



FIRST NATIONS DISTINCT ACCESSIBILITY (DISABILITY) LEGISLATION AND BILL C-81

OVERVIEW

The Assembly of First Nations (AFN) has been raising awareness on the needs of First Nations Persons with Disabilities (FNPWD) and facilitating discussions on creating greater access. An essential part of this discussion has been on views related to developing distinct First Nations accessibility legislation, by and for First Nations governments.

This discussion links to Bill C-81, *An Act to Ensure a Barrier-free Canada, (Accessible Canada Act)* which received First Reading on June 20, 2018. The Bill passed in the House of Commons on November 27, 2018. The Senate of Canada will undertake a clause-by-clause process next, prior to the Bill receiving Royal Assent.

The Act will apply to groups under federal responsibility, and include government departments, banking and financial sectors, federally funded organizations, Parliament, and others. The Act is expected, to develop, implement, and to enforce accessibility standards, and monitor outcomes. These accessibility standards include: employment; procurement; program and service delivery; transportation; the built environment (i.e. physical infrastructure such as office buildings, homes, public facilities, etc); and technology, communications and information.

The Chiefs-in-Assembly resolutions on accessibility/disability include: AFN

Resolution 55/2016, *First Nations Federal Accessibility Legislation*; AFN Resolution 105/2016, *Establish an Office of Disabilities Unit at the AFN*; and AFN Resolution 98/2017, *Distinct First Nations Accessibility Legislation*, which directs the AFN to work with Employment and Social Development Canada (ESDC) to develop distinct legislation to support First Nations unique accessibility needs.

More recently, AFN Resolution 24/2018, *First Nations Disabilities Program on Reserve*, was passed at the AFN Special Chiefs Assembly in December 2018, calling on Canada to work directly with First Nations to determine the needs for an on-reserve disabilities program.

The AFN Chiefs-in-Assembly mandated the Chiefs Committee on Human Resources Development (CCHRD) to work with ESDC to secure long-term funding to support FNPWD and First Nations governments. This is in addition to advocating for regional level funding for capacity building to meaningfully inform distinct First Nations accessibility legislation and further policy work.

The AFN submitted proposals to ESDC to secure funding for fiscal years 2016-2019 to receive input from FNPWD, First Nations governments, and organizations on disability related themes.

UPDATE

- The AFN has undertaken a number of activities to engage FNPWD and First Nations governments to inform this work, including three national webinars, several surveys, key informant interviews, and reports posted on the AFN website at www.afn.ca.
- The government has earmarked \$290 million over 6 years to implement Bill C-81 and create an Accessibility Commissioner to enforce the law; a Canadian Accessibility Standards Development Organisation; and a Chief Accessibility Officer to advise and report on progress.
- In January 2019, the AFN met with ESDC to discuss on-going engagement on distinct legislation and resources to carry out this work for fiscal year (2019-2020).
- The activities mandated by AFN resolutions are to: develop distinct First Nations accessibility legislation; establish a Regional Task Force on Disabilities to support and build a national framework; identify regionalized funding for regional capacity building; advocate for culturally safe programs/ services; and to set up a centre of excellence, and other activities.
- The AFN has researched important links to the United Nations (UN) Sustainable Development Goals, Agenda 2030.

NEXT STEPS

The AFN will:

- continue to advocate for better supports for FNPWD;
- work with First Nations and ESDC to explore meaningful mechanisms to engage FNPWD and First Nations governments;
- continue to advocate that Bill C-81 must respect First Nations rights and any related federal structures and/or frameworks must not amplify gaps or create new barriers. In parallel, the AFN will also seek to advance engagement on distinct accessibility legislation with FNPWD and First Nations governments for this fiscal year;
- seek recommendations from, and provide updates to, the Chiefs Committee on Human Resources Development (CCHRD). In addition, the AFN will facilitate First Nations leadership opportunities to meet with Minister Carla Qualtrough, the Minister responsible for the federal accessibility portfolio, and leadership opportunities to present to the Senate of Canada on Bill C-81; and
- continue to monitor and work with ESDC, where appropriate, as this department holds the federal lead role toward implementation of the UN Sustainable Development Goals, Agenda 2030 - *Leaving No One Behind*.