

Saskatchewan Human Rights Commission Accessibility Rights of Persons with Disabilities General Overview

Accessibility for people with disabilities is a Commission priority. Accessibility rights include the right to accessible services, transportation and employment. Complaints based on disability constitute the highest number of complaints made to the Commission each year. There is much work to be done to improve accessibility for Saskatchewan residents.

Disability covers a wide range of conditions and is an evolving concept. Some disabilities are visible while others are not. A disability may have been present since birth, developed over time, or caused by an accident.

Disability is defined in section 2 of *The Saskatchewan Human Rights Code* (the *Code*). The definition includes, among other conditions: epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impairment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a service animal, wheelchair or other remedial device, physical, mental and learning disorders. Drug and alcohol dependencies and environmental sensitivities are also disabilities.

According to the 2006 Census, the percentage of the adult (15 and older) population reporting any kind of **disability in Saskatchewan is 18.8 per cent**. This number is estimated to increase because Saskatchewan has an aging population.

Accessibility rights are **protected by a number of laws**.

The objects of *The Saskatchewan Human Rights Code* (the *Code*) are:

- to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and
- to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

The Canadian Charter of Rights and Freedoms (the *Charter*) guarantees equality of the law including equal benefit of the law without discrimination.

The Supreme Court of Canada¹ has noted the need to “fine-tune” society so that its structures and assumptions do not exclude persons with disabilities from participation in society.

Finally, Canada ratified The United Nations Convention on the Rights of Persons with Disabilities (the Convention) on March 11, 2010. The Convention

¹ *Eaton v. Brant County Board of Education*, [1997] 1. S.C.R. 241.

recognizes that equality, dignity, autonomy, independence, accessibility and inclusion are essential for people with disabilities to fully realize equal citizenship in the world.

Parties to the Convention are required to promote, protect and ensure the full enjoyment of human rights by persons with disabilities, and to ensure that they enjoy full equality under the law. Given Canada's commitment to the Convention, existing laws, and the growing population of people with disabilities in Saskatchewan, it is the perfect point in history for Saskatchewan to renew its focus of an accessible society.

The United Nations (UN) recognizes resources to implement the Convention are limited, but also indicates that resource limitations cannot be an excuse to delay implementation. Accessibility must be advanced, though the UN recognizes it will be a slow, progressive process.

The Commission's renewed focus on accessibility aims to:

- improve accessibility to public services and activities in Saskatchewan, and
- remind (or inform) businesses, public service providers, and employers of their legal obligations under the *Code*.

The Commission will initially focus upon accessibility:

- to public services, which includes businesses, schools, and any other building from which the public is provided a service by exploring human rights law and building standards, and
- in public transportation.