



NEW INCLUSIVE ECONOMY

2024

JURISDICTIONAL SCAN REPORT

JURISDICTIONAL SCAN TABLE OF CONTENTS

JURISDICTIONAL SCAN REPORT	1
Purpose	2
Introduction	2
ALBERTA	10
SASKATCHEWAN	13
MANITOBA	17
ONTARIO	23
QUEBEC	27
NEW BRUNSWICK	33
PRINCE EDWARD ISLAND	38
NOVA SCOTIA	43
NEWFOUNDLAND AND LABRADOR	46
CANADIAN TERRITORIES	50
YUKON	50
NORTHWEST TERRITORIES	52
NUNAVUT	55
European Union	58

Purpose

A jurisdictional scan of employment legislation, policy and practices across Canada for the purpose of providing the Ministry of Post-Secondary and Future Skills (PSFS) a comparative analysis of our findings on promising practices and structural conditions in British Columbia.

Themes identified in the primary research conducted in B.C. through NIE are related in this scan to jurisdictional variations in legislation and policy that constitute the structural conditions for promising practices.

Introduction

This jurisdictional scan was conducted to complement the research carried out in the New Inclusive Economy project undertaken in British Columbia. The NIE research involved interviews, focus groups, case studies. The scan examines promising practices and structural conditions in other jurisdictions.

Disability is one of the most under-recognised aspects of inclusion and diversity in employment. While businesses estimate that 4% of their workforce live with disability, surveys of employees suggest the true figure is closer to 25%¹ and Stats Canada research indicates that in 2022 the figure is 27%².

People living with disabilities also endure underemployment, unemployment and precarious employment. They can be prevented from fully participating in socioeconomic life³, and particularly may not be able to access meaningful or decent work (ILO⁴), impacting quality of life.

These issues are being recognised both here in Canada and globally, albeit slowly. The Accessible Canada Act (2019) sets a mandate for making Canada "barrier free" by 2040. Recent Accessible Canada Regulations (2021) outline what needs to happen in federally regulated workplaces and the penalties for not doing so.

The jurisdictional scan will focus on legislation and policy in other provinces of Canada, before considering European practices, as many new strategies and practices are emerging from the European Union's recent focus on inclusion.

Structure of scan

¹ <https://www.B.C.g.com/publications/2023/devising-people-strategy-for-employees-with-disabilities-in-the-workplace>

² <https://www150.statcan.gc.ca/n1/daily-quotidien/231201/dq231201b-eng.htm>

³ See Grills et al, 2016, p. 338; United Nations Department of Economic and Social Affairs, 2022

⁴ https://www.ilo.org/skills/pubs/WCMS_316815/lang--en/index.htm

Structural conditions and promising practices in other jurisdictions

Legislation, policies, and programs in other jurisdictions are compared with themes identified in the NIE project, looking for examples of alignment and potential conflict, or areas missing from the research conducted in B.C.

Themes arising from NIE

Despite the range of organisational sizes, structures, and industries involved in our research, and the different research methodologies employed, several consistent themes emerged from the NIE project around creating inclusive workplaces, i.e. employment contexts that are friendly to workers. Nine themes were broadly identified. The shorthand terms used in this scan are in the left column, a few notes expanding on those short terms are on the right.

Theme	Notes
Culture, Values, and Commitment	A shared set of values, perhaps promoted via a champion or shared inherent values of inclusion
Individualised Approaches	Individualised approaches; i.e. building employment and roles around people's strengths, skills, and needs (solo-preneurs being the ultimate example of this as they can develop their own individualised approach).
Clear, Informal, and Regular Communication	This was more specifically within a workplace - it builds psychological safety and clarity
Flexibility	Flexibility in how, when, and where work is conducted
Inclusion and Viability	Incorporating inclusion and viability/sustainability
Lived Experience of Disability	Lived experience of disability (or proximity to lived experience) as a motivation for developing inclusive employment practices
Inclusive HR Practices	Can be applied to recruitment and hiring strategies, workplace accommodations, scheduling decisions, benefits and supports

Community/Service Organisation Collaboration	Collaborative initiatives guided by shared understanding of business and workforce needs
Enabling Conditions, Removing Barriers	Enabling conditions and removal of barriers with respect to policy and labour market

The jurisdictional scan will investigate how these themes are addressed in other jurisdictions in Canada and then will briefly consider the European Union. An accompanying spreadsheet lists the legislations and policies discussed in the following pages, as well as their URLs, and dates last checked for functionality. There is also an additional section with links to jurisdictions that could be considered as comparators in future as some interesting developments regarding employment of PWD and social enterprises are taking place in Washington State and in Australia.

Limitations to the scan

As we found through the case studies and focus groups, not only are a lot of the inclusive employment practices organic and arising from champions in the workplace, there are no conglomerates, which was the void that the New Inclusive Economy Business-to-Business roadshow hoped to fill as a later state of the research project.

The lack of a searchable database of legislation and policies surrounding inclusivity was identified during the primary research and noted again during this scan. It seems there is a gap in the market for a register of small to medium businesses pursuing inclusive employment. The scan discovered a couple of examples where social enterprises and successful partnerships are listed on a website along with their highlighted practices. These are the kinds of information sources useful for specifically researching social enterprise employment inclusion in future. These networks (and B Corps) may be good candidates for surveys or other studies.

Buy Social Canada⁵

Ready Willing and Able⁶ success stories and partnerships across Canada

The primary research in case studies, interviews and focus groups discovered bespoke, individualised approaches that fit the workplace and the employees in that workplace. However, the majority of the time, these individualised approaches were based on some shared foundational principles. Where inclusive employment and accommodations for inclusivity are made “in house”, there is a strong commitment to social purpose. It is stronger than the commitment to being revenue-positive,

⁵ <https://www.buysocialcanada.com>

⁶ <https://readywillingable.ca/benefits-of-ready-willing-able/stories/>

even where the primary organisational structure is a conventional business, the primary transactional nature profit seeking through goods and services.

None of the case studies treated inclusivity as a box ticking, business case-first exercise or as a regulatory compliance issue. The requirement was values-based on sharing opportunities for decent work with people who have been excluded and for seeing the valued contributions of all people towards a shared goal.

Since the subjects of the case studies went beyond local regulatory requirements here in B.C., it is difficult to compare these kinds of organic and organisationally bespoke approaches across jurisdictions unless there are other local research projects similar to NIE. Thus, most of the discussion in this scan is on legislation, policy, and strategic directions.

Methodology

This scan was conducted via desktop research, taking into account themes identified in primary research. Searches were undertaken in Google and academic literature databases (Google Scholar).

The results were separated where possible by Canadian province and then by international area. Where there is evidence of the themes and findings in each jurisdiction this was highlighted. Themes that were underrepresented in the NIE research findings are also noted.

The searches were undertaken using the following terms:

Area of interest	Search Terms
Culture, values, and commitment	work* culture disability Canada
Individualised approach	Disability individualised approach [jurisdiction] Solo-preneur and disability [jurisdiction] Entrepreneur and disability [jurisdiction]
Inclusive employment practices	Inclusi* employment practices disab* [jurisdiction]
Flexible work	Flex* work disability [jurisdiction]
Jurisdictional legislation	disability employment legislation [jurisdiction]
Jurisdictional policies	disability employment practices [jurisdiction]

"New" part of the New Inclusive Economy	social enterprise disability employment canada [jurisdiction]
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The majority of results examined here were found under the jurisdictional legislation and the jurisdictional policies themes. Some additional websites and publications were found under the theme search terms and are included in the text.

CANADA FEDERAL

Accessible Canada Act (ACA)^{7, 8}

The Accessible Canada Act came into force in 2019. Its aim is to realise a barrier-free Canada by 2040. By *proactively* identifying and removing accessibility barriers, all Canadians - especially people with disabilities - can benefit. The Act lists accessibility barriers, describes their impact and states that they must be removed in the following seven areas:

- employment
- the built environment
- information and communication technologies (ICT)
- communication other than ICT
- the design and delivery of programs and services
- the procurement of goods, services and facilities
- transportation

The minister responsible has a mandate to make Canada barrier-free by 2040 and also has a mandate to fund research and make grants in support of that aim.

The Act applies to federally regulated organisations, including government departments, Armed Forces, and RCMP, as well as the private sector regulated by the federal government, such as banks, transportation, communications.

Accessible Canada Regulations (ACR)⁹

⁷ About an Accessible Canada - Canada.ca <https://www.canada.ca/en/employment-social-development/programs/accessible-canada.html>

⁸ <https://laws-lois.justice.gc.ca/eng/acts/A-0.6/>

⁹ <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-241/index.html>

The Accessible Canada Regulations came into effect in 2021 and are the first set of regulations drawn from the Accessible Canada Act. They establish the rules that federally regulated entities must follow when publishing accessibility plans, setting up feedback processes, and developing progress reports. Guidance materials are available to help federally regulated entities meet or exceed the regulatory requirements¹⁰.

This Act points to the importance of ensuring equal opportunities, including the possibility of **Flexible Work**. A barrier-free environment promotes economic, social, and civic participation of all individuals, regardless of disabilities; and it contributes to inclusive workplace **Cultures, Values, and Commitments**.

Regulated entities are required to develop accessibility plans that address the identification, removal, and prevention of barriers, which supports **Individualised Approaches**.

Employment Equity Act¹¹

The Employment Equity Act (EEA), last amended Jan 1, 2021, includes provisions to address the inclusion and fair treatment of persons with disabilities in the workforce. It compels employers in Canada to *proactively* implement measures that promote the inclusion and equitable treatment of individuals with disabilities.

Persons with disabilities (PWD) must have equal opportunities for employment and advancement. Employers must identify and eliminate any barriers to such equal treatment, for example in their policies and procedures. They must review their workforce and collect information to determine to what extent people with disabilities are underrepresented in their organisation. For the purposes of employment equity, employers can only count people who self-identify as PWD or agree to be identified as such.

The Employment Equity Act does not specifically mention **Flexibility** in work arrangements for persons with disabilities. However, employers are required to identify and eliminate barriers that may hinder the employment of persons with disabilities, which could potentially include barriers created by inflexible work arrangements, as well as failing to foster **Clear, Informal, and Regular Communication**. In reducing barriers, employers will also ensure **Inclusive HR Practices** and do not discriminate against individuals with disabilities. While reviewing employment systems and practices, employers can tailor their approaches to create **Individualised Approaches** to accommodate strengths, skills, and needs of individuals with disabilities in the workforce.

Positive policies and practices to ensure that persons with disabilities have representation in the workforce that reflects their presence in the Canadian workforce, reflecting workplace **Culture, Values, and Commitment**.

¹⁰<https://www.canada.ca/en/employment-social-development/programs/accessible-canada-regulations-guidance.html>

¹¹<https://lois-laws.justice.gc.ca/PDF/E-5.401.pdf>

Enabling Conditions, Removing Barriers: The Employment Equity Act itself is an example of creating enabling conditions; however, in reviewing systems, policies, and practices, employers can also create enabling conditions for persons with disabilities to participate in the labour market.

Disability Inclusion Action Plan (2022)¹²

Focuses on improving employment opportunities and outcomes for PWD via four pillars of actions:

Pillar 1 - Financial Security

Pillar 2 - Employment

Pillar 3 - Accessible and Inclusive Communities

Pillar 4 - Government Leadership and Collaboration

Pillar 2 – employment

The Plan identifies lack of access to skills training, development opportunities and inaccessible workplaces as barriers to employment and recognises that persons with disabilities are regularly subjected to workplace bias, discrimination and exclusion. As a result, many workplaces are not disability inclusive (p11).

This action pillar helps PWD find and keep jobs or become entrepreneurs (**Individualised Approaches**). It aims to improve the inclusivity and accessibility of workplaces by encouraging employers to provide adaptations and other supports. It raises employer awareness of the benefits of hiring PWDs and creating a diverse workforce and aims to reduce the perceived stigma of employing PWDs. At the same time it offers support to the employers to enhance inclusivity.

The theme of workplace **Culture, Values, and Commitment** is present by creating a supportive work environment, as this is crucial for helping persons with disabilities find and retain jobs.

Providing **Flexibility** at work can contribute to necessary support and accommodations and help PWD find and keep employment. The plan aims to “increase the capacity of individuals and organizations that work to support disability inclusion and accessibility”, which encourages **Community/Service Organisation Collaboration**:

Enabling Conditions, Removing Barriers: this theme is evident in initiatives to support employers develop inclusive work environments and implement inclusive hiring practices - which also feeds into **Inclusive HR Practices**.

¹²https://www.canada.ca/content/dam/esdc-edsc/documents/programs/disability-inclusion-action-plan-2/action-plan-2022/ESDC_PDF_DIAP_EN_20221005.pdf

Concrete actions derived from this pillar include \$270 million in new funding for PWD and the establishment of the Disability Inclusion Business Council and Disability Inclusion Business Network¹³. This empowers member organizations to “adopt best practices that benefit their businesses, employees, and customers.”

Pillar 3 - Accessible and Inclusive Communities

System design should be accessible design. Persons with disabilities should not feel like an afterthought in service provision or access to public space (p13). This speaks to making spaces inclusive by default, reflecting the theme of **Enabling Conditions, Removing Barriers**. This also aligns with creating workplaces that are universally inclusive as the primary design, not an afterthought, which may require lived experience, but can arise from **Culture, Values, and Commitment** of the organisation and its leadership.

Pillar 4 - Government Leadership and Collaboration

Government is in the best position through leadership and collaboration to champion, fund, support, encourage, and build on all nine of the NIE themes.

¹³<https://www.canada.ca/en/employment-social-development/corporate/disability-inclusion-business-council.html>

ALBERTA

Human Rights Act¹⁴

Prohibits employment discrimination based on physical or mental disability.

Employers must provide reasonable accommodations for individuals with disabilities so that they are able to perform their duties, promoting the adoption of **Individualised Approaches**

The Act defines “physical disability” and “mental disability” broadly, with regard to origin or duration of disability.

