



WITHIN REACH FALL 2007

September 24, 2007

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MESSAGE FROM THE AUCTION & COMEDY NIGHT CHAIRPERSON

Reach Canada Auction & Comedy Night

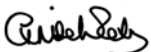
On behalf of the Auction & Comedy Night Committee, please be sure to reserve the date for our **27th Annual Reach Auction & Comedy Night – November 1, 2007**. Your attendance at this event is, as always, an affirmation of your support for the excellent work that is being done by Reach Canada to provide equality and justice for people with disabilities.

Since our format of the past two years has proven to be successful, we are repeating it this year. Our entertainment comes from **David Roche** who is an outstanding Canadian-American making his first appearance in Central Canada. Our venue this year is **St. Anthony's Banquet Centre on Preston Street** hosted & catered by **Vittoria Trattoria** who is a great friend of Reach Canada.

If anyone is interested in volunteering their time to make this evening its usual success or would be willing to help our committee, please contact me (613-729-0011) or the Reach office. We are also looking for donated items for both the live and the silent auctions as well as sales for corporate tables. Each table seats 8 and can be reserved at a cost of \$1,000. Individual tickets can be purchased for \$99.00.

If you would like to make a donation for the auction or purchase a table/ticket, again, please contact me or the Reach office 613-236-6636 or reach@reach.ca.

Thank you for your support.



Griselda Petry

The following article was submitted by a disability activist and we are circulating it at her request.

ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT ALLIANCE - 2007 ELECTION ACTION KIT

OUR GOALS IN THIS ELECTION

Help make voters with disabilities count in the October 10, 2007 Ontario election. We have two important goals:

1. We want the positions the parties and their candidates take on disability issues, including disability accessibility issues, to be a major factor for voters. This includes making Ontario fully disability-accessible. We need to get Bill 107 repealed. It privatizes the enforcement of human rights in Ontario. It took away discrimination victims' right to have discrimination cases publicly investigated by the Human Rights Commission, and publicly prosecuted where there's enough proof.

We also need to strengthen the implementation of the Accessibility for Ontarians with Disabilities Act (AODA). Its implementation in the past two years has been weak and ineffective.

2. We want this to be Ontario's first barrier-free election. All people with disabilities should be able to fully participate in every aspect of this campaign including the vote itself.

In the past three Ontario general elections and in several by-elections, the disability community did a great job at the grassroots across Ontario raising disability issues. Building on that success, let's make an enormous difference for those who have a disability today and for those who will acquire one in the future. That adds up to almost everyone!

In an election campaign, the media usually only focus on a few big issues, like health and education. We can't buy millions of dollars of TV ads. Despite that, with your help, we can again wage an effective non-partisan grassroots campaign reaching voters one at a time. This kit gives practical tips on how to help.

Imagine - if every voter with a disability and every parent, relative or friend of a person with a disability, voted and also convinced two other people to vote. Imagine if each of these people informed their friends and neighbours about the importance of disability issues and why the parties' positions on disability issues should influence how they vote. That will send a message

to all parties that we have a strong voice and that we'll use it.

This kit tells you the positions of the parties on key disability accessibility issues. It gives suggestions on how you can help. Be creative. Come up with your own ideas. Share them with us. We'll circulate them. Contact us at: aodafeedback@rogers.com

The non-partisan AODA Alliance doesn't endorse any party or candidate. Our goal is to spread information on these issues as widely as possible. This lets voters make an informed choice. Even when a party does not have a platform supporting us on a key issue, we can try to get their individual candidates to commit to our goals.

THE PARTIES' PLATFORMS ON MAKING ONTARIO FULLY DISABILITY-ACCESSIBLE

Like everyone, Ontarians with disabilities want to go out with friends, go to school, get jobs and participate in all aspects of life. In 2005, after our tenacious decade-long campaign, Ontario finally got a new law, the Accessibility for Ontarians with Disabilities Act (AODA). However its implementation over the past two years has been toothless and very disappointing.

