



Reach Canada™

**EQUALITY AND JUSTICE
FOR PEOPLE WITH DISABILITIES**

**ÉGALITÉ ET JUSTICE POUR
LES PERSONNES AYANT UN HANDICAP**

WITHIN REACH

Fall, 2005

It is with great excitement that I welcome you to the inaugural edition of *Within Reach*, a newsletter for people living with disabilities, their families, service providers, members of the legal community and the general public. Inside these pages you will find a diverse array of information on current affairs, family, entertainment and travel.

While the opportunities and services provided for people with disabilities in Canada must be acknowledged and celebrated, there is always the possibility for further improvements. Our goal with this newsletter is to promote positive change through awareness of equality and justice issues.

I would encourage our readers to get involved by sending us ideas for future newsletters as well as joining us for upcoming events. For further information on our programs please call (613) 236-6636 or e-mail us at reach@reach.ca and feel free to view our website at www.reach.ca.

Hope that you enjoy the newsletter and look for the next edition in January 2006.

Sincerely,

Michael Sousa
President, Reach Canada



DISABILITY IN THE NEWS

A better way to serve riders; TTC 'enforcer' rides to the rescue – He'll ensure subway stops announced

By Leslie Ferenc

Matthew Garfield is a soft-spoken man, but he's loud and clear when he advocates for human rights. And it's Garfield's job to ensure the TTC serves visually impaired subway riders the better way by announcing every stop along the route.

The former chair of the Human Rights Tribunal of Ontario is the new Toronto Transit Commission announcement monitor. The chartered mediator and arbitrator, whose busy Toronto practice specializes in human rights and workplace disputes, was named to the new post Friday in the wake of a human rights tribunal hearing.

The tribunal ruled in June the TTC violated the Human Rights Code and discriminated against visually impaired riders because subway drivers didn't regularly announce upcoming stops. The complaint was filed by David Lepofsky, a visually impaired lawyer and disabilities activist who battled the transit authority over the issue for 10 years.

Tribunal adjudicator Alvin Rosenberg ordered the TTC to immediately begin announcing subway stops when leaving one station and before arriving at the next. Staff who don't risk being fired.

Over the next three months, the TTC must sensitize drivers and other staff to barriers facing blind riders, "and the terror of exiting the subway at an incorrect stop," the adjudicator said.

The TTC must also conduct monthly surveys to see if announcements are being made and report details to Rosenberg.

Garfield, 41, says it's his role to do "whatever it takes" to help the TTC implement the orders. Though some have dubbed him "the enforcer," you won't find the regular TTC user walking subway platforms, his ears tuned to announcements.

"And you're not going to be riding the TTC hearing me announcing 'St. George, next stop St. George,' either," he chuckles.

Garfield's mandate is "to monitor, facilitate and mediate issues around the implementation of the tribunal's orders."

He's had plenty of practice. During his years as a member of the rights tribunal, Garfield, who is also a lawyer, mediated and adjudicated more than 100 complaints, among them emotionally charged cases involving employment discrimination and sexual harassment.

Among his first tasks will be to meet with the parties, including TTC and Lepofsky, to sort out what's been done and what's being proposed. The tribunal heard that the TTC intends to install an automated subway announcement system by the end of 2006. New technology that automatically announces bus stops is to be tested this year.

Making sure the TTC follows through with staff training on disability issues is also a priority. After all, "the clock's ticking" as that educational component must be in place within 90 days of the June order, Garfield says.

It's a job he's well suited to do, says former Supreme Court of Canada Justice Peter Cory. As a fellow member of the rights tribunal, Cory says Garfield has a "great sense of fairness," and is dedicated to human rights.

The Toronto Star
(2005-07-14) Reprinted with permission - Torstar Syndication Services.

For more information on this and other **Human Rights Tribunal of Ontario** rulings, please see <http://www.ohrc.on.ca>. Please note that the 2005 rulings have not been posted as of yet.

Employee fired for Chronic Fatigue absences awarded \$500K punitives

By John Jaffey
Toronto

The Ontario Superior Court has ordered Honda Canada Inc. to pay approximately \$650,000, including \$500,000 in punitive damages, to an employee fired for persistent absenteeism attributed to Chronic Fatigue Syndrome (CFS).