Discrimination based on disability during job-related processes (such as applications, advertisements, inquiries related to employment, or use of discriminatory language) is forbidden.

The Act aims to ensure fair treatment and equal access to job opportunities for individuals with disabilities.

Overall, the Act promotes **Enabling Conditions, Removing Barriers**, which flows to **Inclusive HR Practices**, but also establishes the **Culture, Values, and Commitment** of the society from which the businesses will develop.

Workers Compensation Act¹⁵

The primary goal is to protect the rights and well-being of workers and enhance workplace safety.

The Act outlines compensation and support for workers with work-related injuries or disabilities, prescribing financial assistance for individuals whose earning capacity is impacted by workplace incidents.

The Act outlines procedures for assessing disabilities and calculating compensation.

Specifies that rehabilitation services are facilitated for injured workers.

The Workers' Compensation Act doesn't say anything specifically about the themes: but ensuring a healthy and safe work environment - perhaps one with positive work culture -

will help prevent workers from experiencing injuries and disabilities.

Blind Workers' Compensation Act¹⁶

¹⁴ <https://kings-printer.alberta.ca/documents/Acts/A25P5.pdf>

¹⁵ <https://kings-printer.alberta.ca/documents/Acts/W15.pdf>

¹⁶ <https://kings-printer.alberta.ca/documents/Acts/B04.pdf>

The Blind Workers' Compensation Act establishes roles and standards to foster inclusivity, fairness, and support for individuals with visual disabilities in work environments.

The Blind Workers' Compensation Act in Alberta provides tailored support for visually impaired individuals in the workforce.

It guarantees equitable compensation, evaluates employers appropriately, and offers workplace accommodations for blind workers.

The Act assists in addressing the distinct challenges faced by blind workers due to their visual impairment.

NIE themes: **Enabling Conditions, Removing Barriers; Individualised approaches**

Support Programs

The Disability Related Employment Supports (DRES) program¹⁷

Offers three categories of support for PWD at work, addressing barriers to education or employment and enabling integration of PWD into the workforce:

Job Search Supports for PWD aged 16 and above to seek employment. For example, the provision of a sign language interpreter during job interviews.

Workplace Supports to help with making successful transitions into the workplace, maintaining employment, and fully participating in the workforce; for example job coaches, worksite modifications, and assistive technology.

Educational Supports for PWD after kindergarten to grade 12. Includes post-secondary education, basic skill training, academic upgrading, or labor market programs. Specific supports include sign language interpreters, tutors, note takers, and assistive technology tailored to specific disabilities.

The DRES Supports: Job Search, Workplace, and Education Supports allow for **Individualised Approaches**; the skills training and job search assistance especially creates **Enabling Conditions, Removing Barriers** in policy and labour market.

Job Search Supports¹⁸

Provides short-term funding to help PWD get independent employment. PWD must demonstrate engagement with the labour market, perhaps by connecting with employers or attending job interviews. The funding is available for supports that address barriers to job search and employment, have a fixed completion deadline, are monitored by an "Authorized Official" and are offered in

¹⁷ <https://www.alberta.ca/disability-related-employment-supports>

¹⁸ <http://www.humanservices.alberta.ca/AWOnline/ETS/7892.html>

Alberta. Up to \$5,000 is available per person and there is no maximum time of funding. **Enabling Conditions, Removing Barriers** and also promotes **Individualised Approaches** to whatever the jobseeker needs to be successful in their job search.

Workplace Supports¹⁹

Four categories of Workplace supports are available within this program:

On the Job Supports - \$35,000/employee with a disability while employed with the same employer

Worksite Modifications - maximum Government of Alberta contribution of \$10,000/employee with a disability and up to \$40,000/worksites that employ 4 or more persons with disabilities

Vehicle Modifications - first vehicle modification: DRES may contribute up to 100% of the cost to a maximum of \$50,000, (reducing allowances for subsequent vehicles)

Assistive Technology - \$35,000/employee with a disability while employed by the same employer

NIE themes: **Individualised Approaches; Enabling Conditions, Removing Barriers**

Education supports²⁰

Allows funding up to \$75,000/academic year to help students with disabilities access education and training.

NIE themes: **Enabling Conditions, Removing Barriers**

Alberta Government Website - Accommodations: Working With Your Disability²¹

Government website explains that under the Alberta Human Rights Act, employers have a duty to accommodate disability at work and lists examples of types of accommodations; from adaptive equipment, accessible parking, a sign language interpreter, to flexible work hours, job sharing, and remote work.

¹⁹<http://www.humanservices.alberta.ca/AWOnline/ETS/7896.html>

²⁰<http://www.humanservices.alberta.ca/AWOnline/ETS/7894.html>

²¹<https://alis.alberta.ca/tools-and-resources/resources-for-people-with-disabilities/accommodations-working-with-your-disability/>

Provision of this resource and explanation of the how the Human Rights Act applies to working with disability encourages **Flexibility** in how, when, and where work is done, encourages **Individualised Approaches**; **Inclusive HR practices**; values the **Lived Experience of Disability** in discussing whether or how to disclose disability or request accommodations; creates **Enabling Conditions, Removing Barriers**.

SASKATCHEWAN

Legislation in Saskatchewan (as in other jurisdictions) is the foundation/building block of ensuring **Enabling Conditions, Removing Barriers** and **Inclusive HR practices**.

Saskatchewan Human Rights Code, 2018²²

Emphasises the right to employment without discrimination based on a prohibited ground, including disability, **Enabling Conditions, Removing Barriers**.

Inclusive HR Practices: Employers are prohibited from discriminating against individuals with disabilities either in employment or in the terms and conditions of employment (Page 10).

Inclusion and Viability: Non-profit organisations primarily serving specific groups are allowed to employ or give preference in employment to individuals who identify similarly, if it is a reasonable and bona fide qualification given the nature of the employment (p11).

Saskatchewan Employment Act²³

Provides further guidance on enabling conditions and reducing barriers.

Employers are required to consider accommodations for workers with disabilities as part of their general duties to ensure health, safety, and welfare at the place of employment, which could support **Flexibility**.

Employers are required to designate an occupational health and safety representative for a place of employment, indicating a commitment to inclusive practices, ensuring the health and safety of all individuals, including those with disabilities, which would be the underpinning of **Inclusive HR Practices**.

The document highlights the general duties of employers, supervisors, workers, and self-employed persons to ensure the health, safety, and welfare of all individuals at the place of employment, which would be part of **Enabling Conditions, Removing Barriers** for PWD

The Accessible Saskatchewan Act (2023)²⁴

²² <https://publications.saskatchewan.ca/#/products/91969>

²³ <https://www.canlii.org/en/sk/laws/stat/ss-2013-c-s-15.1/latest/ss-2013-c-s-15.1.pdf>

²⁴ <https://publications.saskatchewan.ca/#/products/121340>

This was enacted on December 3 2023, with a goal to develop and release an accessibility plan for interacting with the government by December 3 2024.

At present, the Act applies to the government and public sector bodies. As the website states, the Government will be impacted first, and “Government will lead the way in becoming more accessible”. Taking the initiative demonstrates one of the NIE themes: **Culture, Values, and Commitment.**

From the website: “... purpose of this legislation is to prevent and remove barriers for persons with disabilities. This supports the government's goal of building strong, inclusive communities for persons with disabilities. The Government supports the principle, ‘Nothing about us without us.’”

NIE theme: **Lived Experience of Disability.**

From the Act: “The Government of Saskatchewan and any public sector body must, in developing and updating their accessibility plans, consult with persons with disabilities and consider the following principles: inclusion; adaptability; diversity; collaboration; self-determination; universal design” (p6).

NIE theme: **Enabling Conditions, Removing Barriers.**

Policies and strategies

The Saskatchewan Disability Strategy²⁵

Titled “People Before Systems: Transforming the Experience of Disability in Saskatchewan”; launched June 2015.

Six broad Priority Outcome Areas: Putting People Before Systems, Safeguarding Rights and Safety, Increasing Economic and Social Inclusion, Building Personal and Community Capacity, Creating Accessible Communities, and Becoming an Inclusive Province. (p4)

In line with the UNCRPD (United Nations Convention on the Rights of Persons with Disabilities), this strategy recognises that the way people experience disability is affected by the interaction between their health condition and their physical and social environment. It also acknowledges that we are all people who experience disability. (p9)

Four Drivers of Transformation

Achieving person-centred services: “A person-centred service system places the person experiencing disability at the centre of the process. It is organized to achieve that person’s desired outcomes. It

²⁵<https://www.saskatchewan.ca/residents/family-and-social-support/people-with-disabilities/saskatchewan-disability-strategy>

respects dignity and autonomy by allowing people to control and make decisions about the supports and services they receive” (p9). NIE themes: **Individualised Approaches**

Responding to the impact of disability. In the past the province focused on a medical model of disability, which focused on health conditions. Since 2015, Saskatchewan has switched to the WHO’s International Classification of Functioning, Disability and Health, which concerns itself with *impact* of disability, resulting from dynamic interactions between health conditions and personal and environmental factors. This recognises that the disability can change as both health and external factors change (p10). NIE themes: **Individualised Approaches; Lived Experience of Disability**

Respecting, protecting and fulfilling human rights: “Often, people experiencing disability are viewed as ‘objects’ of care, welfare, or medical treatment rather than ‘holders’ of rights like other citizens” (p10).

Recognising that accessibility and inclusion benefit us all: The Strategy notes “our current approach to designing living environments and developing programs and services tends to respond within a standard or ‘normal’ range of functioning. This results in many people experiencing disability having ‘exceptional’ or ‘special needs’ because they fall outside of this range” (p11). NIE themes:

Individualised Approaches; Lived Experience of Disability

Selected recommendations from the Strategy of relevance to NIE

INCLUSION IN THE ECONOMY (recommendation 6, p27)

“Expand opportunities for people experiencing disability to contribute to the economy and address the extra costs of disability”.

“Remove disability-related barriers to post-secondary education, employment training and skills development programs to improve labour market participation for people experiencing disability.”

“Champion the inclusion of people experiencing disabilities in the workforce, including working with business and industry groups to improve access to tools and supports for more inclusive and welcoming workplaces.”

“Develop education and awareness tools to help employers and co-workers understand opportunities to include and accommodate people experiencing disability in the workforce.”

"Work with employers, organized labour and people experiencing disability to develop ways to increase employment levels of people experiencing disability. (p28)

“Explore work experience options such as increasing part-time work, flexible work arrangements and hours, and summer job opportunities for students and new entrants to the workforce who are experiencing disability”.

Demonstrates NIE themes of: **Inclusive HR Practices; Enabling Conditions, Removing Barriers:** policy and labour market; **Culture, Values, and Commitment** and **Flexibility**

ACCESSING PERSONAL SUPPORTS (recommendation 7, p30)

“Improve access to the supports that people experiencing disability need to live in their community”

“Increase access to, and availability of, assistive technology, technical aids and modifications”

“Increase access to and availability of human services to facilitate living in one’s home and community.”

Demonstrates NIE themes of: **Inclusion and viability; Community/Service Organisation Collaboration.**

Employability Assistance for Persons with Disabilities (EAPD) program²⁶

This program offers:

- Specialised assessments to identify
- How disability impacts participation in education or employment
- Necessary supports.
- Job search supports for example: resumé building, interview skills training, workplace assessments, and vocational assessments.
- Workplace supports for example: job coaching, assistive technology, job or worksite modifications.
- Education supports for example: interpretation services, assistive technology, tutoring, note-taking assistance, tutors

Addresses employees’ specific needs and barriers, which facilitates **Individualised Approaches.**

Employers hiring PWD can also receive funding for accommodations such as technical supports, job coaching, and job shadowing, which reflects the themes of **Enabling Conditions, Removing Barriers; and Inclusive HR practices.**

²⁶<https://www.saskatchewan.ca/residents/jobs-working-and-training/job-training-and-financial-support-programs/employability-assistance-for-persons-with-disabilities>

MANITOBA

The advanced nature of accessibility legislation and policy in Manitoba provides strong foundations and supports to promising practices and structural conditions that facilitate most, if not all, of the NIE themes.

Human Rights Code²⁷

The Human Rights Code prohibits discrimination on the basis of

Disability

Source of income

Social disadvantage

There is less detail given regarding the Human Rights Code because the Accessibility Act is extensive. At a minimum, Manitoba's Human Rights Code provides for **Enabling Conditions, Removing Barriers; Inclusive HR Practices**.

The Accessibility for Manitobans Act²⁸

The Act is advanced in terms of definition and recognition of disability. It defines disability in line with UNCRPD definition:

"This Bill enables the establishment of accessibility standards to achieve accessibility for Manitobans disabled by barriers. A barrier is defined to be anything that, in interaction with a person's impairment, may hinder the person's full and effective participation in society on an equal basis".

The Act explicitly notes that most people will confront barriers to accessibility at some point in their lives. The Act calls for equality of opportunity and outcome, as well as universal design that does not establish or perpetuate differences and systemic responsibility; that is, whoever establishes or perpetuates the barrier is responsible for removing the barrier. The Act defines barriers quite broadly:

"The following are examples of barriers: (a) a physical barrier; (b) an architectural barrier; (c) an information or communications barrier; (d) an attitudinal barrier; (e) a technological barrier; (f) a barrier established or perpetuated by an enactment, a policy or a practice." (p4)

These provisions and definitions support **Enabling Conditions, Removing Barriers; Inclusive HR Practices; Individualised Approaches**; and by stating that whoever establishes or perpetuates the barrier is responsible for removing the barrier, the Act facilitates development of **Culture, Values, and Commitment**.

²⁷ <https://web2.gov.mb.ca/laws/statutes/ccsm/pdf.php?cap=h175>

²⁸ <https://web2.gov.mb.ca/bills/40-2/b026e.php>

Accessible Employment Standard Regulation²⁹

Aims to promote accessibility and inclusion for all Manitobans, including those with disabilities.