For example, a 2006 Human Rights Tribunal ruling gave the Toronto Transit Commission 30 days to start announcing all bus stops to assist blind passengers. At the same time the McGuinty government is circulating a proposal under the AODA that would let other cities stall 18 years before providing this obvious, simple accommodation.

This means we must repeatedly fight discrimination cases one barrier at a time, and one organization at a time, all over Ontario just to get the same access we won in Toronto. With the new Disability Act we weren't supposed to need to do this.

What's worse, last year the McGuinty Government passed the widely-criticized Bill 107. Many, including many from the disability community, opposed Bill 107.

Before Bill 107, discrimination victims had the right to have the Human Rights Commission publicly investigate their discrimination cases, and publicly prosecute them if there's enough proof. Under Bill 107, discrimination victims must investigate and prosecute their own human rights cases.

The McGuinty Government promised free lawyers for all discrimination victims. Yet its underfunded new Legal Support Centre can't provide lawyers in all cases.

In this election we asked the three parties to commit to

* overturn and repeal the widely-criticized Bill 107, in order to fully restore the Human Rights Commission, including our right to a public investigation of discrimination cases, and to a public prosecution of the offender when there's enough proof, and

* Put teeth into the implementation of the new Disabilities Act.

Here's what the parties committed in this campaign:

LIBERALS: They passed Bill 107 weakening the Human Rights Commission, and won't repeal Bill 107. They shut down promised public hearings on that bill, muzzling discrimination victims who opposed it. They passed the Disabilities Act, but implemented it ineffectively. They've pledged to take some specific steps to improve its implementation.

PCs: They voted against Bill 107's weakening the Human Rights Commission, and the Liberals' shutting down the promised public hearings on that bill. They promise to repeal Bill 107. They voted for the Disabilities Act and promise to strengthen its implementation.

NDP: They voted against Bill 107's weakening the Human Rights Commission, and the Liberals' shutting down the public hearings on that bill. They promise to repeal Bill 107. They voted for the Disabilities Act and promise to strengthen its implementation.

For full details on the parties' platforms on this issue, visit:

<http://www.aodaalliance.org/election2007/default.asp>

To see which MPPs voted for or against Bill 107's privatizing human rights enforcement, visit:

<http://www.aodaalliance.org/reform/bill107-votes.asp>

When the widely-criticized Bill 107 was before the Legislature last year, we were promised that everyone who wanted to would get a chance to present their views at public hearings on that bill before the Legislature. When the tide of opposition to that bill, especially from discrimination victims, kept growing, the McGuinty Government used its majority to pass a "closure motion" to cancel public hearings that were promised, advertised and scheduled. To see which MPPs voted for or against the McGuinty Government's motion shutting down the promised public hearings on Bill 107, visit:

<http://www.aodaalliance.org/election2007/default.asp>

WHAT YOU CAN DO

* To help you educate the public, we've prepared an excellent election leaflet. It fits on both sides of one page. It explains these disability issues issue to the public, describes the parties' platforms, and urges voters to consider this issue when voting. Download, print up, and hand out copies of this leaflet. Get it at:

<http://www.aodaalliance.org/election2007/default.asp>

Give it to as many people as you can. Post it in public places, where permitted. Email it to friends. Get them to hand it out to others.

* Go to campaign events and all-candidates debates in your community. Contact any candidate's campaign office in your area to find out when and where these events are happening. Give out copies of our election leaflet to people at those events. Ask the candidates questions about where they stand on disability accessibility issues. See ideas for this at the end of this kit. Let us know what happened at these events.

* The only party leader that has refused to make a commitment on Bill 107 that we've requested is the Liberals' Dalton McGuinty. Despite this, you can still try to get commitments from individual Liberal candidates across Ontario on Bill 107. Ask them to support our call for Bill 107 to be repealed, and for the Government to restore to the Ontario Human Rights Commission its duty to publicly investigate individual human rights complaints, and to publicly prosecute offenders where there's enough proof. Approach candidates in your riding to ask for this pledge.

