment in 25 new small option homes a year over the next three years. That would have meant an increase of 75 new supportive living arrangements across the province by 2021.

Instead we are seeing the same 8 homes being re-announced the third budget in a row.

We sometimes hear, and most recently from the Premier, that this is all very complex and people aren't ready to be moved into the community. There may be a few instances amongst the hundreds remaining in institutions that will take a little more time. But forty years ago, it took only a few years for communities, with the support

of municipalities and federal and provincial governments, to create hundreds of community based group homes and small option homes to meet the needs of people leaving institutions. It is not rocket science.

All it takes is political will and the commitment to get on with it.

This week a rally and press conference was held here in the lobby calling for more supported housing in the community.

That same day, an open letter was presented to the Premier signed by over 70 individuals and 250 organizations calling for action now.

I will table this letter to the Premier and now end with a quote from the letter;

“We call on you to fulfill your government’s promises by 2023 – including addressing the needs of everyone on the waitlist in a timely manner and ensuring that no one is unnecessarily institutionalized in a large congregate care facilities – through a legislated multi-year funding commitment. It is within your power to put an end to indifference and contempt for the rights of people with disabilities in this province.”

Thank you for this opportunity to share our concerns today.

Wendy Lill
Chair, Community Homes Action Group

The Impact of the DCS Income Assistance *Transformation* on Four Families¹

1. A single adult without disabilities

Transformation (November 2014 to March 2020) increase in total Provincial benefits for a single adult without disabilities on Income Assistance: (\$597.08 increased to \$648.92) \$51.84

November 2014 total monthly benefits if merely indexed for inflation to March 2020:² \$659.18

Inflation-adjusted change in monthly benefits after 5½ years of *Transformation*: **Decrease**
\$10.26/mo. or 1.6%

2. A single adult with disabilities

Transformation (November 2014 to March 2020) increase in total Provincial benefits for a single person with disabilities on Income Assistance: (\$832.08 increased to \$912.92) \$80.84

November 2014 total monthly benefits if merely indexed for inflation to March 2020: \$918.62

Inflation-adjusted change in monthly benefits after 5½ years of *Transformation*: **Decrease**
\$5.70/mo. or 0.6%

3. A single-parent with a two-year old child

Transformation (November 2014 to March 2020) increase in total Provincial benefits for a single-parent with a two-year old child on Income Assistance: (\$903.53 increased to \$940.33) \$36.80

November 2014 total monthly benefits if merely indexed for inflation to March 2020: \$997.50

Inflation-adjusted change in monthly benefits after 5½ years of *Transformation*: **Decrease**
\$57.17/mo. or 5.7%

4. A couple with two children (aged 10 and 15)

Transformation (November 2014 to March 2020) increase in total Provincial benefits for a couple with two children (aged 10 and 15) on Income Assistance: (\$1,282.08 increased to \$1,345.08) \$63.00

November 2014 total monthly benefits if merely indexed for inflation to March 2020: \$1,415.42

Inflation-adjusted change in monthly benefits after 5½ years of *Transformation*: **Decrease**
\$70.34/mo. or 5.0%

¹ In DCS' [Statement of Mandate, 2015-2016](#), the Department stated at page 7:

"With approval from Government in November [2014], Community Services launched a multi-year Transformation Program.... Our goals on this front are ambitious but clear: more sustainable programs with **better outcomes for clients**." (emphasis added)

² Combined StatsCan Nova Scotia inflation rate history and NS gov't inflation forecast for 2019-20; cost of living increase from November 2014 through March 2020 of 10.4%

Vulnerable Children and Youth Need a Voice

Nova Scotians need a Child Youth Advocate Office





Who We Are

The Nova Scotia College of Social Workers (NSCSW) exists to serve and protect Nova Scotians by effectively regulating the profession of social work. We work in solidarity with Nova Scotians to advocate for policies that improve social conditions, challenge injustice and value diversity.

To learn more visit: <http://nscsw.org/about/>

Nova Scotia's Children and Youth Need a Voice

Child and youth advocacy offices (CYAO) play a crucial role in the protection and provision of services to vulnerable children and youth. Canada has yet to establish a federal body to protect and promote child and youth rights. Without a federal body, provincial CYAO's have been established in 9 provinces to protect children and youth rights (MacLean and Howe, 2009).