Aims to eliminate barriers and ensure equal opportunities for individuals with disabilities in areas such as employment, customer service, transportation, information, and communication.

With respect to employment, the Regulation requires employers to provide an individualised accommodation plan for employees temporarily or permanently disabled by barriers in the workplace.

“An individualized accommodation plan must document (a) any accessible formats and communication supports to be used in providing information to the employee, as provided for in section 14; (b) any workplace emergency response information the employer is to provide to the employee under section 15; and (c) any other reasonable accommodation the employer is to make to address any barriers that disable the employee and the manner and timing within which the accommodation is to be made

The employee’s responsibility is to cooperate “in good faith”.

Public sector and large employers must publicly and accessibly document measures, policies and practices established under the regulations. It also requires that communication must be made in accessible formats.

When recruiting, potential applicants must be informed of the availability of reasonable accommodations in case they may be disabled by a barrier in the assessment or selection process and must be given accommodations when requested.

An employer must also ensure that accommodation training is provided anyone responsible for “(a) recruiting, selecting or training employees; (b) supervising, managing or coordinating employees; (c) promoting, redeploying or terminating employees; or (d) developing and implementing the employer's employment policies and practices.”

Further, performance management must take accommodation plans into account, or barriers in the workplace that disable the employee.

The Regulation is quite comprehensive in supporting PWD in employment, and is relevant to several of our NIE themes: **Inclusive HR Practices; Individualised Approaches; and Enabling Conditions, Removing Barriers.**

Manitoba Government Accessibility Plan: 2023 and 2024³⁰

The document outlines the actions and plans that the Manitoba government intends to take to recognise, prevent, and eliminate obstacles for PWD. This accessibility plan is prepared in compliance with the AMA (Accessibility for Manitobans Act).

²⁹ https://accessibilitymb.ca/pdf/employers_handbook_bnpos.pdf

³⁰ https://www.gov.mb.ca/csc/publications/accessgovsvc/pdf/mgap-pub_doc_en.pdf

In 2023 and 2024 they launched "the second and third intakes of the \$20 million Manitoba Accessibility Fund (MAF) to provide annual, sustainable grants to assist Manitoba organizations to remove barriers and comply with accessibility standards." (p2)

"Under the AMA, accessibility standards are developed and are building blocks for making real, measurable and effective changes to accessibility. Each standard focuses on a key area of daily living and outlines specific requirements and timelines for eliminating barriers in organizations, including the Manitoba government. Under the AMA, there are five accessibility standards. Three have been enacted to date and two are in progress.

Accessible Customer Service Standard (enacted May 1, 2018)

Accessible Employment Standard (enacted May 1, 2019)

Accessible Information & Communications Standard (enacted May 1, 2022)

Accessible Transportation Standard (to be enacted in 2023)

Accessible Design of Public Spaces Standard (to be enacted in 2023)"

(p4)

The Accessibility Plan is focused on six priority areas:

Accessible Customer Service: addresses organisational practices and training requirements to provide better customer service to persons with disabilities, facilitating **Enabling Conditions, Removing Barriers**.

Accessible Employment: calls on all employers to consider reasonable accommodation at various stages of employment as it applies to their organisation; as well as the policy and education framework that ensures everyone completes training on accessible employment and related legislation; as well as development of individualised accommodation plans. It also promotes community programs that provide work and life experience to students living with disabilities (p6) **Inclusive HR Practices, Individualised Approaches, Community/Service Organisation Collaboration.**

Accessible Information and Communications: focuses on removing and preventing barriers that exist digitally, in-print or through interaction with technology or people." This standard aligns with NIE themes of **Enabling Conditions, Removing Barriers** by promoting development of a Community of Practice education, outreach and awareness.

Enhanced Training and Education: **Inclusive HR Practices**

Enhanced Accessibility of the Built Environment: requires integration of barrier-free Universal Design principles and work environment accessibility when undertaking government projects (p7). This standard aligns with NIE themes of **Enabling Conditions, Removing Barriers**.

Leadership in Advancing Accessibility: This focus area is about championing accessibility. There are awards for accessibility programs, a commitment to ensuring there is an accessibility champion in government, and provision to develop a forum for Diversity and Inclusion champions. Moreover, the government commits to reinforcing AMA obligations in "over 52,000 businesses through paid

advertising, social media and direct mail campaigns, including reminders about the opportunity to apply to the Manitoba Accessibility Fund”, and to ensuring that “the principles of inclusive leadership are embedded into the content of all leadership programs.” This standard aligns with NIE themes of **Enabling Conditions, Removing Barriers** (reducing attitudinal barriers through education and advocacy); and also **Culture, Values, and Commitment**.

The Accessibility Plan also includes an appendix which outlines notable actions to advance accessibility across Manitoba’s Public Service during 2021 and 2022. It outlines many achievements in built environment and education (toolkits and publications) and policy, and legislation with amending acts.

Workplace Barriers and Solutions

This information sheet (“To Make Your Workplace Accessible, Begin by Removing Barriers”³¹) is for employers, summarising the purpose of the Accessibility Standard for Employment under Manitoba’s accessibility law.

The Accessibility standard requires employers to remove barriers to employment. The information sheet points out that:

“Some people mistakenly think of a disability as a barrier. The Accessibility for Manitobans Act defines a barrier as anything that interacts with a disability in a way that affects a person’s participation in everyday life”;

which introduces Manitoban employers to the social model of disability (in line with the NIE project and the definition under the UNCRDP), encouraging the development of better workplace **Culture, Values, and Commitment**.

The sheet also suggests **Individualised Approaches**:

“To remove barriers for individual employees, you must consult with them about reasonable accommodations that best meet their needs. For more information, see the Guide to Create an Individualized Accommodation Plan Process and Policy”.

The Government of Manitoba has developed a range of resources and guides, including the one mentioned above. Moreover, they encourage universal design:

“The results will benefit not only employees with disabilities, but all staff. Everyone benefits from a respectful and diverse workplace”, encouraging better **Culture, Values, and Commitment**.

The information sheet lists a range of different kinds of barriers, when they occur, and how to address them, along with suggested solutions. The barriers listed below are from the sheet. See the factsheet for the full list of barriers and their suggested solutions or actions.

Attitudinal Barriers occur when people think and act based on false assumptions.

³¹ https://accessibilitymb.ca/pdf/barriers_and_solutions_in_the_workplace.pdf

Information and Communication Barriers occur when employees with disabilities cannot easily receive, respond, or understand information available to others.

Physical and Architectural Barriers make it difficult for some people to access a place or handle objects.

Technology Barriers occur when technology or the way it is used cannot be accessed by people with disabilities.

Systemic Barriers are policies, practices or procedures that result in some people receiving unequal access or being excluded.

“Maintaining a fixed work schedule: 9am to 5pm” is given as an example of a systemic barrier.

The solution: “Allow work schedule flexibility as a disability accommodation when possible, including for people who need breaks during the workday or whose sleep is affected by their disability”; which is an example of one of the most important themes from the NIE research, i.e. **Flexibility**.

Addressing these barriers with solutions encourages the development of **Culture, Values, and Commitment; Individualised Approaches; Clear, Informal, and Regular Communication; Flexibility; Inclusive HR Practices; and Enabling Conditions, Removing Barriers**.

Employer’s Handbook on the Accessibility Standard for Employment For Businesses and Non-Profit Organizations³²

The handbook is a more thorough resource to help employers develop practices to meet requirements under the Accessibility Standard. The handbook points out that employers are “welcome to use other practices that are not required by law, but would help to make workplaces more accessible.” (p3)

The handbook specifies who needs to document their accessible employment practices, and offers a comprehensive suite of information and guides from the government to help employers understand and comply with legislation.

For example:

- Accessible Employment Standard Policy Guide and Template
- Workplace Emergency Response Information Toolkit
- Guide to Create an Individualized Accommodation Plan Process and Policy – for Public Sector Organizations
- Discussing Accessibility in the Workplace poster
- Barriers and Solutions in the Workplace
- Frequently Asked Questions

It also outlines staggered timelines for compliance with the Standard, which would contribute to **Inclusion and Viability** while improving **Enabling Conditions, Removing Barriers**.

³² https://accessibilitymb.ca/pdf/employers_handbook_bnpos.pdf

The Manitoba government is demonstrating leadership by complying with the full standard effective May 2020.

Public sector organizations must comply with the full standard by May 2021

The private sector, non-profit organizations and small municipalities must comply with the full standard by May 2022.”

Sample accessible employment policy³³

The Sample Accessible Employment Policy For Businesses and Non-profit Organizations, updated in January 2021, complements the Employers’ Handbook for Accessible Employment. It goes through the Accessibility Standard for Employment under The Accessibility for Manitobans Act and gives sample wording and policy statements that comply with the standard and are available for a business to use and adapt.

This resource aligns with NIE themes of facilitating **Inclusive HR Practices**.

³³ https://accessibilitymb.ca/pdf/sample_accessible_employment_policy_bnpos.pdf

ONTARIO

As the most populous province, it is not surprising that Ontario perhaps has the better range of accessibility resources. This scan uncovered some extremely interesting practices and knowledge transfer and sharing. There is considerable overlap with Manitoba's programs and practices; thus, many elements are not described in detail.

Ontario Human Rights Code³⁴

The Code aims to ensure equal treatment with respect to employment for individuals with disabilities. It prohibits discrimination in employment based on disability. The principles are summarised in "Guide to Rights and Responsibilities under the Human Rights Code"³⁵.

Under the Code, employers have a duty to accommodate the needs of people with disabilities to the point of undue hardship, to make sure PWD have equal opportunities, equal access and can enjoy equal benefits. The goal of accommodation is to allow everyone to take part equally in employment, which reflects the NIE theme of **Enabling Conditions, Removing Barriers**

Accessibility for Ontarians with Disabilities Act (AODA)³⁶

The Accessibility for Ontarians with Disabilities Act came into effect on June 13, 2005, and applies to all tiers of government, non-profit entities, and private sector companies in Ontario that have at least one employee, whether they are full-time, part-time, seasonal, or on contract. The Act is accompanied by an explanatory document: "Accessibility in Ontario: what you need to know".³⁷

The Act is broadly similar to the corresponding Act in Manitoba. Selected main points are repeated below:

- employers to provide accommodations for applicants and employees with disabilities during the recruitment process
- information on accommodation policies to successful applicants when making offers of employment
- consider accessibility needs and individual accommodation plans in performance management processes for employees with disabilities
- career development and advancement opportunities should take into account the accessibility needs of employees with disabilities and individual accommodation plans

³⁴<https://www.ontario.ca/laws/statute/90h19/v30>

³⁵<https://www3.ohrc.on.ca/sites/default/files/Guide%20to%20Your%20Rights%20and%20Responsibilities%20Under%20the%20Code%202013.pdf>

³⁶<https://www.ontario.ca/laws/statute/05a11#BK17>

³⁷<https://www.ontario.ca/page/accessibility-ontario-what-you-need-to-know>

Similar to Manitoba's accessibility standards, Ontario's standards help businesses and organisations identify and remove barriers to improve accessibility in five areas:

- customer service
- access to information
- public transportation
- employment
- outdoor public spaces

Adherence to AODA standards aligns with NIE themes of promoting **Inclusive HR Practices; Individualised Approaches; and Enabling Conditions, Removing Barriers.**

Integrated Accessibility Standards Regulation (IASR)³⁸

This is part of the Accessibility for Ontarians with Disabilities Act (AODA), which is a comprehensive law that aims to create a barrier-free Ontario by 2025. It sets out specific requirements for organizations with 50 or more employees in the areas of information and communication, employment, and transportation. Adherence to regulation aligns with NIE themes of promoting **Inclusive HR Practices; Individualised Approaches; and Enabling Conditions, Removing Barriers.**

Ontario government websites

The websites of the Ontario government offer extensive information and resources. Again, these are similar to those published by the government of Manitoba, so many points are not repeated.

Businesses are provided a webpage of resources³⁹ to help them become inclusive employers, including case studies on how different businesses have been inclusive, with resources and information. The resources cover employing the “untapped talent pool of PWD”, accessibility for customers, an AODA toolbox along with a description of services and supports available to facilitate employment of PWD and material regarding employee needs and dignity.

Help is available on how to complete an accessibility compliance report⁴⁰ and there is a list of the programs available for PWD⁴¹.

These government resources may develop or promote improved **Culture, Values, and Commitment; Individualised Approaches; Inclusion and Viability; Inclusive HR Practices;** as well as the fundamental **Enabling Conditions, Removing Barriers.**

³⁸ <https://www.ontario.ca/laws/regulation/110191>

³⁹ Accessibility in Ontario: information for businesses (<https://www.ontario.ca/page/accessibility-ontario-information-businesses>)

⁴⁰ <https://www.ontario.ca/page/completing-your-accessibility-compliance-report>

⁴¹ <https://www.ontario.ca/page/people-disabilities>

Statistics on the benefit of employing PWD⁴²:

Some of the statistics reported in making a business case for employing PWD are relevant to the **Inclusion and Viability** theme from the NIE primary research:

72% higher employee retention rate among people with disabilities⁴³

92% of consumers favour companies that hire people with disabilities (ibid)

63% of people with disabilities do not require accommodations in their workplace⁴⁴

Ontario Disability Employers Network⁴⁵

This network is a rich source of information, guidance, resources, programs, for employers and employees and partnerships, as well as advocacy for disability.

From their website:

"We promote innovation and promising practices in both the business and employment services sectors. ODEN curates and develops case studies of businesses that excel at creating inclusive workplaces. We use these as examples and demonstrations with other businesses and as part of our training for employment service providers. For employment service providers, we study the high performers. We identify what they're doing well and share that information across the province. We promote individual tools, practices and initiatives that are unique and/or promising and have the potential for replication. Here too, we use the learnings in parts of our training modules. ODEN has partnered with Community Living Essex County and Partners for Planning to develop the MCCSS supported xKnowledge Translation and Transfer Hub, hosted on the Real Xchange".