Justice John McIsaac found that, over a five-year period, Honda was guilty of "a protracted corporate conspiracy" that was manifested in discrimination, harassment and bad faith against Kevin Keays, a 14-year employee at its Alliston, Ont., assembly plant.

"It would appear to me that Honda ran amok as a result of their blinded insistence on production 'efficiency' at the expense of their obligation to provide a long-time employee reasonable accommodation," he wrote. "Just because Mr. Keays did not carry a white cane, use a hearing aid, or get around in a wheelchair, did not make him any less deserving of workplace recognition of his debilitating condition."

Justice McIsaac relied on *Nova Scotia (Workers' Compensation Board) v. Martin* [2003] 2 S.C.R. 504, which struck down the sections of *Nova Scotia's Workers' Compensation Act* that

deprived people disabled by chronic pain, of equal benefits available to “mainstream” disabled recipients. The Supreme Court handed down its decision during the *Keays v. Honda* trial.

After considering the factors in *Whiten v. Pilot Insurance Co.* [2002] 1 S.C.R. 595 and the need for what Justice Ian Binnie called a “large whack” to “wake up a wealthy and powerful defendant to its responsibilities,” Justice McIsaac awarded Keays \$500,000 in punitive damages, in addition to 24-months notice (including a 9-month “Wallace” increase based on “the egregious bad faith displayed by Honda in the manner of this termination”).

Hugh Scher of Scher & De Angelis in Toronto acted for Keays. He told *The Lawyers Weekly* this is the largest-ever punitive damages award in the employment law context in Canada. He said his client was “shocked and relieved that we had finally gotten to this stage.” He was referring to the fact that the trial was significantly delayed, first by a mistrial when the original judge could not continue because of illness, and secondly because of difficulties securing court time.

Commenting on the decision, Scher said, “The judgment acknowledges the legitimacy of Chronic Fatigue Syndrome as a disability and holds Honda accountable for its misconduct and discriminatory treatment of Mr. Keays.” He added, “By applying the principles of the Supreme Court’s decision in *Martin*, the Court recognized the reality of the experience faced by the plaintiff and others who suffer from invisible disabilities as legitimate, and concluded that Honda’s actions were discriminatory and based on the erroneous perception that the plaintiff’s disability was not legitimate and that he was a malingerer.

“Corporations should not be permitted to play hardball with their employees and engage in discrimination, harassment and bad faith conduct with impunity.”

Keays began working at Honda in 1986. After 20 months on the production line, he moved to the Quality Engineering Department and was sent to the Honda plant in Ohio for instruction on the company’s new global computer system. He was to be the “lead instructor” back at Alliston.

Keays was, in Justice McIsaac’s words, “a dedicated and conscientious employee” who was “prepared to make his employment at Honda his life work.” But early on, Keays was beset with health problems, which “impacted on his ability to provide sufficient attendance to satisfy the ‘lean’ operation mandated by Honda’s business philosophy.”

In October 1996 Keays began receiving disability benefits, but they were terminated in December 1998. His appeal was summarily dismissed even though his physician stated he had CFS. Justice McIsaac found that Keays’ long term disability was “wrongly terminated.”

Back at work, Keays averaged four absences a month at first. This gradually increased to a high of eight absences in January 2000, due to the “frustration generated stress” as he was “hounded over his absences.”

Though Honda had an “unwritten policy” discouraging the participation of any third-party advocates, Keays retained counsel. Justice McIsaac wrote, “All of his grievances were falling on

deaf ears and his symptoms were deteriorating ...”

Honda ignored his lawyer’s letter, and ordered Keays to consult their doctor, who, in Justice McIsaac’s words, was “of the opinion that the occupation-health specialist should be the ‘driver’ on the accommodation ‘bus’.”

On his lawyer’s instructions, Keays refused to see Honda’s doctor “pending clarification of the purpose, methodology and the parameters of the assessment.” He was then fired for insubordination.