Nova Scotia is the only province that has not created this crucial organization. This leaves vulnerable Nova Scotia children without a voice in the political decision making that impacts them.

To remedy this gap, we propose that the province commit an annual operating budget of \$4 million to build a Child and Youth Advocate Office. This assessment is based on operating costs of the Manitoba Child Advocate office.

What is a Child and Youth Advocate Office?

The **Canadian Council of Child and Youth Advocates (CCCYA)** states that the mandate of a Child and Youth Advocate office is to ensure that child and youth rights are respected, valued, and that their interest and voices regarding services delivered by the provincial governments are heard

In addition, CYAO's are involved in right-based public education, conflict resolution, conducting independent reviews and making recommendations to governments on programs and services delivered to children and youth.

MacLean and Howe (2009) categorizes the work of the child and advocacy offices into three themes of **individual case advocacy, systemic advocacy and policy advocacy.**

Individual case advocacy allows a CYAO to respond to a complaint or concern of an individual child or person representing the child. **Systemic advocacy** allows a CYAO to make recommendations to improve systems or procedures or programs affecting children and youth. **Policy advocacy** occurs when a CYAO advocates to change legislation or government policy affecting children and youth (MacLean and Howe, 2009, pg3).

Why does Nova Scotia Need a Child and Youth Advocate Office?

Nova Scotia's policies and programs that directly serve children and youth have continuously lacked their voices. As a result, programs and services have fallen short of their intended outcomes. The changes to the Child and Family Services Act, poverty reduction commitments, program changes to mental health and addiction services and reforms to inclusive education all lacked the direct input of



children and youth. This has negatively impacted the well-being of Nova Scotia's most vulnerable population.

For example:

- A Canadian Association of Social Workers (CASW) study (<http://bit.ly/CASWReport>) on the child protection system in Canada emphasized how the system is over-represented by Indigenous and other minorities such as Black Canadian children and youth.
- The Children First Canada and the O'Brien Institute for Public Health's Raising Canada report (www.childrenfirstcanada.com) paints a startling picture of the state of Canada's children. It states that suicide is the second leading cause of death of Canadian children and youth. Over the last 10 years, there has been a 66% increase in emergency department visits, and a 55% increase in hospitalizations, of children and youth due to mental health concerns. In Nova Scotia alone 806 children were hospitalized for mental health concerns in 2016.
- Statistics Canada shows Child poverty rates are going down across the country in every province followed [except for Nova Scotia](#) where the number of children in poverty went from 15.7% in 2015 to 17.1% in 2017. The Canadian Center for Policy Alternatives - Nova Scotia has warned that poverty in Nova Scotia is too deep and that the Child Tax Benefit alone is not enough to impact child poverty in this province

Mandate of the Child and Youth Advocate Office

A CYAO would be an independent office that reports directly to the Legislative Assembly of Nova Scotia. The Child and Youth Advocate office plays a crucial role in the protection and provision of services to vulnerable children and youth. Established in legislation, the Child and Youth Advocate Office represents the rights, interests and voices of children and youth throughout Nova Scotia.

A Child and Youth Advocate Office would operate by:

- Conducting independent investigations on complaints or concerns by an individual child, youth or person representing the child or youth and make recommendations to government on programs and services delivered to children and youth.
- Providing individual advocacy & public education to support, assist and advise children and youth of their rights and the programs and services that exist and /or should be available to them.
- Providing policy advocacy in order to change legislation or government policy affecting children and youth.
- Conducting system advocacy through analyzing and producing public reports on the compliance of public systems and providers serving children and youth and through recommendations to government on ways to improve the quality and effectiveness of systems, programs, and services affecting children and youth.



- Conducting Research on issues affecting children and youth in Nova Scotia, advise government on issues and areas of concern, and identify the latest best effective models that inform the development and delivery of program and services.
- Focusing on access to justice and providing individual, policy and systemic advocacy to ensure that justice is accessible, efficient and proportionate to the needs and resources of the citizens it is designed to serve.
- Conducting critical injury and death reviews- reviewing and investigating publicly funded services following critical injuries or deaths of any child or youth in receipt of government funded services and make recommendations that inform government on improvements to programs and services or broader public policy.