Selected publications accessed from their website:

ODEN has published a large document dedicated to case studies⁴⁶, includes promising practices and explanation of the employer and employee experiences.

They have also published "Reimagining change : A WORKBOOK FOR CREATING, EMBRACING, AND HARNESSING ORGANIZATIONAL CHANGE"⁴⁷

⁴² <https://www.ontario.ca/page/hire-people-disabilities>

⁴³ <https://discoverability.network/business/>

⁴⁴ <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1310074901>

⁴⁵ <https://www.odennetwork.com/>

⁴⁶ <https://www.odennetwork.com/wp-content/uploads/2023/04/ODEN-Compilation-of-Case-Studies-Edition-One-2023.pdf>

⁴⁷ https://www.odennetwork.com/wp-content/uploads/2023/10/EN-CM_Workbook_2023_01Fill-FINAL-uae.pdf

Other selected case studies on their website to help employers with examples of how to be inclusive and disability employers⁴⁸

Additionally, they partner with the REAL Xchange website⁴⁹, which offers a wide variety of knowledge transfer modules and trainings for free.

Conference board guide⁵⁰ on how to make business more accessible.

Retail council guide - Handbook for retail businesses to comply with AODA⁵¹.

Further innovations and promising practices noted:

ODEN delivers a comprehensive Train-the-Trainer module for ESPs, school boards and college

Community Integration Through Co-operative Education (CICE) programs on Job Path and Summer Employment programs

⁴⁸<https://www.odennetwork.com/wp-content/uploads/2022/10/NDEAM-2022-success-story-UHN-FINAL.pdf>

⁴⁹<https://realxchange.communitylivingessex.org/knowledge-exchange/>

⁵⁰https://edata.conferenceboard.ca/docs/default-source/public-pdfs/19187_accessibilityguide_en_pac.pdf?

⁵¹https://www.retailcouncil.org/wp-content/uploads/2018/12/ER_Handbook.pdf

QUEBEC

Quebec has a different perspective on disability inclusive employment and the New Inclusive Economy in general. The foundational principles of equality, access, collaboration, mutual benefit etc. may offer a cultural and societal advantage when identifying and lowering barriers. The institutional approaches are also different. An almost trivial example is the name of their benefits program: it is referred to as social solidarity rather than welfare, which reflects the very different approaches to mutual aid and social supports.

Charter of Human Rights and Freedoms⁵²

Aims to create a society where every individual is treated with dignity, respect, and equality, and where their rights and freedoms are protected and upheld

Prohibits discrimination based on various grounds such as disability, in various aspects of life, including employment

Provides equal access to public services, employment opportunities, and participation in society for all individuals

Provides mechanisms for addressing unlawful interference with rights, including obtaining compensation for any harm caused

Guarantees equal rights and freedoms to both women and men

Upholds and enforces the principles of equality, non-discrimination, and respect for human dignity

According to the Canadian Centre for Diversity and Inclusion⁵³, “Quebec is the only province that has a Charter of Rights and Freedoms that is not a simple anti-discriminatory statute, but rather a fundamental law that takes precedence over other laws and is only second to the Constitution of Canada.... Further, The Quebec Charter of Human Rights and Freedoms is unique among Canadian (and North American) human rights documents in that it covers not only the fundamental (civil and political) human rights, but also a number of important social and economic rights”.

It lays out a number of specific protected grounds that are unique to Quebec, including civil status, language, and social condition. The latter is covered in “less than half of provincial or territorial codes, this protected ground means that you cannot be discriminated against because of your income level, your occupation or level of education”.⁵⁴

As such, it is a foundational document in societal **Culture, Values, and Commitment**; the anti-discriminatory part at least will contribute to **Enabling Conditions, Removing Barriers**.

⁵² <https://www.legisquebec.gouv.qc.ca/en/document/cs/C-12>

⁵³ <https://ccdi.ca/media/1414/20171102-publications-overview-of-hr-codes-by-province-final-en.pdf>

⁵⁴ Ibid

The Act Respecting Labour Standards⁵⁵

establishes and regulates minimum employment standards in Quebec.

covers wages, hours of work, statutory holidays, annual leave, rest periods, and conditions of employment.

Some workers are not covered, for example, those who are self employed. In addition:

"People working in companies governed by federal laws are also excluded. This is the case for employees of: the federal government, banks (except caisses populaires), radio and television stations, interprovincial transport businesses, ports, telecommunication businesses. The labour standards for these people are in the Canada Labour Code, which is a federal law." ⁵⁶

The Act Respecting Equal Access to Employment in Public Bodies⁵⁷

Establishes a framework for equal access to job opportunities for discriminated groups, including PWD.

Public bodies are mandated to implement equal access employment programs, with goals to increase representation of target groups in the workforce and eliminate discriminatory practices.

Public bodies must report on the implementation of these programs every three years.

Compliance with program requirements is monitored and enforced

Demonstrates governmental **Culture, Values, and Commitment**; contributes to **Inclusive HR Practices; Enabling Conditions, Removing Barriers**

The Act Respecting Industrial Accidents and Occupational Diseases⁵⁸

Quebec's workers' compensation act

provides compensation for employment injuries and their consequences

covers a wide range of workers, including domestic workers, independent operators, students, and paper carriers,

Social Economy Act⁵⁹

This Act is unique to Quebec and arises from its specific historical and cultural context. The existence and provisions of the Act are of great interest to the New Inclusive Economy project.

⁵⁵ <https://www.legisquebec.gouv.qc.ca/en/document/cs/n-1.1>

⁵⁶ <https://educaloi.qc.ca/en/capsules/workplace-protections-in-quebec/>

⁵⁷ <https://www.legisquebec.gouv.qc.ca/en/document/cs/A-2.01>

⁵⁸ <https://www.legisquebec.gouv.qc.ca/en/document/cs/A-3.001/>

⁵⁹ <https://www.legisquebec.gouv.qc.ca/en/document/cs/E-1.1.1>

The objective of this Act is to recognise, strengthen, and champion the social economy sector, i.e. define its core principles, specify government involvement and highlight the importance of social economy enterprises in the province's socioeconomic structure.

The concept of social economy in Quebec goes well beyond the more widely used framing of social enterprise:

From the Act:

“Social economy” means all the economic activities with a social purpose carried out by enterprises whose activities consist, in particular, in the sale or exchange of goods or services, and which are operated in accordance with the following principles:

- the purpose of the enterprise is to meet the needs of its members or the community;
- the enterprise is not under the decision-making authority of one or more public bodies within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);
- the rules applicable to the enterprise provide for democratic governance by its members;
- the enterprise aspires to economic viability;
- the rules applicable to the enterprise prohibit the distribution of surplus earnings generated by its activities or provide that surplus earnings be distributed among its members in proportion to the transactions each of the members has carried out with the enterprise; and
- the rules applicable to a legal person operating the enterprise provide that in the event of its dissolution, the enterprise’s remaining assets must devolve to another legal person sharing similar objectives.

For the purposes of the first paragraph, a social purpose is a purpose that is not centred on monetary profit, but on service to members or to the community and is characterized, in particular, by an enterprise’s contribution to the well-being of its members or the community and to the creation of sustainable high-quality jobs.

A social economy enterprise is an enterprise whose activities consist, in particular, in the sale or exchange of goods or services, and which is operated, in accordance with the principles set out in the first paragraph, by a cooperative, a mutual society or an association endowed with legal personality.”

The provisions of this Act reflect and reinforce development of **Culture, Values, and Commitment** most in line with NIE research themes, suggesting not only collaboration with community and community organisations, but that the enterprise should be in service to the “well-being of its members or the community and to the creation of sustainable high-quality jobs”. This facilitates the theme of **Enabling Conditions, Removing Barriers**.

Social Enterprise in Quebec: Understanding Their “Institutional Footprint”

Given that Quebec’s approach is so different from other provinces, this scan also consulted a research paper on the social economy approach: *Social Enterprise in Quebec: Understanding Their “Institutional Footprint”*⁶⁰.

Some key points are outlined below:

Because of the historical roots of cooperatives, mutual societies, collective values of solidarity, cooperation, and community well-being, social economy is a foundation and not an addition.

Do not think of organisations working to increase inclusion as social enterprise, rather approach from the frame of social economy, i.e. coming to the concept of diverse economy and social inclusion from a different lens.

Less about the individualistic culture and more about "associative and mutual movements", "in addition to having affinities with the Latin and French European social and solidarity economy concepts" (p47).

This foundational approach is worth considering in further NIE research. The theme of **Culture, Values, and Commitment** evident in many of the social enterprises in B.C. have these fundamental principles in common with Quebec. **Community/Service Organisation Collaboration** is also supported by **Enabling Conditions, Removing Barriers**.

Guide to programs in Quebec⁶¹

This document represents a comprehensive guide to various programs available for people with disabilities, their families, and caregivers. It outlines different types of assistance, support, and services that are offered to individuals with disabilities, as well as the eligibility criteria and application processes and employment. Published in 2017 by the Office des personnes handicapées du Québec.

Some of employment-related programs and services are summarised below:

Employment integration contracts

Designed to promote equal employment opportunity for people with disabilities.

Eligibility: “your abilities enable you to meet at least 15% of productivity requirements in the first year of a given job and 25% in subsequent years; you are able to work between 12 and 40 hours a week in a standard workplace”.

⁶⁰ Canadian Journal of Nonprofit and Social Economy Research
<https://anserj.ca/index.php/cjnser/article/view/198>

⁶¹ https://www.ophq.gouv.qc.ca/fileadmin/documents/GuideProgrammes2017_Angl_Web.pdf

Available Assistance (p29-30)

Wage subsidy

Assessment

Coaching

Salary compensation for medical treatments

Barrier-free workplace

Adaptation of a workstation

Interpretation services

Special consideration

Other programs listed include

Grant program for adapted businesses (wage subsidy that has the possibility of being long term)

Work-Readiness Skills Program for people with disabilities (paid with benefits during training and skilling process)

The programs outlined relate to themes of **Individualised Approaches; Inclusion and Viability; Community/Service Organisation Collaboration; Enabling Conditions, Removing Barriers.**

Document published by the Quebec Intellectual Disability Society

Policy Directions and Required Actions⁶²

In contrast to the picture from the Social Economy Act and the report discussed above, this document is critical of the situation regarding work for people living with disability. It describes

“A complex ecosystem with multilayered challenges. The ecosystem of employability and sociovocational services for people with disabilities in Québec is very complex. Many stakeholders are supposed to work together, while in reality there are many silos. It is essential to reconsider this dynamic.” (p25)

The authors point out the lack of inclusive employment:

“There are too few programs in Québec that focus on inclusive employment. The Society has hosted the Ready, Willing, Able program for several years, but this program is not available across the province and is limited in terms of human and financial resources.” (p28)

⁶²https://www.sqdi.ca/wp-content/uploads/2023/10/Orientations_et_Demandes_SQDI_2022_EN_WEB.pdf

In terms of NIE themes, to facilitate **Enabling Conditions, Removing Barriers**, perhaps some work is needed on the structural conditions is needed if there are silos.

Government Resources

Workplace protections in Quebec⁶³

This government website describes protections available to workers via the labour standards, which apply to most employees in Quebec, including those working remotely (for example, working from home).

DuoEmploi day⁶⁴ - one day internships during Disability Awareness Week

This is potentially an interesting policy or practice, similar to some of the open days held in Europe:

“With these internships, the participants were able to have a new job experience and discover a trade or occupation that could suit them. These internships also allowed employers to discover the benefits of including people with disabilities in the work teams”.

*People with disabilities*⁶⁵

A government resource outlining the programs, measures, and services for people with disabilities, their families and their caregivers. Covers a broad spectrum:

- Transportation and paratransit
- Employment and adapted jobs
- Education and studies
- Family and support for individuals
- Homes and housing
- Recreation, sports, tourism, and culture
- Tax measures and pensions
- Health and technical aids

These select government resources provide information and access to PWD, encouraging participation in the workforce and other aspects of life. They demonstrate at the very least, a commitment to **Enabling Conditions, Removing Barriers**.

⁶³<https://educaloi.qc.ca/en/capsules/workplace-protections-in-quebec/>

⁶⁴<https://www.quebec.ca/en/emploi3/embauche-et-gestion-de-personnel/duoemploi-offres-de-stages-pour-les-personnes-handicapees>

⁶⁵<https://www.quebec.ca/en/people-with-disabilities>

NEW BRUNSWICK

New Brunswick might be described as early in the process of accessibility and inclusive employment when compared with provinces such as Manitoba. According to the Premier's Council on Disabilities⁶⁶ Annual report from 2022-2023, New Brunswick is currently at the stage of setting up committees and task forces.

Human Rights Act⁶⁷

prohibits discrimination in employment based on physical or mental disabilities

explicitly prohibits discrimination by any person, employment agency, trade union, or employers' organisation against individuals seeking or already employed, on grounds of physical or mental disabilities

requires equal opportunities and fair treatment for individuals with disabilities in various aspects of life, including employment and access to services

Relevant themes: **Enabling Conditions, Removing Barriers**

Employment Standards Act⁶⁸

While the document does not explicitly address disability provisions, it does cover leaves of absence for critically ill adults and employee rights concerning termination, layoff, and discrimination.

One of the controversies in NB regarding employment of PWD was that it was legal to pay below minimum wage. This has been stopped recently by an Act to amend Employment Standards Act⁶⁹.