Justice McIsaac found, first, that Honda’s request for Keays to see its doctor “was not made in good faith for legitimate corporate purposes, but was made as a prelude to terminating Mr. Keays’ employment”; second, that Keays “had a significant reasonable basis to believe that [Honda’s doctor] would continue the refusal to recognize the legitimacy of his disability”; and third, “This case affirmed the need for proportionality between the ‘bad’ conduct and the draconian consequence of termination ...”

Commenting on Honda’s rejection of the letter from Keays’ counsel, Justice McIsaac wrote, “More troubling is the fact that, despite his having retained counsel, in-house counsel for Honda participated in a meeting with Mr. Keays wherein company supervisors had attempted to persuade him to reject the advice given by his own lawyer. This is a blatant breach of R. 6.03(7) of the Rules of Professional Conduct of the Law Society of Upper Canada.”

About two months after the trial ended, Honda brought a motion for mistrial, alleging a reasonable apprehension of judicial bias. Justice McIsaac dismissed the motion because it was not brought “within a month of the discovery of the alleged bias or the formation of the perception of bias.”

Daniel Dooley (Purser Dooley LLP in Barrie, Ont.) acted for Honda. He advised that Honda is going to appeal and “as such, I should not comment on a matter that is still before the courts.”

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Ont.’s Employment Standards Act Provision Violates Charter

**By Thomas Claridge
Toronto**

The Ontario Court of Appeal has upheld a lower court’s ruling that declared unconstitutional an *Employment Standards Act* provision denying severance payments to those whose employment contracts have been “frustrated” by illness or injury.

In a unanimous decision, three judges of the court agreed that the provision violates Section 15

of the *Charter* by denying disabled workers an employment benefit to which they would otherwise be entitled.

The constitutional challenge was launched by the Ontario Nurses' Association (ONA) on behalf of Christine Tilley, who was dismissed by Toronto's Mount Sinai Hospital in 1998, and who had been approved for long-term disability benefits stemming from a skiing accident in 1995 that led to her suffering from depression and bulimia.

In filing a grievance against the dismissal, the ONA disputed the termination and contended that the denial of severance pay violated s. 15's guarantee of equality before the law.

An arbitration board upheld both the termination and the constitutionality of the Act's provision barring severance, concluding that while the impugned law imposed differential treatment on Tilley because of her disability, that treatment was not discriminatory.

Ontario's Divisional Court disagreed, holding that "denial of a benefit that is intended to recognize past service, by reason of severe and prolonged disabilities, devalues this group in that it rests on assumptions that the contributions of this group of disabled individuals are worth less than the contributions of employees who do not fall into the group."

The hospital's appeal of the 2004 ruling was supported by the Ontario government, lawyers for both arguing that the main purpose of severance payments was to compensate employees for capital losses going forward as they sought new employment. The lawyers noted that severance was also not available to workers in the construction industry or to those who retire on full pension or are terminated as a result of the sale of a business and are then hired by the purchaser.

Lawyer Arif Virani, representing the government, contended the obligation to pay severance also acts as an incentive to employers to provide pensions and avoid plant closings.

For the appeal court, Justice Russell Juriansz wrote, "The legislature may not use employees whose contracts have been frustrated due to disability as a proxy for employees who will never work again because this assumption is based on an impermissible stereotype that disabled persons cannot fully participate in the workforce."

Observing that disabled persons who cannot be employed in one workplace may well be able to find employment elsewhere, he noted that Tilley "did in fact find new employment following her termination by the Hospital."

Summarizing his findings, he said it was "not a case in which the government can rely on a generalization about the presumed characteristics of employees whose employment has been frustrated by disability to avoid a finding that the differential treatment violates s. 15 of the *Charter*. It treats the grievor and others in her position differently than others whose employment has not been frustrated. Disabled persons as a group suffer from pre-existing disadvantage and stereotyping. There is no correspondence between the ground of denial and the actual needs, capabilities and circumstances of the grievor and others in the claimant group. The differential treatment has the effect of perpetuating the view that individuals with disabilities, severe and prolonged enough to frustrate their employment, are not likely to be members of the workforce

in future. The denial affects an interest crucially important to one's dignity, namely equal treatment and equal compensation in employment.”

He went on to conclude that the infringement of s. 15 was not saved by s. 1 of the *Charter* as a reasonable limit on equality rights.

Justices Stephen Goudge and Susan Lang concurred.