How a Child and Youth Advocate Office will positively impact Nova Scotians

Elevate Children and Youth Voices

A CYAO will **elevate the views and perspectives of Nova Scotia's children and youth** to ensure that programs, services and policies reflect their lived experiences. In our cultural context, young people are viewed as neither competent nor capable of making policy and program decisions (Bray, et al. 2014). Their voices and views have untapped potential to help develop remedies to better their own lives (Bendo & Mitchell, 2017).

Create Partnerships

A CYAO will establish creative partnerships with children and youth as equals, and with colleagues working in various child service delivery systems. A CYAO can create meaningful work that includes children and youth, through legitimate and ongoing engagement leading to better service and program outcomes (Bendo & Mitchell, 2017).

Education and Action through Rights-Based Approach

A CYAO will work to **ensure the rights of children and youth are respected** by educating professionals, service providers, parents and decision makers on **Rights-Based Approaches**. (Bendo & Mitchell, 2017).

Systemic Changes

A CYAO will involve engaging children and youth in systemic and societal change. By treating children and youth as equals, Nova Scotia can re-conceptualize the way children and youth are perceived by program administrators and political decision-makers shifting policy and programs to better meet the needs this vulnerable population (Bendo & Mitchell, 2017).



Core Outcomes of Child and Youth Advocate Offices

MacLean and Howe (2009) acknowledged that all provincial offices undertake individual case advocacy as their major purpose. However, some provinces have actively promoted and ensured systemic changes through system and policy advocacy. Saskatchewan, Manitoba, Ontario, Newfoundland and Labrador, British Columbia and Alberta have pushed for and influenced major policy and program changes in their provinces.

Alberta

- The Alberta CYAO produced a special report on Aboriginal Child Welfare in Alberta leading to an all-party committee of the legislature which produces new legislation and procedures. The outcome was more funding for kinship providers, a better process for assessing potential caregivers, and a four-year strategy to improve Alberta's child intervention system.

Saskatchewan

- The Saskatchewan CYAO created what it describes as the eight Child and Youth First Principles based on the United Nations Convention on the Rights of the Child (UNCRC). The Saskatchewan government adopted the principles in 2009 in the framework for new child-related legislation and policy. The Saskatchewan office also pushed to reform the Education Act to ban corporal punishment in school. They pushed for changes in the Youth Drug Detoxification and Stabilization Act to provide a treatment plan for detained youth.
- The Saskatchewan CYAO secured increased access by youth to health information and have changed the policy on the prevention of bullying in schools by integrating UNCRC principles. They also successfully captured the provincial government's political will and commitment to improve permanency planning and to increase the accessibility of foster care homes.

Manitoba

- The Manitoba CYAO successfully advocated to advance the procedures for providing emergency placement for children in care, placement worker training and increased space in shelters. This resulted in a decrease in dependence on hotels for placement.

Ontario

- The Ontario CYAO successfully changed the operations of residential facilities for youths in conflict with the law.

Limitation of the Ombudsman in Nova Scotia

The need for a CYAO in Nova Scotia cannot be overemphasized as we need to protect and promote the rights of children and youth.

Currently Nova Scotia's Office of the Ombudsman is stated to play this role. The Ombudsman office has autonomy in providing independent investigations but is limited in its advocacy and education roles (NSOO, 2015).

The Ombudsman's office is structured along the lines of 4 service areas namely office administration, investigation and complaint services, youth and senior services and public interest disclosure of wrongdoing with an executive director and staff (NSOO, 2015). The overall mission of the office is 'to promote the principles of fairness, integrity, and good governance (NSOO, 2015, pg.2).

The Ombudsman's goal is to 'ensure that government decisions and processes are fair, consistent, and transparent and provide services to all individuals who receive services from, or are impacted by, provincial and municipal governments such as government employees and members of the public who have allegations of provincial government wrongdoing'

It is evident from the mandate the office of the Ombudsman does not primarily focus on children and youth as found in other provinces. A mandate that targets the general population may take the focus away from the unique rights of children and youths who are the most vulnerable members of the society. Currently there is no reference to youth or child in its legislation, or regulations. The Ombudsman has a limited scope to review provincial and municipal government decisions and processes, does not have authority to investigate or advocate for youth with concern about non-government programs or services, or where a government funded program is provided by an organization that is not designated as an Agency in its Regulations.