Accessibility legislation still in development

New Brunswick produced a report in 2023 entitled "New Brunswick's Framework for Accessibility Legislation"⁷⁰ which recognised that the "need for accessibility legislation is urgent and should come before all other recommendations." (p4). It recommends legislation is based on universal design, ensuring products, environments, programs and services are usable by all people to the greatest

⁶⁶ <https://www2.gnb.ca/content/gnb/en/departments/pcsdpc.html>

⁶⁷ <https://www.canlii.org/en/nb/laws/stat/rsnb-2011-c-171/latest/rsnb-2011-c-171.html>

⁶⁸ <https://laws.gnb.ca/en/ShowPdf/cs/E-7.2.pdf>

⁶⁹ <https://legnb.ca/en/legislation/bills/60/2/12/an-act-to-amend-the-employment-standards-act>

⁷⁰ https://www.legnb.ca/content/house_business/60/3/tables_documents/2023%20Accessibility%20EN.pdf

extent possible and without requiring adaptation. New legislation will apply first to government departments, then public sector organisations, before finally applying to the private sector. (p7)

Barriers will be defined broadly and in line with other jurisdictions (these are similar to Manitoba, and the document includes references to architectural, attitudinal, ICT and organizational barriers). Key entities, identified by legislation or regulation, will be required to develop and implement accessibility plans, removing these barriers from their operations.

When this legislation is in place, it will address development of **Culture, Values, and Commitment; Individualised Approaches; Inclusive HR Practices; and Enabling Conditions, Removing Barriers.**

Guideline on Accommodating Physical and Mental Disabilities at Work⁷¹

The Human Rights Act has more protections for PWD than the Employment Act. In 2017 the Human Rights Commission produced a guideline on Accommodating Physical and Mental Disabilities at Work which highlights the importance of preventing discrimination against individuals with disabilities in the workplace. It covers hiring practices, treatment at work and the duty to accommodate persons with disabilities and provides examples of what should be avoided whilst encouraging accommodations and fostering an inclusive and supportive work environment. In summary there should be equal opportunities for all employees.

NIE themes: **Individualised Approaches; Inclusive HR Practices; Enabling Conditions, Removing Barriers**

Disability Action Plan⁷²

The Disability Action Plan (released in 2020, progress updated in 2023⁷³), contains recommendations for impact of services provided, employment rates for PWD, education levels etc. It also sets out plans for legislation, including an accessibility act by the end of 2021.

For a province that has such a high rate of disability (second highest with 26.7% of people aged 15 and over, vs the national average of 22.3%), New Brunswick seems to have less legislation, policy, and strategy to address the needs of this population. The most common types of disabilities among the New Brunswick population were those related to pain, flexibility, mobility and mental health. The plan noted that "New Brunswickers with disabilities need support to reach a level playing field where they can demonstrate their full potential as contributing citizens. Physical and attitudinal barriers must also be diminished."

⁷¹<https://www2.gnb.ca/content/dam/gnb/Departments/hrc-cdp/PDF/Guideline-Accommodating-Disability-at-Work-New-Brunswick.pdf>

⁷² <https://www2.gnb.ca/content/gnb/en/departments/pcsd/pdisability-action-plan.html>

⁷³https://www2.gnb.ca/content/gnb/en/news/news_release.2023.07.0382.html#:~:text=Released%20in%20July%202020%2C%20the,transportation%2C%20and%20recreation%20and%20wellness.

If developed, this proposed Act could relate to NIE themes of **Individualised Approaches; Inclusive HR Practices; Enabling Conditions, Removing Barriers**

The Disability Action Plan stands out amongst the documents reviewed for this scan in that it acknowledges disparity in Indigenous rates of disability.

“The disability rate for Indigenous persons nationally is about 50% higher than for non Indigenous persons. This higher disability rate magnifies the challenges of poverty, employment, health, housing, and economic and social inclusion faced by Indigenous persons and First Nations communities. The final report of the Truth and Reconciliation Commission of Canada (TRC) made 94 Calls to Action. The Calls to Action urged governments, non-government organizations, educators, and the public to take meaningful steps towards reconciliation with Indigenous peoples, by renewing relationships based on mutual understanding and respect. In partnership, we need to create a process to raise awareness and create opportunities for Indigenous persons with disabilities to fully contribute to their own economic, social and human rights”. (p9)

If the Action Plan develops in this direction it will address one of the key limitations of many policies and strategies in most provinces and territories, which is to serve the needs of Indigenous persons with disabilities. This was also one of the key aspects missing from the NIE research, and one that urgently needs to be prioritised.

Research papers related to New Brunswick

In the process of this jurisdictional scan, two research papers discussing the situation in New Brunswick were also reviewed.

Work disability programs in Newfoundland & Labrador and New Brunswick⁷⁴

This report included a literature review combined with interviews with officials, service providers and other stakeholders, along with focus groups with people with lived experience. It compared New Brunswick with Newfoundland in terms of eligibility criteria and employment barriers faced by selected disability populations.

The report notes one of the key issues with mental health disability, namely that

“While the national unemployment rate is approximately 7%, the unemployment rate of Canadian adults with mental illness ranges from 70-90%, depending on the severity of the disability (CMHA, 2014)”. (p6)

⁷⁴https://www.crwdp.ca/sites/default/files/documentuploader/crwdp_2016_seed_grant_study_nl_-_report_june_2019.pdf

“Canadian disability policies have been described as “fragmented” and “a complex web of legislation, regulations and programs, crossing many departments within government and multiple layers of jurisdiction” (Jongbloed, 1998; McColl, Jaiswal et.al, 2017).” (p7)

In 2019, at the time of this report, the authors noted that

“The Training and Employment Support Services (TESS) component of the Employment Services Program provides supports to case managed New-Brunswickers who have a permanent physical, intellectual, psychiatric, cognitive, or sensory disability to participate in training and/or employment opportunities. However, while NL programs are designated for persons with disabilities, the NB program also included Aboriginal persons and members of visible minorities”. (p15)

“The Supported Employment Program works in partnership with Employment Corporations/Agencies to develop employment opportunities for eligible individuals who have developmental (intellectual) disabilities. The Work-Related Disability Supports program provides persons with disabilities assistance with seeking or maintaining employment”.

The program “Equal Employment Opportunity Programs in NB is the equivalent of the Opening Doors program in NL” and both may be interesting practices in provision of access to protected jobs within the public service.

An Untapped Labour Market Pool Economic Impact Assessment of Disability and Employment⁷⁵

discusses obstacles faced by individuals with disabilities in accessing competitive job opportunities in New Brunswick.

advocates transitioning from income-support to employment-support frameworks to increase the participation of individuals with disabilities in the workforce.

emphasizes recognizing the diverse experiences and situations of individuals with disabilities.

highlights the benefits of employment for individuals with disabilities and employers.

The importance of education, awareness of support services, employer involvement, and inter-departmental collaboration necessary to support the integration of individuals with disabilities into the workforce.

The report makes recommendations for changing the conditions and barriers present in the labour market as well as the social/cultural context for employment of PWD.

Critical of “welfarization” of disability:

“Across Canada, social assistance disability income expenditures are growing faster than those of any other program, suggesting a ‘welfarization of disability’. This development is concerning as

⁷⁵<https://www.abilitynb.ca/wp-content/uploads/2020/11/Tacit-Elements-Ability-NB-Employment-and-Disability-Final-Copy-UPDATE-CASE-1.pdf>

labour force participation and employment are not only of benefit to regional economic development but also to a sense of self determination among individuals". (p3)

"In all situations, however, these individuals are facing obstacles to employment on account of being required to navigate the labour market as persons with disabilities" (p8).

The author interviews 15 PWD about their experiences and specifically notes the importance of Workplace Accessibility and Culture:

"Whether trying to navigate the re-entry to employment, or trying to adjust to on-going employment as a disability develops, many of the case summaries demonstrate challenges relating to workplace accessibility and culture. It would seem that persons with disabilities are largely expected to adapt to work environments, including physical infrastructure and colleagues' perceptions, understandings, and attitudes, which have typically been developed from the perspective of persons without disabilities. Accessibility relates not only to the physical aspects of the work environment but also to the culture and processes of the work environment—and many work environments are not accessible"

If workplaces, infrastructure, etc were developed with **Lived Experience of Disability**, there would be more **Culture, Values, and Commitment; Individualised Approaches; Clear, Informal, and Regular Communication; Flexibility; Inclusive HR Practices.**

Such an environment would constitute the structural conditions for the theme of **Enabling Conditions, Removing Barriers.**

PRINCE EDWARD ISLAND

PEI has a specific Act regarding supports for PWD and a workforce diversity policy that specifically mentions building a workplace culture around inclusive practices in the public service, as well as about being flexible. PEI has also recently been successful in attracting funding for programs for PWD.

The Human Rights Act in Prince Edward Island⁷⁶

Upholds the fundamental principle that all individuals are equal in dignity and human rights, regardless of various characteristics including disability (and also specifically mentions "source of income").

Discrimination in employment is prohibited:

Employers are not allowed to refuse to employ or continue to employ an individual on a discriminatory basis, including discrimination in any term or condition of employment.

Employment agencies are not allowed to accept inquiries that express discriminatory limitations or preferences and must not discriminate against individuals based on disability.

The goal of these conditions is to ensure that individuals with disabilities have equal opportunities in the workplace and are protected from discriminatory practices.

NIE themes: **Enabling Conditions, Removing Barriers.**

They're Your Rights to Know⁷⁷

This is an information resource that aims to increase public awareness and understanding of PEI's human rights legislation. It includes scenarios to help explain when the Human Rights Act might apply, equipping PWD with knowledge about their rights and protections.

NIE themes: arguably **Clear, Informal, and Regular Communication** (accessible information on the Human Rights Act for PWD), **Enabling Conditions, Removing Barriers**

The Supports for Persons with Disabilities Act⁷⁸

⁷⁶ <https://www.princeedwardisland.ca/sites/default/files/legislation/H-12%20-Human%20Rights%20Act.pdf>

⁷⁷ http://www.gov.pe.ca/photos/original/YRTK_eng.pdf

⁷⁸ https://www.princeedwardisland.ca/sites/default/files/legislation/s-09-2-supports_for_persons_with_disabilities_act.pdf

Purpose: provision of assured income, categories and rates, application procedures, and outlines/describes the responsibilities of the Director in providing assured income.

The Act

- provides supports and assured income to individuals with disabilities in PEI
- defines PWD - substantial impairment
- outlines eligibility criteria, application procedures
- addresses the provision of assured income to cover basic needs such as food, shelter, clothing, and transportation for individuals with disabilities

While conducting this scan, a similar Act was not found in other provinces. This Act allows for **Enabling Conditions, Removing Barriers** in a right to assured income; yet at a higher level it may represent something about or contribute to the **Culture, Values, and Commitment** of PEI.

Workforce Diversity Policy⁷⁹

This policy acknowledges disability as a dimension of diversity, and considers physical or mental disability as a dimension that should be recognised and valued in organisations. It assists in recruiting and training persons from designated groups, which may include persons with disabilities who are underrepresented in the public service workforce. Its primary goal is to support the Government of PEI's commitment to creating a workplace that represents the diversity of the population it serves.

The policy refers to "diversity" in general, but specifically encourages organisations to:

Build a workplace culture characterized by inclusive practices and behaviors for the benefit of all the staff and their clientele (internal & external).

Create a work environment that values and utilizes the contributions of employees with diverse backgrounds, experiences and perspectives through improved awareness of the benefits of workforce diversity and successful management of diversity.

Implement a framework that requires all departments to embrace fairness, equity and diversity in the development of their policies and programs, as this positively impacts the delivery of their services.

Eliminate barriers in the workplace and develop a work environment that promotes diversity and inclusiveness.

⁷⁹https://www.princeedwardisland.ca/sites/default/files/legislation/s-09-2-supports_for_persons_with_disabilities_act.pdf

Also states: “The PEI Public Service respects people as individuals and values their differences. It is committed to creating a work environment that is fair and flexible, promotes personal and professional growth, and benefits from its diversity.”

This policy document has lots of NIE themes, e.g. **Culture, Values, and Commitment; Individualised Approaches; Flexibility; Inclusion and Viability; Inclusive HR Practices; Enabling Conditions, Removing Barriers.**

The Youth Employment Act⁸⁰

This Act regulates the employment of young persons under the age of sixteen in PEI, containing provisions to ensure that the employment of young persons does not harm their health, safety, or moral and physical development. It establishes guidelines for employers when employing young persons. The Act also includes provisions for inspections, exemptions, and penalties for non-compliance by employers. However, it does not specifically mention disability.

Employment Standards Act⁸¹

This act has the following objectives:

- Ensuring that employees receive at least basic conditions and benefits of employment.
- Promoting positive relationships and open communications between employers and employees.
- Fostering the development of a productive and efficient labor force that can contribute fully to the prosperity of Prince Edward Island.
- Assisting employees in meeting work and family responsibilities.
- Providing fair and efficient procedures for resolving disputes over the application and interpretation of the Act.

It does not mention disability except where certain employment standards may not apply to individuals caring for persons with disabilities in private home settings.

Duty to Accommodate⁸²

⁸⁰https://www.princeedwardisland.ca/sites/default/files/legislation/y-02-youth_employment_act.pdf

⁸¹https://www.princeedwardisland.ca/sites/default/files/legislation/e-06-2-employment_standards_act.pdf

⁸²<https://www.peihumanrights.ca/education-and-resources/duty-to-accommodate>

Includes references to individualised approach, recognising that each employee's needs are unique and must be considered for every accommodation request.

Lists examples of accommodations:

- allowing a flexible work schedule
- modifying job duties
- modifying workplace policies
- making changes to the building (for example, installing ramps, hand rails, automatic door openers, wider doorways, etc.)
- modifying workstations (making ergonomic changes, supplying a specialized chair, back support, etc.)
- providing specialized adaptation or assistive devices for computers, accessible technology
- providing alternative ways of communicating with the employee
- additional training
- allowing short-term and long-term disability leave
- alternative work

NIE themes: **Individualised Approaches; Flexibility; Inclusive HR Practices**

The community groups Resourceabilities⁸³ offers Employer resources:

Making use of individual's skills and abilities

Abilities@Work, a wage subsidy program

Job matching

Work site assessments

Support and job coaching

Job carving

NIE themes: **Flexibility; Individualised Approaches; Community/Service Organisation Collaboration**

PEI HR toolkit » Persons with Disabilities ⁸⁴

⁸³<https://resourceabilities.ca/employers/>

⁸⁴<https://www.peihrtoolkit.ca/resource/diversity-and-inclusion/persons-with-disabilities/>

Suggests employers consider the location, schedule and responsibility mix for each work situation to ensure best opportunities for PWD. Employers should create an inclusive workplace and should also establish connections to local services and agencies offering employment support services to PWD.