The ONA's lead counsel, Elizabeth McIntyre of Toronto's Cavalluzzo Hayes, who was assisted by Amanda Pask, said that although the case is the first of its kind to reach the appeal court, the impugned provision has been applied routinely by Ontario employers, but those affected have lacked the financial ability to challenge the law.

The appeal court noted that although the provision was in s. 58(5)(c) of a predecessor to the *Employment Standards Act*, 2000, it was incorporated in ss. 9(2) of Ontario Regulation 288/01 made under the new Act.

The hospital was represented by Douglas Gray and Michael Doi of Toronto's Hicks Morley.

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DISABILITY AND THE **LAW**

This section will be a standard feature in “*Within Reach*”

By Tate DeCaro

AUTON (GUARDIAN AD LITEM OF) v. BRITISH COLUMBIA (A.G.) (2004)

In November of 2004 the Supreme Court of Canada presided over a case which dealt with equality rights for infants with autism. These infant petitioners, it was argued, were denied the rights guaranteed under the Canadian Charter of Rights and Freedoms when the province of British Columbia refused to fund Applied Behavioral Therapy (ABA/IBI). This therapy provides an intensive and highly structured teaching approach for children with autism. The parents of the autistic children stated that it was discriminatory for the government of B.C. to provide other forms of medically necessary treatments for autism and other mental illnesses while not providing funding for ABA/IBI. They argued that such practices violated Section 15 of the Charter, which states that “Every individuals is equal before and under the law and has a right to equal protection and equal benefit of the law without discrimination, and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age *or mental or*

physical disability.” However, the Supreme Court ruled that the benefit of this therapy claimed by the parents was *not* one provided by the law. The court stated that under the Canada Health and Medicare Protection Acts, Canadians were not entitled to receive funding for *all* medically required treatments. The actions of the province of B.C. therefore did not amount to discriminatory practices under the Charter of Rights and Freedoms.

WYNBERG v. ONTARIO (2004)

In a similar case, the Ontario Superior Court of Justice ruled on a case in March of 2004, again having to do with ABA/IBI therapy. The plaintiffs, parents of autistic children, argued that the government had implemented a program to fund therapy for autistic pre-school aged children but did not fund the therapy for children over six years of age. In this case, the Ontario Superior Court of Justice decided that these actions *were* discriminatory on the basis of age and disability, and ordered the government to provide funding of up to 40 hours a week for each plaintiff.

TSIAPRAILIS v. CANADA (2005)

In February of 2005, the Supreme Court of Canada ruled on a case concerning disability and insurance benefits. Tsiaprailis was injured and received disability benefits through the employer’s insurance policy. Eight years later, the employer terminated benefits and Tsiaprailis sued for continuation. The parties settled and Tsiaprailis received a lump sum of \$105,000, however, under the Income Tax Act, this money was taxed. Tsiaprailis sued in the Tax Court of Canada, which found that this money was *not* taxable, however, the Supreme Court of Canada reversed this decision and held that such a settlement was in fact taxable.

NOVA SCOTIA (WORKER’S COMPENSATION BOARD) v. MARTIN (2003)

In October of 2003, the Supreme Court of Canada ruled on a case involving injuries sustained at work by plaintiffs Martin and Laseur, which resulted in an inability to continue working due to chronic pain. The Worker’s Compensation Board limited compensation for chronic pain to four weeks, and Martin and Laseur argued that this limit violated Section 15 of the Charter of Rights and Freedoms guaranteeing them equal protection and benefits. The Supreme Court agreed, and struck down Section 10B of the Worker’s Compensation Act and the Functional Restoration (Multi-Faceted Pain Services) Program Regulations, which stated that chronic pain benefits would be given for only four weeks. The Supreme Court of Canada stated that the limitations in this regulation clearly imposed differential treatment on chronic pain sufferers on the basis of the nature of their disability, and that this practice was discriminatory.