Currently, the general oversight function and mandate for children and youth is not rooted in a specific piece of legislation, but in the findings of a provincial government audit which took place in 1995, and the Stratton Report which addressed allegations of abuse at provincial youth facilities. At that time government recognized independent oversight was a necessary component in helping to keep youth in care and custody safe from harm.

This means that there is no clear mandate or policy to guide the ombudsman's work, other than a direction to assist youth in child care facilities.

Overall, the services are aimed at providing help and support at the individual advocacy level. Though it states that it can help challenge processes that are not fair in the system, the office has not had a significant impact on systemic and policy changes in Nova. The office targets children and youth as individuals without consideration of the family as a unit and the community.

Establishing the Need for a Child and Youth Advocate Office in Nova Scotia

Because of the obvious limitations of the Office of the Ombudsman, there is a need for a CYAO in Nova Scotia that will combine individual advocacy with a vibrant policy and systemic advocacy that prioritizes children and youths as the core targets of their programs and services (Ritchie, 2016).

The CYAO will ensure the provision of holistic and coordinated services to the whole child in collaboration with all stakeholder as found in other provinces.

The office will ensure effective collaboration and coordination between and among various government departments, and non-government organizations who provide programs and services for youth, in a timely, accessible and adequate service provision for youths at risk and their families within their social location.

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NOVA SCOTIA FEDERATION OF MUNICIPALITIES

8 April 2019

PRESIDENT:

Councillor Waye Mason
Halifax Regional Municipality

Chair: Hon. Mark Furey
Vice-Chair: Gordon Wilson

VICE-PRESIDENT:

Mayor Pam Mood
Town of Yarmouth

A Submission to the Nova Scotia Legislature Law Amendments Committee

IMMEDIATE PAST-PRESIDENT:

Deputy Mayor Geoff Stewart
County of Colchester

A submission regarding Bill 136 as introduced in the 2nd session of the 63rd General Assembly of the Nova Scotia Legislature, titled:

REGIONAL CAUCUS CHAIR:

Councillor George MacDonald
Cape Breton Regional Municipality

An Act Respecting Certain Financial Measures (2019)

RURAL CAUCUS CHAIR:

Warden Timothy Habinski
County of Annapolis

The Nova Scotia Federation of Municipalities (NSFM) is the voice of the province's 50 Municipal Units. We represent 379 members comprised of Mayors, Wardens and Councillors. On behalf of our members, we are pleased to write in support of Bill 136.

TOWN CAUCUS CHAIR:

Mayor Jeff Cantwell
Town of Wolfville

Renaming of the capacity grant for Nova Scotia's municipalities is a welcome first step in addressing municipal funding concerns of NSFM members.

It is important to have clarity of the issue and confusion between the federal equalization grant to the province and the provincial municipal financial capacity grant to municipalities was slowing progress on meaningful change to the funding formula. Renaming this grant eliminates that confusion and responds to concerns raised by our Board during meetings with the Minister that have taken place over the last six months.

As Members of the Legislative Assembly are aware, NSFM has been advocating for changes to the funding for municipalities to better reflect the operating costs of municipalities. At its annual conference in the Fall of 2018, municipal funding was identified as one of our top five priorities.

In this funding resolution NSFM members called on the province to:

- freeze mandatory education payments for each municipality at 2017 levels; and

- increase its annual funding for the municipal financial capacity grant by \$20 million, \$6.6 million each year over three years, beginning in 2019;
- cost share 50/50 in all municipal projects required to comply with the Accessibility Act, if those projects do not receive other funding, beginning in 2019; and
- provide municipalities with a substantial share of all the related tax revenues being generated through the sale of cannabis.

The provincial assistance to municipalities to offset operating costs has been frozen for several years now, while operating costs continue to increase at rates higher than the Consumer Price Index. The analysis to date suggests those municipalities who need financial assistance the most to provide basic services at reasonable costs are not necessarily the ones receiving assistance.

These issues are not new, and should not require extensive further study, indeed, the province convened the Towns Taskforce in 2010 and a report regarding funding principles was accepted in 2012. Additionally, despite the intent of the municipal reform in the 1990s one in five property tax dollars collected by municipalities continues to be transferred to the Province. The formulas need to be reviewed and changed to assist those with low tax bases and high taxpayer burdens. The total amount provided is also insufficient.

Recent proposals to reform the library funding formula, while increasing the amount of funding available to ensure no units suffer harm from reduced funding, provides an example of the kind of solutions that should be pursued.