NIE themes encouraging better **Culture, Values, and Commitment; Individualised Approaches; Flexibility, Inclusive HR Practices; Community/Service Organisation Collaboration**

Recent success in funding

Two notable recent successes in PEI for services and facilities for PWD were found:

*Government of Canada invests in foundational skills training and support for workers on Prince Edward Island*⁸⁵

"The ADAPT project is a partnership between Workplace Learning PEI (WLPEI) and the Government of New Brunswick's (GNB) Virtual Learning Strategy (VLS) adult-learner support model. This project utilizes the Government of New Brunswick's proprietary tools for screening for learning disabilities (LDORI) and their assessment for foundational skills gaps (ESSA) to target clients with learning disabilities who are employed or entering employment in Prince Edward Island."

NIE themes: **Enabling Conditions, Removing Barriers; Community/Service Organisation Collaboration.**

Tremploy opens new modern facility to support clients⁸⁶

"Tremploy recently opened a 24,000-square-foot facility at 23 Regis Duffy Drive in Charlottetown. Tremploy is a PEI-based non-profit that provides adults who have an intellectual disability with vocational training, life skills training, life enrichment and support programming. They also offer one-to-one service and employment opportunities. Their work empowers and inspires clients while making a tangible difference in our province."

NIE themes: **Enabling Conditions, Removing Barriers; Community/Service Organisation Collaboration.**

⁸⁵<https://www.canada.ca/en/employment-social-development/news/2022/08/government-of-canada-invests-in-foundational-skills-training-and-support-for-workers-on-prince-edward-island.html>

⁸⁶<https://www.princeedwardisland.ca/en/news/tremploy-opens-new-modern-facility-to-support-clients>

NOVA SCOTIA

Nova Scotia may be described as early in the progress towards accessibility - notably, and controversially, only recently agreed to close institutions for PWD.

Human Rights Act⁸⁷

Prohibits discrimination against PWD in employment or during the hiring process

Employment agencies are not allowed to accept inquiries from employers expressing preferences or limitations on hiring due to disabilities

Physical and mental disabilities are defined broadly, includes various conditions and impairments

NIE themes: **Enabling Conditions, Removing Barriers**

Nova Scotia Accessibility Act (2017)⁸⁸

Similar to the Accessibility for Manitobans Act. Recognises the attitudinal and environmental barriers faced and multiple forms of discrimination.

Commits the government to develop accessibility standards for goods and services, information and communication, transportation, employment, built environment, and education. (Accessibility Directorate are responsible for making that happen)

Public sector bodies must seek input from persons with disabilities when preparing an accessibility plan

Accessibility plans must be updated every three years and made publicly available

These provisions and definitions support **Enabling Conditions, Removing Barriers; Inclusive HR Practices; Individualised Approaches** and by stating that public sector bodies must seek input from persons with disabilities when preparing an accessibility plan, the Act facilitates inclusion of **Lived Experience of Disability**.

Labour Standards Code⁸⁹

Doesn't mention disability.

Duty to Accommodate Physical and Mental Disability Guidelines (2023)⁹⁰

⁸⁷ <https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf>

⁸⁸ <https://nslegislature.ca/sites/default/files/legc/statutes/accessibility.pdf>

⁸⁹ <https://www.nslegislature.ca/sites/default/files/legc/statutes/labour%20standards%20code.pdf>

⁹⁰ https://humanrights.novascotia.ca/sites/default/files/duty_to_accomodate_final.pdf

This document provides guidance to employees and managers who review requests for workplace accommodations for civil service employees and other direct employees working for the Province of Nova Scotia.

NIE themes: **Individualised Approaches; Inclusive HR Practices; Enabling Conditions, Removing Barriers**

Access by Design 2030: Achieving an Accessible Nova Scotia⁹¹

Out of all the provinces, Nova Scotia has the highest percentage of PWD, much higher than the Canadian average⁹². This document (published in 2018) outlines priorities, key actions, and a framework for how Nova Scotia aims to achieve its goal of becoming an accessible province by 2030. It points out the necessity for collaboration and support from various stakeholders to ensure the rights and needs of persons with disabilities are central to policy and program development in the employment sector. It also highlights the need for employment standards that support PWD in finding and maintaining employment, contributing to a more inclusive workforce.

NIE themes: **Inclusion and Viability; Lived Experience of Disability; Inclusive HR Practices; Community/Service Organisation Collaboration; Enabling Conditions, Removing Barriers**

Websites

This scan also consulted websites (community organisations and government websites) in search of resources for employers or businesses.

InclusionNS⁹³

Refers to the report “HUMAN RIGHTS REVIEW AND REMEDY FOR THE FINDINGS OF SYSTEMIC DISCRIMINATION AGAINST NOVA SCOTIANS WITH DISABILITIES”⁹⁴, “a landmark agreement between the Disability Rights Coalition and the Province of Nova Scotia”.

This was the result of “an 8-year legal battle over the right to live in community and marks the beginning of meaningful change for people with disabilities in NS. The Remedy Report will lead to transformative change in how people with disabilities will be supported to live and be included in their communities”.

⁹¹ <https://novascotia.ca/accessibility/access-by-design/access-by-design-2030.pdf>

⁹² “30% of Nova Scotians 15 years and over have at least one disability, the Canadian average is 22.3%” - <https://novascotia.ca/accessibility/stats-on-disability-in-Nova-Scotia.pdf>

⁹³ <https://www.inclusionns.ca/>

⁹⁴ https://www.inclusionns.ca/files/ugd/7ee84c_9a8fdb417c0e4739adcc6abd7852b9dd.pdf

“For people with intellectual disabilities and their families, the Remedy will bring us a chance to dream beyond the limited services that have been available in NS and to build a truly inclusive life.”

The Remedy identifies 6 Key Directions to guide the transformation including:

“A new system of Individual Planning and Support Coordination to drive more person directed and local community-based supports and services. Uses an approach known as Local Area Coordination”.

NIE themes: **Individualised Approaches; Community/Service Organisation Collaboration**

Miscellaneous

Accessibility resources - Government of Nova Scotia⁹⁵, includes success stories - e.g. wheelchair mats at the beach, awards to local citizens and resources providing collateral to raise awareness, webinars and recorded conversations about the benefit of accessibility at work.

Accessibility in Nova Scotia⁹⁶ the website of an organisation representing PWD, that offers many resources and reports.

⁹⁵ <https://novascotia.ca/accessibility/resources/>

⁹⁶ <https://accessible.novascotia.ca>

NEWFOUNDLAND AND LABRADOR

Human Rights Act⁹⁷

Individuals with disabilities are protected from discrimination under the Act, covering those with a disability, believed to have or have had a disability, or predisposed to developing a disability.

These measures aim to protect individuals with disabilities from discrimination and ensure equal opportunities in housing and employment.

NIE themes: **Enabling Conditions, Removing Barriers**

Accessibility Act⁹⁸

The Accessibility Act in Newfoundland and Labrador underscores the significance of promoting accessibility in employment environments and strives to eliminate obstacles that impede individuals with disabilities from fully engaging in the workforce.

It outlines:

Employment Standards

The Act applies accessibility standards to individuals, organizations, or public bodies employing individuals.

Specific measures, policies, and practices are in place to prevent barriers in employment and ensure accessibility for individuals with disabilities.

Ministerial Responsibilities

The Minister is responsible for raising awareness of how barriers affect individuals with disabilities, including in employment.

Emphasizes the importance of identifying and addressing barriers faced by individuals with disabilities in work settings.

Liability Protection

Provisions in the Act protect individuals, organizations, and public bodies from liability when fulfilling their duties in good faith, including those related to employment.

Encourages active participation in creating accessible employment environments.

⁹⁷ <https://assembly.nl.ca/Legislation/sr/statutes/h13-1.htm>

⁹⁸ <https://www.canlii.org/en/nl/laws/stat/snl-2021-c-a-1.001/latest/snl-2021-c-a-1.001.html>

Defines barriers: “‘barrier’ means anything that prevents a person with a disability from fully participating in society, including (i) a physical barrier, (ii) an architectural barrier, (iii) an information or communications barrier, (iv) an attitudinal barrier, (v) a technological barrier, or (vi) a barrier established or perpetuated by an Act, regulations, a policy or a practice”

Broad range of application:

An accessibility standard may apply to an individual, an organisation or a public body that (a) designs and delivers programs and services; (b) provides information or communication; (c) procures goods, services and facilities; (d) offers accommodations; (e) provides education; (f) provides healthcare; (g) employs persons; (h) owns, operates, maintains or controls an aspect of the built environment other than a private residence with 3 or less residential units; or (i) conducts an activity or undertaking prescribed in the regulations.

Public bodies have to create accessibility plans every 3 years. The Act also outlines monetary penalties for non-compliance and the process to appeal that penalty.

These provisions and definitions support **Enabling Conditions, Removing Barriers; Inclusive HR Practices; Individualised Approaches**

Disability Policy Office - Children, Seniors and Social Development⁹⁹

Recently established, under the Accessibility Act, the Disability Policy Office will:

- Support the implementation and administration of this Act and the regulations;
- Provide policy and communication support for this Act and the regulations;
- Support others to develop and implement public education and awareness on the purpose of this Act.
- Examine and review measures, policies, practices and other requirements to improve opportunities for persons with disabilities;
- Identify and study issues of concern to persons with disabilities and recommend action where appropriate; and
- Provide administrative support for the Accessibility Standards Advisory Board.

NIE themes: **Individualised Approaches; Enabling Conditions, Removing Barriers**

Government disability accommodation policy¹⁰⁰

⁹⁹ <https://www.gov.nl.ca/cssd/disabilities/>

¹⁰⁰ <https://www.gov.nl.ca/exec/tbs/working-with-us/disability-accommodation/>

A policy for employment in government departments which offers accommodations on an individualised basis.

“The Government of Newfoundland and Labrador is committed to having a diverse and inclusive workforce where employees have equal and fair opportunity to participate, contribute, and advance in the workplace. This commitment stems from the desire to ensure a strong, dedicated, and engaged public service.”

Defines accommodation as:

“A temporary or permanent adjustment to working conditions, work assignments, policies, rules, practices, programs, or the physical work environment to address an employee’s current or potential employment needs arising from a disability which is supported by medical documentation.”

NIE themes: The existence and publication of such a policy demonstrates **Culture, Values, and Commitment** of the government, as well as supports **Individualised Approaches; Inclusive HR Practices; Enabling Conditions, Removing Barriers**

Research Report

Also consulted a research report comparing NB and NL¹⁰¹

Work disability programs in Newfoundland & Labrador and New Brunswick: Mapping eligibility criteria and identifying barriers for the employment of selected disability populations.

From the research paper:

“In Newfoundland and Labrador, the Department of Advanced Education and Skills, the Department of Health and Community Services, The Department of Children, Seniors and Social Development, and the Human Resource Secretariat all provide programs and services to assist persons with disabilities. The NL Government also set up the Disability Policy Office within Children, Seniors and Social Development, to ensure the development of policies that include people with disabilities and that are barrier free. In addition, the provincial government also partners with community agencies to deliver specific programs and services. Interventions to improve the employability of persons with disabilities are provided in response to individual needs. Accordingly, assistance with employment preparation and attachment to the workforce, or to address vocational crisis, tends to vary in intensity and duration.” (p11)

NIE themes: **Enabling Conditions, Removing Barriers; Community/Service Organization Collaboration.**

¹⁰¹https://www.crwdp.ca/sites/default/files/documentuploader/crwdp_2016_seed_grant_study_nl_-_report_june_2019.pdf(https://www.crwdp.ca/sites/default/files/documentuploader/crwdp_2016_seed_grant_study_nl_-_report_june_2019.pdf)

“The Human Resource Secretariat delivers the Opening Doors Program which provides opportunities for individuals with disabilities to obtain employment within the provincial public service”. The program offers “permanent Opening Doors positions throughout the provincial public service in various locations of the province. The Opening Doors Program positions have been designated for persons with disabilities and may be filled only by members of this employment equity group who have been accepted for inclusion on the Office's client registry”. (p12)

The study finds a failure of the programs available for people with disabilities:

“The qualitative findings of this CRWDP Seed Grant Study further outline the realities of individuals with mental health conditions and ASD accessing employment opportunities based on current work disability policies and programs in Newfoundland and Labrador. The complex nature of mental health conditions and ASD, and the lack of tailored services and supports for these population groups are also emphasized in the findings”. p26

Finally, and this appears to echo some of the information from research participants in NIE, the report reflects on how many employment support programs are not suitable for mental health disability:

“It is evident that eligibility criteria for existing employment support programs does not offer the flexibility necessary for the self-disclosed, episodic, and unpredictable nature of some mental health conditions. The expected program outcomes are often rigid and not articulated in a meaningful way. For those who deliver these programs, as well as those who benefit from them, getting a job and finding a job alone is not always a good measure of success. It is believed that individuals with complex needs would be better served if the outcomes that are measured were focused on individual growth and potential. The lack of adequate support, including employment as one of the most important survival issues, can have significant and long-term consequences, especially for young adults”. (p26)

NIE themes: **Flexibility, Individualised Approaches, Inclusive HR practices, Enabling Conditions Removing Barriers.**

CANADIAN TERRITORIES

YUKON

Human Rights Act¹⁰²

defines disability

prohibits discrimination against a number of protected classes, including disability

notes the duty to accommodate, to make reasonable provisions to address the special needs of others, particularly in the context of employment, accommodations, and services

NIE themes: **Enabling Conditions, Removing Barriers**

Duty to accommodate¹⁰³

"The goal of accommodation is to give everyone the opportunity to participate and contribute at work and in society. Examples of common accommodations include:

In the area of employment, flexible work schedules which can accommodate child care needs (family status) or faith-based practices (religion)

In the area of housing, installing a ramp to accommodate a tenant in a wheelchair (disability)

In the area of services, allowing a student with a learning disability to bring a note taker into class and/or to tape record lectures."