STUDIES IN **DISABILITY**

This section will be a standard feature in “*Within Reach*”



Education and Deafness Around the World

By Tate DeCaro

In Europe and North America there are different approaches to the education of deaf or hard of hearing people. Various factors, such as the philosophy, values, culture, politics and history of a country contribute to the type of system that is implemented. To illustrate this point, a study done in 2003 by Foster et al, entitled *Cross-Cultural Definitions of Inclusion for Deaf Students: A Comparative Analysis*, combined the knowledge of deaf educators from four countries. What follows is a summary of their findings. For a more in depth discussion, please see the article in *Deafness and Education International* 5(1).



U.S.A.: An important goal of the public educational system in the U.S.A. is to provide citizens with some common ground, stressing ways of *assimilating* people into a common cultural foundation. With this in mind, the *Individuals with Disability Education Act (IDEA)* was enacted in 1990, whereby deaf students are mainstreamed into hearing environments. *IDEA* maintains that disability-specific education, i.e., schools for the deaf/hard of hearing, is a form of segregation. However, it is acknowledged that students should have the *option* of being educated in settings where their social, linguistic, cultural and communicative needs are addressed. Therefore, students have the right to interact directly with their teachers and peers without the use of an interpreter, and have numerous options, including separate deaf/hard of hearing schools. These options apply to elementary & high schools as well as at the university level. Children also have options concerning the language they converse in at school - American Sign Language (ASL), signed English, and written English are all used and accepted. The U.S. system therefore offers widespread educational access, though it focuses on the integration and mainstreaming of deaf students into the hearing educational world.



Sweden: In Sweden it is believed that the government is responsible for guaranteeing the rights of democracy and a high quality of life for all citizens. Because consensus is also important in the decision-making process, non-governmental organizations, such as parent organizations or the Swedish Deaf Association, have a vital role in shaping deaf education. The general consensus is that deaf students should be allowed to use Swedish Sign Language (SSL) and to develop within the deaf community. Therefore, 100 per cent of deaf students from pre-school through secondary education attend separate schools (or separate classes in hearing

schools), while hard of hearing students are sometimes mainstreamed. At the university level, hard of hearing *and* deaf students usually enroll in classes with hearing peers. There is a joint focus on SSL and written Swedish. Teachers are required to use SSL in these schools. In contrast to the USA, deaf children are not given as much control and choice over their own education but are taught separately in environments with their peers and in their own language.



Greece: Significant value is placed on family, care for the less fortunate and hospitality in Greece. Therefore, early approaches to deaf and individuals who are hard of hearing were the result of charitable and philanthropic efforts, with a minimal amount of involvement from the government. Since WWII, a deaf educational system supported by the national government has been slow to form. Today, the majority of deaf students attend separate schools for the deaf supported by the government, while a small minority are mainstreamed into hearing classes. Pressure from the European Union to switch to a more inclusive and integrated system may soon change the Greek system. Students are schooled in simultaneous communication methods, meaning a combination of signed Greek, written Greek and Greek Sign Language (GSL). Post-secondary learning opportunities for deaf students remain limited due to a lack of available resources.



The Netherlands: Freedom and self-determination are highly regarded in the Netherlands, and education is therefore only loosely controlled by the national government. The deaf school system is governed by the freedom of citizens to establish schools in conjunction with their own religious or educational beliefs. Subsequently, a large range of school possibilities is available to students and, in fact, approximately 65 per cent of *all* schoolchildren in the Netherlands attend privately run special schools. These schools are free to teach whatever and however they want, provided that they meet established standards. Most deaf students are sent to separate schools for the deaf, yet some have the option mainstreaming into public hearing schools. Laws have recently prohibited discrimination based on disability. The use of the Sign Language of the Netherlands (SLN) in public schools is relatively new and restricted to the early school year. As opposed to a bilingual approach by all teachers in these schools, SLN is used only by the deaf instructors, while hearing instructors use spoken Dutch. As in Greece, there is little opportunity for students to continue on for a post-secondary education.



DISABILITY AND TRAVEL

By Justin Werb

We Ontarians wait patiently through frozen winters for the summer to arrive. Once the warm weather rolls in around Mid-May, we have earned the right to relax a little more and get out and enjoy the festivals and scenery that surrounds us. Here are a few suggestions for those interested in travel in Ontario, with special attention given to accommodations available for people with disabilities.