NSFM would like to acknowledge that we, and our members, were consulted by the Minister of Municipal Affairs and his team last summer. We are always pleased when government consults with us and acts in the spirit of the Partnership Framework of 2016.

This Bill is just a first step. We look forward to working with the province to address these long-standing funding issues. We want all our municipalities to be able to deliver services that our communities expect and deserve. We see this change as a first step, and we support this Bill.

Thank you.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read 'Wayne Mason', written in a cursive style.

Councillor Wayne Mason
President, NSFM

Wendy Hill

April 4, 2019

The Honourable Stephen McNeil
Province House
Halifax, Nova Scotia

Dear Premier McNeil:

We, the Disability Rights Coalition and our allies, want to bring to your attention the Province's widespread and decades-long unfairness towards persons with disabilities in the provision of community-based supports, and to ask for your public commitment to make immediate changes to right this large scale human rights injustice. The Province's denial of basic human rights to people with disabilities affects all of us, and equality seekers are united in calling on you to put an end to this historic segregation, isolation and discrimination.

In his March 4th, 2019 decision, Walter Thompson Q.C. sitting as a Human Rights Board of Inquiry, found that the Province had been discriminating for many years against three people who had been locked up unnecessarily in a psychiatric hospital, Quest and the Community Transition Program (CTP) even though everyone involved agreed that they could have been supported to live in the community, and found the Province responsible for "indifference that really, after time, becomes contempt".

However, the Board of Inquiry declined to rule on the many hundreds of other cases where people with disabilities are similarly unnecessarily institutionalized for years—and sometime decades—even though the Province acknowledges that they have *already* been assessed and determined to be eligible for social services and capable of living in the community.

The disregard shown by the Province to the wishes of these individuals also amounts to contempt. Lynn Hartwell, a Deputy Minister in your government, testified to the harm and disadvantage faced by people with disabilities as a result of the Province's inaction since the 1990s, and acknowledged the undisputed benefits of community integration. At the same time, the Province continues to spend millions each year unnecessarily institutionalising people with disabilities in psychiatric hospitals, regional rehabilitation centers and other facilities.

The Board's decision contemplates that those on the Province's wait list of over 1,500 people should file their own human rights complaint in order to have their human rights vindicated.

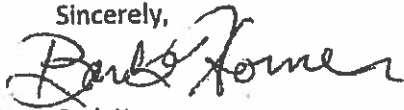
Rather than engage in an absurd scenario in which hundreds, perhaps thousands, of people with disabilities or their loved ones need to file human rights complaints tying up the legal system, now more than ever, we look to our democratically elected government to take action to fix what it admits is a broken and inequitable system for persons with disabilities. Elderly or ill parents are in crisis as they struggle to ensure their adult children with disabilities receive choice, inclusion and equality in their day to day lives through meaningful access to social services to meet their needs – justice delayed in these circumstances is truly justice denied.

In 2013 your Liberal government endorsed the *Roadmap for Choice, Inclusion and Good Lives* for people with disabilities, and set a ten-year time frame for emptying institutions and clearing waitlists. We call on you to fulfill your government's promises by 2023 – including addressing the needs of everyone on the waitlist in a timely manner, and ensuring that no one is unnecessarily institutionalised in large congregate care facilities – through a legislated, multi-year funding commitment. It is within your power to put an end to indifference and contempt for the rights of people with disabilities in this province.

Now, the Province must make a decision. It can allow the 1,500 persons with disabilities in this province lacking necessary supports to languish while hundreds will seek to file their own human rights complaint. Or it can do the right thing, and take immediate steps to resolve the policy and human rights crisis it has created for persons with disabilities and their families.

People with disabilities in Nova Scotia have waited long enough for their human rights. We call upon you to take prompt and effective legislative action to right this historic and ongoing wrong.