Flexible employment referred to in the context of caring or religion but not disability

NIE themes: **Individualised Approaches; Enabling Conditions, Removing Barriers**

Employment Standards Act¹⁰⁴ doesn't mention disability, while the Workers Compensation Act¹⁰⁵ only mentions disability in reference to injury at work and/or compensation.

Inclusion Yukon

¹⁰² <https://laws.yukon.ca/cms/images/LEGISLATION/acts/huri.pdf>

¹⁰³ <https://yukonhumanrights.ca/what-is-the-duty-to-accommodate/>

¹⁰⁴ <https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0072/2002-0072.pdf>

¹⁰⁵ <https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2008/2008-0012/2008-0012.pdf>

Inclusion Yukon¹⁰⁶ offers support for those wishing to set up self employment, funded by YTG's Community Development Fund.

"Inclusion Yukon's has supported Self Employment Initiatives for individuals with neurodevelopmental disabilities who are interested in starting their own business or who are already self employed but requiring extra support."

"We may be able to provide individualized guidance on determining the feasibility of a business idea and the implementation of a business plan, dependent on funding and what step you are on. Support is also available to individuals implementing changes to an existing, independently running business."

NIE themes: **Individualised Approaches** (one of the very few examples of individualised approach to entrepreneurship); **Community/Service Organisation Collaboration**

Challenge Disability Resource Group

In a news article from 2019 the Challenge DRG report:

"We use an integrated workforce model where adults with disabilities work in an environment with more experienced individuals. This follows our principle of social inclusion and allows our more experienced workers to role model workplace etiquette and teach new skills,' said Hardie. 'All workers are paid to industry standard.'"¹⁰⁷

NIE themes: **Community/Service Organisation Collaboration**

¹⁰⁶ <https://www.inclusionyukon.org/employment>

¹⁰⁷ <https://www.whatsupyukon.com/yukon/yukoners/opportunity-is-what-they-do/>

NORTHWEST TERRITORIES

The Northwest Territories have a relatively small population, and have a relatively high proportion of First Nations people living with disability.

Human Rights Act¹⁰⁸

key framework for protecting human rights with provisions related to the interpretation, application, complaints, adjudication, and appeal processes

defines “disability” to include physical disabilities, mental disorders, and other conditions that may impact an individual's ability to carry out daily activities

prohibits discrimination based on disability and outlines the rights and protections afforded to individuals with disabilities

recognizes that disabilities can vary in degree, and it aims to ensure equal treatment and opportunities for individuals with disabilities

NIE themes: **Enabling Conditions, Removing Barriers**

NWT Disability Strategic Framework 2017-2027¹⁰⁹

This framework guides the development and implementation of the first five-year NWT Disability Action Plan: 2017-2021 and will direct the development of subsequent action plans. It embraces the UNCRPD concept: “This recognizes that disability is an evolving and complex concept and that disability results from the interaction between persons with impairments, attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.” (p3)

The vision of the framework is to advance equity, accessibility, inclusion, and participation for persons with disabilities in all aspects of economic and social life in the Northwest Territories.

The principles are: Self-Determination; Equity of Opportunity; Independence; Innovation; Personal Accessibility; Dignity; Flexibility; Respect; Non-Discrimination; and, Person and Family Centred.

The framework is built on four interconnected goals that shape and guide priority objectives and associated actions. These goals are centered around being 1. person and family-centered, removing physical, social, cultural, and systemic barriers by advocating “universal design”; 3. Awareness education and training to change attitudes, beliefs, and practices; 4. Coordination, Evaluation and

¹⁰⁸ <https://www.justice.gov.nt.ca/en/files/legislation/human-rights/human-rights.a.pdf>

¹⁰⁹ https://www.ntassembly.ca/sites/assembly/files/td_84-183.pdf

Reporting through “whole of government” approach and with partnerships with non-government organisations, undertaking collaborative research.

The framework guides the development and implementation of Disability Action Plans to support individuals with disabilities and improve accessibility by removing physical, social, cultural, and systemic barriers to facilitate inclusion and equitable participation.

The NWT Strategic Framework goes beyond the medical and social model of disability to discuss disability in terms of a "socio-political model".

"The emerging socio-political model of disability is an expression of the behaviours, attitudes and barriers that cause disabling conditions in society. This model explains that attitudes, and economic, legal and policy barriers are the real reasons that people with disabilities have difficulties participating as full members of society. This model shifts the focus to changing attitudes, altering environmental barriers and advancing the potential of persons with disabilities." p18

These provisions and definitions support **Enabling Conditions, Removing Barriers; Inclusive HR Practices; Individualised Approaches; Community/Service Organisation Collaboration;** and demonstrates a level of **Culture, Values, and Commitment** in the NWT government and society.

Disability Matters¹¹⁰

Defines what disability is in a broad, and non medicalised way;

Recognises disability can be acquired, age related, and transitory, or recurring, or changing; and

Describes how supports are the usual things we think of (caregivers, adaptive equipment) but are also "attitudes and policies that include people with disabilities".

NIE themes: **Enabling Conditions, Removing Barriers**

GNWT Programs and Services for Persons with Disabilities Inventory¹¹¹

a resource guide for individuals with disabilities seeking information on education, training, and employment opportunities

outlines programs and services available through GNWT Departments and partners to support persons with disabilities in accessing employment opportunities

supported living programs and other living options that may impact their employment decisions

¹¹⁰ <https://www.hss.gov.nt.ca/sites/hss/files/resources/disability-matters.pdf>

¹¹¹ <https://www.hss.gov.nt.ca/sites/hss/files/resources/gnwt-disabilities-inventory.pdf>

aims to promote inclusivity and accessibility in the workforce for persons with disabilities, aligning with the NWT Disability Strategic Framework

With respect to employment, the document mentions:

“The Workforce Development Agreement (WDA) is an agreement between the Government of Canada and the Government of the Northwest Territories that provides employment and training supports to eligible residents, including persons with disabilities.” (p20)

This scheme provides training such as literacy, supports on a continuum of needs-based services, employment partnerships to expand availability and quality of opportunities, and builds knowledge on labour market information.

NIE themes: **Culture, Values, and Commitment; Individualised Approaches; Community/Service Organisation Collaboration; Enabling Conditions, Removing Barriers**

Rights of People with Disabilities in the NWT¹¹²

This document from the NWT Disabilities Council translates UN, Canadian, and Territory laws into what it means for PWD in the NWT. Each statement of rights of PWD is supported by UN, Canadian, and Territory levels of legislation.

NIE themes: **Enabling Conditions, Removing Barriers**

¹¹²<https://static1.squarespace.com/static/5da6397b6663ff07558fa515/t/5ed1550089d12f1ce610ce5c/1590777092258/Bill+of+Rights.pdf>

NUNAVUT

Human Rights Act¹¹³

“The purposes of this Act are to acknowledge within the framework of Inuit

Qaujimajatuqangit that the Government, all public agencies, boards and commissions and all persons in Nunavut have the responsibility to guarantee that every individual in Nunavut is afforded an equal opportunity to enjoy a full and productive life and that failure to provide equality of opportunity threatens the development and well-being of all persons in the community.”

prohibits discrimination in employment on the basis of disability, not allowed to refuse to employ or discriminate against individuals with disabilities with respect to any term or condition of employment

states employer duty to accommodate the needs of PWD in the workplace, unless such accommodations would result in undue hardship on the employer

discrimination is considered a contravention regardless of whether there was an intention to discriminate

NIE themes: **Enabling Conditions, Removing Barriers**

Labour Standards Act¹¹⁴

Establish minimum employment standards for various aspects of employment, including wages, hours of work, overtime, holidays, and other conditions of work. The Act aims to protect the rights of employees, ensure fair treatment in the workplace, and promote a healthy and safe working environment. It sets out the responsibilities of employers and employees. Disability is only mentioned in relation to taking domestic violence leave that results in disability.

Workers compensation Act¹¹⁵

Only refers to disability acquired at work.

Nunavummi Disabilities Makinnasuaqtiit Society¹¹⁶

The website is a rich source of information and the society seems to be core to disability service and advocacy in Nunavut. In addition to offering a variety of services such as support groups and workshops, job coaches, programs and counselling, the site includes the following specific areas of interest to the NIE project:

¹¹³ <https://www.canlii.org/en/nu/laws/stat/csnu-c-h-70/latest/csnu-c-h-70.pdf>

¹¹⁴ <https://www.canlii.org/en/nu/laws/stat/rsnwt-nu-1988-c-l-1/latest/rsnwt-nu-1988-c-l-1.pdf>

¹¹⁵ <https://www.canlii.org/en/nu/laws/stat/snu-2007c15/latest/snu-2007c15.pdf>

¹¹⁶ <https://nuability.ca/>

Inclusion and Accessibility¹¹⁷

Explains definitions of accessibility in terms of reducing and preventing barriers. Explains duty to accommodate in the IQ framework:

"IQ Principles: Inuuqatigiitsiarniq (respecting others, relationships and caring for people), Tunnganarniq (fostering good spirit by being open, welcoming and inclusive)."

"Sometimes this means treating people differently to make sure they have everything they need to succeed. Sometimes this means changing the environment or the tools related to the job. Sometimes bigger changes are needed to address discrimination in the workplace, such as re-working the policy, rules, or practices"

The website points out that Canada "is still lacking in compliance with the declaration on the rights of Indigenous people (Dion, 2017)."

"The Nunavut Human Rights Act continues the promotion of equal rights for Indigenous people with disabilities, with a focus on the Inuit Qaujimajatuqangit (IQ) framework."

Advocacy

Advocacy services, from encouraging self-advocacy to individual, group, and systems advocacy.

The Nunavut Solutions Grant

"The Nunavut Solutions Grant is a joint project with NDMS, the Rick Hanson Foundation, and the Government of Nunavut. The grant provides funding for those living with a mobility-related disability to access equipment or services that will improve the quality of life for Nunavummiut."

All nine of the NIE themes are addressed here. In addition, the Nunavummi Disabilities Makinnasuaqtiit Society addresses one of the key limitations of the NIE research in that we did not hear from inclusive organisations working with Indigenous people with disabilities.

Nunavut Disabilities Makinnasuaqtiit takes snapshot of disability needs¹¹⁸, a research project

The Nunavut Disabilities Makinnasuaqtiit Society is conducting research to understand the needs of people with disabilities in Nunavut

The organisation is exploring barriers for PWD in accessing transportation, medical travel, accessing medical services, communications, housing

¹¹⁷ <https://nuability.ca/inclusion-accessibility/>

¹¹⁸ <https://nunatsiaq.com/stories/article/nunavut-disabilities-makinnasuaqtiit-takes-snapshot-of-disability-needs/>

Lack of accessible transportation and demand for mental health support for PWD has already been identified as an important theme in Nunavut and from NIE we know how it can impact ability to access employment opportunities

Gathering information from PWD and their caregivers to advocate for more services and supports tailored to their needs

The research manager is quoted in the newspaper article as saying: “There hasn’t been, to our knowledge, a study that looks at disabilities across the territory. So it is unique in that regard. We started the study in 2021, so we will have the report out early fall 2024

European Union

The EU has recently released documents describing their strategy between now and 2030, listing new programs and deliverables, some of which are still being developed. They have renewed their focus on improving the employment prospects of people with disabilities through strategies derived from a social model of disability, paying particular attention to intersectionality, the needs of women, refugees, etc.

This recent focus and investment into strategies across such a diverse range of countries means there are several promising practices and structural conditions worth considering in the context of a jurisdictional scan.

Background

The EU is a monetary union of independent countries with independent fiscal policies; thus, considerable work is required to harmonise disability employment policy. Multiple departments and agencies aim to achieve this harmonisation, starting with the European Commission's *Employment, Social Affairs & Inclusion* organisation. Under that is a layer for *Social Protection & Social Inclusion*, which has a department taking care of *Persons with Disabilities*, which works in line with the UN Convention on Human Rights for Persons with Disabilities and as mentioned above recently released the *Strategy for the Rights of Persons with Disabilities 2021-2030*.

The UN Convention on the Rights of Persons with Disabilities (CRPD)¹¹⁹

The EU Member states have ratified the UN CRPD and implemented it with binding force. The implications for Public Employment Services (PES) include:

the need to develop holistic support packages to meet barriers faced by persons with disabilities;

ensuring internal and external equality and diversity packages that also consider the overt and covert forms of discrimination and physical, attitudinal and legal barriers;

reasonable accommodation must be provided, both technical (assistive devices and adaptations to the workplace) and organisational (working hours, distribution of duties, WFH, redeployment);

persons with disabilities are enabled to live independently, fully participating in all aspects of life. PES should ensure equal access to the physical environment and transportation, to information communications technologies and systems and to other facilities and services in urban and rural areas;

specific, positive measures making a visible contribution to reducing barriers. (pp.5-6)

¹¹⁹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

These requirements encompass most of the NIE themes. Perhaps most obvious are the **Culture, Values, and Commitment; Individualised Approaches; Flexibility; Inclusive HR Practices; Enabling Conditions, Removing Barriers**

Promoting hiring perspectives through affirmative action and combating stereotypes

"Principle 17 of the European Pillar of Social Rights reaffirms the right of persons with disabilities to services that enable them to participate in the labour market and a work environment adapted to their needs".

NIE themes: **Individualised Approaches**

The Disability Employment Package¹²⁰

This package aims to improve labour market outcomes for persons with disabilities. It identifies several priorities, including accessibility, quality of life, the role of the EU in leading by example, and promotion of rights of persons with disabilities globally.

Derived from these initiatives, the Package lists six deliverables, two of which are complete and have been published online; the other four are “upcoming”.