A trip to Stratford! Attend some entertaining musicals or Shakespearean plays. Enjoy the beauty of this gorgeously developed city, located neatly on the Avon River. There is a walkway surrounding the river, and many great bars, restaurants and shops which are wheelchair accessible.

The Stratford Festival has 4 venues in which it presents 14 plays. All venues are wheelchair accessible, with “special access seating” available upon request. The festival has hearing assistance devices for a rental price of \$2.00. Every other year, all Shakespeare plays have a sign language performance accompanying the production. The signers stand at the bottom of the stage and anyone who needs the service is seated as close to the front as possible. As this year did not have the sign language performance, the 2006 festival is slated to. Please see www.stratford-festival.on.ca for further details.

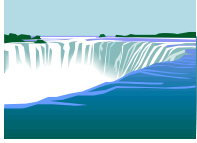
Once you’ve taken in your shows, why not head down to Grand Bend Ontario, a 45 minute drive away? Beautiful scenery, fun (but expensive!) shops and great eateries. Lake Huron can be cold in early and late summer, but is usually a reasonable swimming temperature for the summer months. Please note that accessibility for wheelchair users is limited by the beach and the small size of most stores in this area.



Another fun summer trip possibility is found on the wine route of Ontario. Meander through the vineyards, drink some fine wine and enjoy a great Canadian product. On the wine route, there are a total of 64 member wineries, 62 of which are wheelchair accessible. Inniskill offers the typical accommodation of a major wineries on this route.

The parking at Inniskill is large with necessary space for vehicles needing extra room. While tours are not offered with sign language, there are stations throughout the winery that have all the tour’s information displayed with accompanying charts, maps and photographs. Wheelchair accessibility is limited in tours that move to the basement barrel storage area as the stairs are at a steepness that makes their navigation unmanageable. While the vineyards can be toured, the

appropriate type of wheelchair must be used as it can prove difficult to navigate if condensation has amassed in the soil. Please see www.winesofontario.org for further details on the wine route.



Some great travel tips for the Niagara region for people with disabilities are listed on the website www.accessibleniagara.com. There are several travel related topics to pick from, including children's fun, music concerts and shopping. For more national and international travel information, check out the government maintained website "Access to Travel" at www.accesstotravel.gc.ca/main-e.asp or Abilities Magazine's travel section on-line at www.enablelink.org



DISABILITY IN THE **MOVIES**

***Inside I'm Dancing* - (Fiction) Released 2004, rated R for language**

Soon to be released on dvd, this film is about two wheelchair bound men living in a home for the disabled who are liberated when they manage to secure an apartment of their own. With their newfound freedom, these men, who suffer respectively from cerebral palsy and muscular dystrophy, grow and learn from each other and their care-givers.

***Murderball* – (Documentary) Released 2005, rated R for language and sexual content**

Viewers are introduced to the world of quadriplegic full-contact rugby through the lives of several players on the US team. Having won 6 awards, including two at the 2005 Sundance Film Festival, this movie has been praised for its unique approach to its subject matter. In an intelligent and entertaining way, it aims to smash stereotypes of people with spinal cord injuries.

The Access 2 Entertainment™ card

Did you know that..... **The Access 2 Entertainment™ card** provides persons with a disability either free admission or a significant discount for their support person at member movie theatres

across Canada. This program was developed by an advisory group of nine national disability organizations, in conjunction with Famous Players and Cineplex Galaxy.

Persons with a permanent disability who require a support person when attending a movie theatre are eligible for the card. The applicant must agree to follow the terms and conditions for use of the card (see below).

A support person is an individual who accompanies a person with a disability to provide those services that are not provided by theatre employees, such as assisting the person with eating, administering medication, communication and use of the facilities.

Please see http://www.access2.ca/english_default.html to apply.



Battling Bullying - A Toolkit for Children with Disabilities

By Lisa Richardson

“We have learned that bullying behaviour is often founded in discrimination based on perceived ‘differences’ such as race, disability, gender or sexual orientation; that discrimination can have a negative impact upon student psychological and emotional health; and that bullying can contribute to decreased student participation in school and failure to graduate.”