Sincerely,



Barb Horner
Disability Rights Coalition

Additional Signatories:

United Nations Special Rapporteur on the Right to Housing	Service Employees' International Union, Local 2, Nova Scotia
Nova Scotia Federation of Labour	Adsum House for Women and Children
Amnesty International Canada	YWCA Halifax
Canada Without Poverty	North End Community Health Centre
Nova Scotia Teachers' Union	Canadian Centre for Policy Alternatives, Nova Scotia Office
Nova Scotia College of Social Workers	Elizabeth Fry Society of Mainland Nova Scotia
Halifax Pride	Association of Black Social Workers
Halifax-Dartmouth & District Labour Council	Autism Nova Scotia
Public Service Alliance of Canada – Atlantic Region	Nova Scotia Association for Community Living (NSACL)
The Council of Canadians	Nova Scotia League for Equal Opportunities
Canadian Federation of Students, Nova Scotia	Independent Living Nova Scotia
Canadian Union of Postal Workers Nova Local 096	L'Arche Atlantic

Nova Scotia Residential Agencies Association,
representing:

- Amherst and District Residential Services Society
- CACL – Clare Branch
- CACL- Antigonish
- Cape Breton Community Housing Association
- Cape Breton Residential Society
- Cape Breton West Community Action 2000 Society
- CARES- Cheticamp Area Residential Educational Society
- Celtic Community Homes Association
- Colchester Residential Services Society
- Community Living Alternatives Society
- Community Living CMHA-/Col/E. Hants Branch
- Conway Workshop Association
- Corridor Community Options Society
- Gateway Homes
- Heatherton Group Home Society
- Highland Residential Services Society
- Highland Visions
- Homes For Independent Living (NS)
- Hub Residential Services Society
- Isaiah House
- Isle Madame Small Options Society
- Kings Meadows
- Koster Huis
- L'Arche Antigonish
- L'Arche Cape Breton
- L'Arche Halifax
- L'Arche Home Fires
- Louisdale Community Homes Association
- Mawita'mk
- Metro Community Housing Association
- Our Neighbourhood Living Society
- Port Hood Small Options
- Queens Association for Supported Living
- Regional Occupational Centre
- Regional Residential Services Society
- Resi Care Cape Breton
- SCLO-Riverview Enhanced Living Society
- Shelburne Association Supporting Inclusion
- Society for the Treatment of Autism (NS)

- South Shore Community Service Association (Bonny Lea)
- Support Services Group Co-operative
- Supportive Living Society
- Unity House
- Yarmouth Association for Community Residential Options
- Yarmouth Association for Community Residential Options – Dartmouth

People First Nova Scotia

People First Annapolis County

People First Kings County

People First Truro Chapter

People First Windsor chapter

People First Yarmouth chapter

Advocating Parents of Nova Scotia

Community Homes Action Group

Brain Injury Nova Scotia

James McGregor Stewart Society

Community Living Centres

St. Margaret's Bay & Area Association for
Community Living

Women's Center Connect, representing:

- Every Woman's Centre, Sydney;
- Strait Area Women's Place, Port Hawkesbury;
- Antigonish Women's Resource Centre and Sexual Assault Services Association;
- Pictou County Women's Resource and Sexual Assault Centre, New Glasgow;
- The Lotus Centre; Truro;
- L.E.A. Place Women's Resource Centre, Sheet Harbour;
- Second Story Women's Centre, Lunenburg;
- The Women's Place Resource Centre, Annapolis Royal;
- Tri-County Women's Centre, Yarmouth

Nova Scotia New Democratic Party Caucus

Nova Scotia Rainbow Action Project

Nova Scotia Government and General
Employees Union Local 58
Mobile Outreach Street Health
Mount Saint Vincent Students' Union
Nova Scotia Public Interest Research Group
East Coast Prison Justice Society
Community Society to End Poverty Nova Scotia
Affordable Energy Coalition
Equity Watch
Educators for Social Justice
Solidarity Halifax
Student Activist Law Student Association

Individuals:

Dr. Cynthia Bruce, Faculty of Education, Acadia
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Roger A. Burrill, Halifax
Fred Bushor, Eastern Passage
Lorna Bushor, Eastern Passage
Kathleen Cameron
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Lee Cohen, Lee Cohen and Associates Law
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Professor Steve Coughlan, Schulich School of
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Professor Richard Devlin, Schulich School of Law
Professor Alexandra Dobrowolsky, Political
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Professor Joanna Erdman, Schulich School of
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Angela Fraser
Greg Hadley, Antigonish NS
JoAnn Hadley, Antigonish NS
Lyle Hadley, Antigonish NS
Roderick Hadley, Antigonish NS
Brenda Hardiman, Halifax
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Megan MacBride, Halifax
Daniel W MacDonald, Antigonish
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Timothy RH MacDonald, Halifax
Sally MacNearney
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Wayne MacNaughton, Halifax
Anna MacQuarrie, Halifax
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Travis Mills