Completed Deliverables

Practitioner *toolkit* on strengthening Public Employment Services (PES). The toolkit provides a concrete, practical guide for how PES can promote the participation of persons with disabilities in the labour market.

*Catalogue*¹²¹ of positive actions, which promotes hiring perspectives through affirmative action and combating stereotypes.

Deliverables listed as “upcoming”

Ensuring reasonable accommodation at work

Retaining persons with disabilities in employment: preventing disabilities associated with chronic diseases

¹²⁰ Union of equality: Strategy for the rights of persons with disabilities 2021-2030 - Employment, Social Affairs & Inclusion - European Commission (<https://ec.europa.eu/social/main.jsp?catId=1484&langId=en>)

¹²¹ <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8570&furtherPubs=yes>

Securing vocational rehabilitation schemes in case of sickness or accidents

Exploring quality jobs in sheltered employment and pathways to the open labour market

The Practitioner Toolkit¹²²

This toolkit provides a practical guide, with concrete examples, for how Public Employment Services (PES) can promote the participation of persons with disabilities in the labour market. The toolkit, as one of the deliverables of the Employment Package, is intended to improve the labour market outcomes of persons with disabilities, contributing to closing the employment gap between people with and without disabilities. Increasing employment rate of persons with disabilities will also help to achieve the ambitious target of the European Pillar of Social Rights Action Plan, to have at least 78% of the population aged 20 to 64 in employment by 2030 (p1)

What are PES?

As the name suggests, they are public bodies connecting job seekers with employers. They focus on aligning job supply and demand by providing information, job placement, and support services. Each country will have its own PES, with possibly divergent structures and organisation, but in general all aim to facilitate the matching of job seekers with employers at local, national, and European levels, with both supply and demand side policies and measures.

PES and stakeholder partners have significant scope to adopt measures to combat discrimination and other barriers experienced by persons with disabilities and help them overcome these barriers and improve their labour market position. (p7)

Three categories of barriers are identified: attitudinal; institutional; and participatory.

*“**Attitudinal** barriers refer to any occasion in which prejudiced norms toward disability affect the employment of persons with disabilities. Examples of this include prejudice in employment decisions or acts of micro-aggression in the workplace.”*

*“An **institutional** barrier refers to any physical, administrative, legal and bureaucratic obstacle which prevents persons with disabilities from participating in the labour market.”*

*“A **participatory** barrier refers to any obstacle to involving persons with disabilities in the design of employment support measures. This includes actively seeking input from persons with disabilities to ensure support materials meet client needs, venues (step free entry) and tools are suitable and physically accessible for use by persons with disabilities, and language is appropriate.”*

Some of the concrete suggestions the toolkit offers to combat discrimination and other barriers include awareness raising workshops addressing attitudinal barriers (p11); a checklist for inclusive job adverts

¹²² <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8505&furtherPubs=yes>

addressing institutional barriers; “duodays” where organisations pair a person with disability with an employee for a day, addressing participatory barriers (p22). Further case studies throughout the toolkit suggest other ways to address the three barriers.

Active labour market measures

The toolkit refers to a detailed overview of policy measures in Member States found in the Eurofound¹²³ (2021) report “Disability and labour market integration: Policy trends and support in EU Member States” and describes the following active labour market measures:

Supported employment. Supported employment helps individuals with disabilities obtain and keep paid positions in the open job market.

- Support is provided to both the employee and the employer.
- A designated PES contact offers guidance, coaching, and job carving/crafting advice.
- Workplace modifications are facilitated.
- Financial subsidies may be available to support the employment process.
- Personalised support for those facing more complex barriers.
- Intensive Personalised Support Packages are tailored for individuals with disabilities.
- Individuals have control over planning and support selection (and can make choices about what kind of work they want to pursue, their own goals).
- Support workers collaborate with different agencies.
- The aim is to enhance the participation of individuals with disabilities in the labor market.

Customised employment support. Customised employment support focuses on individual strengths for jobseekers with disabilities rather than which jobs are available in the market.

- Collaboration between jobseeker and employer creates personalized job opportunities - “involves both the jobseeker and employer in shaping a job opportunity and creating a specific job description to match the requirements of both (Citron et al, 2008)¹²⁴.” p18
- Matching strengths, interests, and preferences with job descriptions meets individual needs.
- Strategies like job carving, job creation, job sharing, and self-employment are employed.
- Employers are supported in developing reasonable accommodations.
- Specially trained PES staff guarantee effective implementation.

¹²³ Disability and labour market integration: Policy trends and support in EU Member States Eurobarometer (2019), Discrimination in the European Union - <https://europa.eu/eurobarometer/surveys/detail/2251>.

¹²⁴ Citron, T.; Brooks-Lane, N.; Crandell, D.; Brady, K.; Cooper, M. and Revell, G. (2008). A revolution in the employment process of individuals with disabilities: Customized employment as the catalyst for system change, *Journal of Vocational Rehabilitation* 28, 169-179.

Self-employment and entrepreneurship

Recognises that self-employment can be attractive for PWD “as they may have difficulties finding a traditional job but also because when self-employed they determine their own working hours, arrange their own workplace, and generally achieve a relatively high level of control and independence. Start-up incentives as a minimum provide financial support through income support, loans, and subsidies such as those provided to employers.”

However, “According to Eurofound (2021), however, most Member States provide more comprehensive support, e.g. support for developing a business plan or a mentor scheme featuring established entrepreneurs. The ONCE Foundation in Spain is one of the PES that delivers ESF+ funded programmes in this area” (p19)

Reasonable accommodation and accessibility (p19)

Supporting reasonable accommodation in companies

Introducing flexible working hours

Providing bespoke training and mentoring schemes

Altering workplaces so that they are disability friendly

Ensuring that all workplace materials are available in accessible formats

Adjusting or obtaining equipment enabling workers with disabilities to perform tasks

Outreach programs

Targeted job fairs and insight days

"encourage employers to think differently about their workplace and work processes and consider how barriers can be removed to incorporate persons with disabilities." p 21

Specialised disability advisory services expert teams

"PES can create their own expert disability advice teams to launch effective outreach programmes". p21

Catalogue of Positive Actions to Encourage the Hiring of Persons with Disabilities and Combating Stereotypes

The second completed deliverable from the DEP is the catalogue of positive actions, many of which are highly applicable to the findings from NIE conducted in B.C., triangulating the exploratory nature of this research project. Here we examine some of the catalogue's case studies with reference to the NIE project.

Austria

Austria's "Service for Business" was introduced in 2020, with measures ranging from informing, advising and supporting businesses to actively employing persons with disabilities (p7).

Assessment of the program in 2022 found that employers appreciated the "one stop shop" for information on employing people with disabilities. The program supplies information, advice, and (sometimes) support with funding opportunities. It supplies advice on the legal framework of employing PWD, alongside support in the recruiting process, particularly in the design of application processes and advertising (**Inclusive HR Processes**). The program can help with creating and designing accessible workplaces. It seeks the "greatest possible accessibility in the operational environment"; **Enabling Conditions, Removing Barriers**.

Belgium

SAREW, a Service assisting with job search for deaf or hard of hearing people in Wallonia (p8), offers individualised support for living with deafness, supporting the individual and seeking work placements in "deaf friendly" workplaces. (**Individualised Approaches**), along with awareness-raising actions to increase inclusion of deaf people. The activities are conducted by deaf and hard of hearing people who have lived experience and knowledge about requirements and also the challenges tied to the use of their national sign language (**Lived Experience of Disability**)

Croatia

The Croatian Employment Service uses active labour market measures to target persons with disabilities. Two measures are aimed at employers of persons with disabilities: employment support, in the form of financial subsidies towards the salaries of persons with disabilities, for 24 months, in the green or digital spheres; and a public works scheme (p8). (**Enabling Conditions, Removing Barriers**). A 2021 evaluation found that the number of persons with disabilities added to active employment policy measures increased by 23% in 2020.

Denmark

From 2021 to 2022, the city of Aarhus implemented a labour market activation project known as "Business training fields – on the way to a flex job". It provided participants with social and professional skills training as they joined an ordinary workplace. It was intended that they were then retained through a flexi-job, thereby supporting both the employer and the employee. (**Flexibility; Culture, Values, and Commitment**)

Finland

The VATES Foundation fosters equal employment of persons with disabilities, long-term illnesses or other causes of partial work capacity by working with employment, rehabilitation and education stakeholders. They have created an annual disability employment forum to create bridges between these stakeholders, alongside a handbook supporting employment. An example of the concrete assistance they provide is a work coach who tailors suitable work tasks (for the employer) and familiarises employees with them.

France

The Service Pôle Emploi launched the “Employment and Autism” initiative to provide jobseekers with autism with individualised support in accessing employment along with the social aspects, such as housing, healthcare and mobility. Counsellors, trained in autism support, accompany jobseekers as they decide on career paths and training projects, providing them with job-search techniques and enabling contacts with companies to enable successful integration into the workforce. Support is provided for more than one year.

Individualised Approaches: the service asks the jobseekers what kind of work they want to do, and then help them find it and figure out contracts with companies.

Studies show an increased rate of return to employment for persons with autism of 42% (in Nouvelle-Aquitaine) and 23% (in Pays de la Loire), illustrating that targeted, quality support improves long term outcomes.

This demonstrates the NIE theme of workplace **Culture, Values, and Commitment**:, support for recruiters, negotiating contracts for jobseekers with autism.

Ireland

The Irish government has implemented more inclusive recruitment pathways into the civil service for persons with disabilities. Potential employees undertake a work placement of around 10 months (p10), and during the placement they demonstrate their existing skills and learn new ones.

Individualised Approaches - employees get to demonstrate their skills in a period of work before being hired

Inclusive HR Practices and Workplace **Culture, Values, and Commitment** - fosters a culture of inclusion and support for persons with disabilities in the civil service in Ireland through inclusive recruitment pathways

Italy

In 2022, Italy adopted guidelines on targeted placement of persons with disabilities and diversity management (p11), comprising good practices for professional integration and an accessible database to record the practices, including creation of agencies to promote a culture of inclusion. Over 20% of companies had already adopted at least one non-mandated measure to manage or enhance diversity among workers in 2019, i.e. before the guidelines were proposed.

Latvia

Latvia holds “Open-Doors Days for Persons with Disabilities” which permit an employer to meet potential employees, demonstrate the work to be performed and its requirements and gauge the potential employees abilities and suitability.

Netherlands

A Coalition for Technology and Inclusion drives development and use of technology to create a more inclusive labour market. They have pilot schemes using speech recognition, VR and augmented reality, for example.

Norway

Norway’s Work and Inclusion (W&I) promotes cooperation between its service providers and members of the Confederation of Norwegian Enterprise (NHO), known as “Ripples in the Water”. Starting from the position that most people want to, and are able to work, it aims to increase employment of persons with disabilities. The W&I service provider compares companies’ needs and roles with candidates and tries to match roles with skills. They also encourage the creation of new roles by companies via the Inclusive Job Design methodology and can provide training to improve the employability of candidates. Approximately 80% of candidates obtained permanent employment - three times more than ordinary supportive employment. Moreover, 57% of the NHO companies would not have recruited without the program. Version 2 of the program is now being piloted.

Sweden

The Swedish Association of Local Authorities and Regions, an employers’ organisation, represents local government. It ran a project in 2017-19 to educate employers about inclusive recruitment. A major finding was that employers were willing to employ persons with disabilities but needed support in fully accommodating them.

Austria, Belgium, Finland, Germany, Lithuania, Netherlands, Portugal, Spain

The Inclusive SMEs in Europe project (i-SME) aims to make as many SMEs aware of the work potential of persons with disabilities and the benefits of becoming “inclusive SMEs”. SMEs opened their doors to candidates and matched skills to jobs and created adapted working environments as necessary. Best practices for integration were collected and analysed and case studies published¹²⁵.

The Catalogue also explores policy avenues and where those have been put in place:

Quotas

Quotas are often the first stop on the policy journey. It is reported in the Catalogue on page 27 that most of the EU's Member States use some kind of quota system stipulating employers must give employment to PWD. The quotas themselves vary in the percentage of PWD that must be employed, the sector (whether public or private) and what size of organisation is subject to those quotas. There may be penalties for not complying with the quota:

"About a third of the Member States impose fines, fees or levies on employers who do not meet their quota... "Almost all such assessments have found that quota schemes were having little effect on the employment rate of persons with disabilities, although some were generating considerable revenue, which either went to a fund to support the employment of workers with disabilities or to the general state budget."

Subsidies

Another policy avenue is subsidies, for example:

Wage subsidies, payments or grants, tax relief, reduction to social security or mandatory health insurance payments.

The Catalogue mentions subsidies, bonuses, or other financial supports being in place in most of the EU countries; specifically, Austria, Belgium, Germany, Denmark, Greece, Hungary, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Spain.

The most common economic support is through wage subsidies and training subsidies.

Awareness Raising

¹²⁵ <https://www.i-sme.eu>

Another policy avenue is awareness raising: the Catalogue refers to schemes in Belgium, Denmark, Estonia, France, Latvia, Malta, Netherlands, Portugal,

One scheme particularly worth noting is the 'come here – all are welcome' label in Estonia.

This is a special logo/graphic to indicate that all are welcome and to designate employers who are proactively prepared to arrange the workplace and work arrangements to accommodate PWD.

"The 'come here – all are welcome' label was developed by Estonia's Gender Equality and Equal Treatment Commissioner, in cooperation with the Estonian Unemployment Insurance Fund 81. There are two versions of the label. The coloured label signifies an accessible physical environment and can be used by enterprises, organisations and public authorities to indicate that their building, facilities and premises are accessible. The blue version of the label is intended to be used by employers who are prepared to offer equal opportunities to all jobseekers, regardless of any barriers they face. It can be added to vacancy notifications and employers' websites.

The use of the label indicates that the employer welcomes all potential job seekers. It signifies that the employer has already created or is prepared to make specific adjustment to create accessible and adjusted premises and facilities, work arrangements and information" (p 32).