-- “Facing Our Fears: Accepting Responsibility,” Report of the Safe Schools Task Force on Bullying, Harassment and Intimidation in BC Schools, June 2003

Not all children with disabilities are bullied. Young children have a remarkable capacity to accept disability issues, often more readily than adults. However, sometimes bullies can be a source of heartache for kids with differences, particularly when they’re integrated in the traditional education system.

A study undertaken at the University of Leeds, working alongside children with disabilities aged 11 to 16, found bullying to be a central theme when these children talked about their lives – and was often cited as a reason for moving from inclusive to segregated school environments.

Bullying is, according to leading Norwegian researcher Dr. Dan Olweus, “a pattern of repeated aggressive behaviour, with negative intent, directed from one child to another where there is a power imbalance.” Children with disabilities are potential victims of bullying because of just such a power imbalance – if they’re visually different, physically or emotionally vulnerable, or are perceived to be getting special treatment, ringleaders may target them.

Children with disabilities can also be bullies – the Leeds research revealed that segregated school environments are not immune from bullying.

Bullying is an issue that requires the engagement of everyone in a community. Children, parents and teachers alike can benefit from a list of strategies to successfully combat bullying.

Tools for Kids

- If a bullying situation develops, move away. Don't stay in a situation that has the potential to escalate. Learn to avoid certain situations. Stay in places where there is adult supervision.
- If you're being bullied, tell an adult. The code of silence protects bullies. Speak up.
- Tell a friend. Don't suffer in silence.
- If you witness bullying, say something. The cycle of bullying depends largely on the silence of bystanders.
- Build a support network, of parents, friends, caregivers, therapists and teachers.

Often, adults view bullying as a normal type of natural selection – the wolf pack circles around the weakest in the group. Parents and teachers who exhibit this attitude are implicitly supporting bullying behaviour. Suggesting that “kids will be kids” and that we should let them express themselves naturally is tantamount to neglecting to provide the proper guidelines and parameters. The hurt and detriment suffered by those who are bullied prove it is a behaviour we shouldn't condone.

Adults in the community need to set the stage as to whether bullying is accepted or not. Let the adults around you know that their leadership is needed.

Tools for Parents

- Ask for help. Let other parents, teachers, staff and students know what you need.
- Be engaged. If your child comes home with a ripped shirt or sudden mood swings, then talk to the teacher. If a child tells you he is being bullied, pay attention.
- Create networks of positive relationships for your child. The more engaged a child is in her community, the stronger she becomes.
- Empower your child – to speak for himself, assert himself and not think of himself as a victim, to have a network of allies who will come to his defence. Bullies tend to pick on children whom they perceive to be vulnerable and unable to defend themselves.
- Help your child find something she has a unique ability or passion for, be it adaptive skiing, swimming or taking care of a worm farm. Kids with a sense of self-confidence are less vulnerable.
- Find an environment for your child where his disability disappears. For example, in wheelchair basketball, being in a wheelchair doesn't stand out – it is the norm. If a child with a disability can spend some time on a level playing field, he will feel more empowered.

- Encourage the school to establish a buddy program with more senior students who can mentor younger kids and provide them with positive social interactions outside their grade's cliques.
- In conjunction with your child and her teacher, establish what success will be for each school year, and develop an action plan as to how that can be attained. Reward the child for successes in meeting her own milestones, so she can enjoy a sense of academic capability.
- If your child is repeatedly being targeted by bullies, consider relocating him to another environment.

Pius Ryan is the district principal in charge of student services for the Howe Sound School District, B.C. His master's thesis focused on the relationship between bullying and empathy. Ryan explained that the way a child handles adverse peer encounters at school is often a question of her own resilience. To have a successful school experience, children need supportive parents, positive social networks, and to find themselves academically capable. A child who has two of those three things can overcome deficits in the third – for example, when peer networks sour. The difficulty for children with certain disabilities, such as intellectual or learning disabilities, is that their academic capability might already be the stool's wobbly leg. If their peers start victimizing them, the children might be vulnerable.

Part of integrating children with disabilities into the mainstream school system involves redefining success for those kids. "Sometimes it's hard for parents to let go of their vision of success to realize the vision for their child," says Ryan. "The educational plan can support this new vision of success."