**Anne Murray, Faculty of the Disability Supports
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Sandra Nelson, Sunshine Personal Home Care

**Martha Paynter, Chair of Women's Wellness
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**Susan Reeve-Newson, SRN Autism Services,
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Lynda Rogers

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**Associate Professor Sheila Wildeman, Schulich
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**Professor Michelle Williams, Schulich School of
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**Sue Wyse, Sunshine Personal Home Care,
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2019: A Nova Scotia Human Rights Budget
Submission on behalf of the Disability Rights Coalition
<https://www.disabilityrightscoalitionns.ca/>

Summary

This government's priorities and principles will be realised through its budget. Human rights, and in particular equality rights and non-discrimination, are non-political, quasi-constitutional legal standards that obligate the Nova Scotia government to take immediate steps to protect, promote and fulfill those rights. Before approving its provincial budget, the Legislature must be satisfied that the budget will enable it to meet those human rights obligations.

The Nova Scotia *Human Rights Act*, commits the government to "ensure that every individual in the Province is afforded an equal opportunity to enjoy a full and productive life and that failure to provide equality of opportunity threatens the status of all persons."

Disability is a ground protected under the *Human Rights Act*, in recognition that the rights of people with disabilities are often ignored. An example is this budget: people with disabilities who are being denied meaningful access to community-based social services are not included in this budget.

In determining the priorities for this provincial budget, this government must place human rights first. To fulfill its obligation to non-discrimination, to stop the human rights abuse of people with disabilities, the budget requires a programme of action through a multi-year funding commitment to implement the government's endorsed 2013 plan entitled the *Roadmap for Choice, Equality, and Good Lives in Inclusive Communities*.

The Facts

On March 4, 2019 a Nova Scotia Board of Inquiry found that the Province of Nova Scotia through its practices and policies had violated the rights of three individuals, as a result of which they spent years in institutions where they did not belong. It is no secret that there are many hundreds of people with disabilities currently experiencing the same treatment, and that these human rights violations of people with disabilities require action by government to stop.

Nova Scotia has the highest rate of institutionalisation of people with disabilities of anywhere in Canada. The unjustified and unnecessary institutionalisation of people with disabilities in Nova Scotia; people who can handle and who would benefit from community settings, severely diminishes their everyday lives and perpetuates unwarranted assumptions that those persons are incapable or unworthy of participating in life in the community.

The number of community settings (called "small options") for people with disabilities in Nova Scotia has not increased since 1995 when the provincial government imposed a "moratorium" or a freeze on the creation of any new small options homes, with the exception of two homes created in the last year. For more than 20 years, the Nova Scotia government has ignored the human rights of people with disabilities who require supports and services to live in community.

The issue

People with disabilities who the province have assessed as eligible for community-based social services and have been and will continue to be denied meaningful access to the social services that they are entitled to under the *Social Assistance Act* because this budget does not include them.

The problem

What are the implications of the provincial budget you have been asked to approve?

First, hundreds of people with disabilities will continue to be unnecessarily institutionalised in Nova Scotia.

The denial of meaningful access to basic social services for people with disabilities who require supports and services to live in the community will continue. The province has created what it calls a 'waitlist' for disability support services, but this waitlist is unlike any other. The waitlist has doubled in less than 10 years and continues to grow; it is indefinite; the department who runs it has no idea how long it will take or who will be next to qualify for services. It deprives people of having their basic needs met. It is not a waitlist, but a holding pattern for the more than 1500 people whose names are found on it.

What is the source of the unnecessary institutionalisation of people with disabilities and the 'waitlist' or holding pattern that deprives people of access to basic social services? It is the budget you have been asked to approve. In approving the 2019 budget as it now stands, you are participating in the continuation of the human rights violation of people with disabilities.

The solution

As a result of the March 2019 human rights ruling, the province is aware that the failure to provide meaningful access to social services to people with disabilities is discriminatory and a violation of human rights. As a result, this government has a responsibility to take action to fulfill the human rights of people with disabilities by approving a multi-year funding commitment to implement the 2013 Roadmap and bring to an end the discriminatory treatment of people with disabilities.