Successes need to be recognized, and need to be tailored to a child's potential and abilities. Many of the children interviewed in the Leeds study, though, noted that some adults who worked with them started with preconceived ideas about what it means to have a disability and failed to treat them as individuals. They labelled and separated out children with disabilities and were often not aware of many of the oppressive outcomes of this approach. As far as possible, children with disabilities should be part of the goal-setting for themselves.

Tools for Teachers

- Schools, parents and communities need to encourage cultural shifts, where violence and force are not rewarded, but empathy, impulse control and positive problem solving are. Several programs to combat bullying have been designed, including Olweus's Intervention program, and the Second Step program (See Resources, below).
- Fear of the unfamiliar is often what makes kids and adults uncomfortable around children with disabilities. Teachers can host information sessions during which a person's disability is explained, questions are asked and other students are invited to talk about their different abilities. Empathy can grow from understanding.
- Create opportunities to integrate. Avoid labelling and singling out a child. Let parents and citizen groups know who they need to lobby to help you get the resources you need.
- Encourage students to develop rules against bullying and hold regular meetings to monitor and discuss it. Dr. Olweus recommends developing programs that help students exert leadership – in

recognizing bullying and refusing to participate in it, and in coming to the aid of victims skillfully and non-violently.

Special education lecturer at Australia's Macquarie University, Coral Kemp, notes that teachers integrating students with disabilities into their classrooms often are concerned that they lack the skills to help those students reach their full potential.

"Teachers need to accept that it is not their job to overcome the disability," says Kemp. "The measure of a successful integration is not how closely the child's skills match those of the other children in the class. It is that the child continues to make progress in all areas and that the programs designed to achieve this can be accommodated within the regular classroom and playground."

Teachers are often also concerned that the extra time they need to spend with a child with disabilities will hurt the other children in the class. On the contrary, says Kemp: "Providing for a child with disabilities in a class will often tune the teacher into the learning needs of other children."

Just as there is no one-size-fits-all box for children with different abilities, there is a wide range of learning abilities in every class. Several of the children who participated in the Leeds research commented that everyone is different in some way. For some children, particularly those prone to bullying, their deficiency is a lack of empathy. With some special assistance and development, everyone can work on that.

(Lisa Richardson is a freelance writer living in Pemberton, B.C.)

RESOURCES:

WEBSITES

Assessment Toolkit for Bullying Harassment and Peer Relations at School Produced by the Canadian Public Health Association (CPHA)

www.cpha.ca/antibullying

Bullying Fact Sheet Produced by Child & Family Canada

www.cfc-efc.ca/docs/vocfc/00000805.htm

Bullying.org

A Canadian site dedicated to increasing the awareness of and problems associated with bullying, and to preventing, resolving and eliminating bullying in society. (www.bullying.org)

Bully B'ware

A British Columbia website devoted to bully prevention, providing tips and strategies on how to deal with bullies. (www.bullybeware.com)

Second Step

A violence prevention curriculum produced by Committee for Children in the U.S.
(www.secondstep.org)

ARTICLES

“Learning Disabilities and Bullying: Double Jeopardy” by Faye Mishna.

Journal of Learning Disabilities, July/August 2003

“Peer Harassment in Individuals with Developmental Disabilities: Towards the Development of a Multidimensional Bullying Identification Model” by Zopito Marini, Louise Fairbairn and Robin Zuber.

Developmental Disabilities Bulletin, Vol. 29, No. 2, 2001

“Bullying and Teasing of Youth with Disabilities: Creating Positive School Environments for Effective Inclusion” by John Hoover and Pam Stenhjem.

NCSET (National Center on Secondary Education and Transition) Issue Brief, Volume 2, Issue 3, December 2003

“Lives of Disabled Children” produced by the University of Stirling Department of Applied Social Sciences.

Children 5-16 Research Briefing

March 2000, Number 8

BOOKS

“Perfect Targets: Asperger Syndrome and Bullying – Practical Solutions for Surviving the Social World” by Rebekah Heinrichs and Brenda Smith Myles.

Autism Asperger Pub. Co., 2003

ISBN: 1931282188

“Bullies, Targets, and Witnesses: Helping Children Break the Pain Chain” by Suellen Fried

National Book Network, 2004

ISBN: 1590770560

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