* Call in to phone-in radio programs, and write letters to the editor on the importance of the disability accessibility issue to you. For email addresses for Ontario newspapers, visit: www.odacommittee.net/action-tip36.html

* Phone or personally meet the candidates running in your riding to discuss the need to address our disability accessibility issues. Tell them about the barriers you have faced. Urge them to give you a strong personal commitment on this issue, and to make this a high-profile issue during the campaign.

* Talk to friends, family, neighbours and co-workers. Explain the barriers that you or your friends face. Tell them why the election's disability accessibility issues are important. Let them know what the three parties have said and done about this issue. Explain why it is important that they vote in this election, and why the parties' positions on the disability accessibility issue should play an important role in which they choose to vote for.

* Notify the local media of any barriers you encounter during the election campaign such as election events held in inaccessible locations, the absence of needed accommodations at campaign events, inaccessible campaign offices or polling stations, or lack of campaign literature in an accessible format. Also, notify your riding's returning officer and Ontario's Chief Elections Officer if you are encountering barriers in voting. Of course, also let us know at: aodafeedback@rogers.com

* Make sure that you are on the voter's list so you can vote in the election. Get your friends to make sure that they are on the voter's list.

* Vote in the election. Learn how you can vote if you cannot get to the polls or if you cannot get out on Election Day.

* Monitor the AODA Alliance website for ongoing developments at: www.aodaalliance.org

Spread this information to others who don't have access to the internet.

* If you use E-mail but aren't on our AODA E mail distribution list, send a request to join it to: aodafeedback@rogers.com

MORE ACTION TIPS FOR ORGANIZATIONS SUPPORTING OUR CAUSE

If you are part of an organization that wants a barrier-free Ontario for all persons with disabilities, we encourage you to also take the following additional steps:

* Make it a priority for your organization to help us advocate for a truly barrier-free election, in which all voters with disabilities can and do vote.

* Designate specific members of your staff to be responsible for your organization's work on this.

* Print and circulate this kit and our ODA election leaflet to your members, consumers, board, staff and volunteers as widely as possible across Ontario. Distribute these materials as part of the information packages that your organization routinely gives out to the public. Post it on your website or link to the AODA Alliance's website.

* Hold public events during the election to inform voters with disabilities about the ways to participate in the campaign, about the importance of the disability issues and about the positions of the parties on this issue.

- * Set up booths in malls and other public places to give out information to the public, such as this Action Kit and our AODA election leaflet.
- * Approach the local media and explain why they should be writing stories about this issue.
- * Write to the Chief Elections Officer and the three party leaders, local candidates and local returning officers, pointing out the specific barriers that your organization needs removed or prevented to ensure that this is a barrier-free election.

IDEAS FOR ALL-CANDIDATES' DEBATES

If you attend an all-candidates' debate in your area, you may wish to:

- * Download, print up and hand out our AODA 2007 election leaflet to people attending.
- * Prepare a short question to ask the candidates before you get there, and try to get a seat near the microphone so you will have a better chance to get to ask it.
- * In your question, assume that the audience knows nothing about the ODA issue, and knows little about the barriers facing persons with disabilities. Be brief so that the audience doesn't get impatient. Tell them about some major barriers you face.

As an example you might ask:

1.5 million Ontarians with disabilities face barriers every day when they try to get a job, use our health or education system, or shop in stores. Because the Government's implementation of the new Disabilities Act is so weak and ineffective, we have to fight barriers one at a time by filing human rights complaints. For example, the Human Rights Tribunal ordered the Toronto Transit Commission's bus drivers to start announcing all bus stops in Toronto, and gave 30 days to start. Yet the Government's proposed regulations under the Disabilities Act would let other cities delay 18 years before providing this simple accommodation.

Even worse, the Liberals passed Bill 107. Because of it, if we do file human rights complaints around Ontario to fight these barriers, individuals don't have the right any more to have the Human Rights Commission publicly investigate this discrimination, and publicly prosecute the offender if there's enough proof. I and many others want Bill 107 repealed, and our Human Rights Commission strengthened. .

The Conservatives and NDP promise to repeal Bill 107 and strengthen the Human Rights Commission so it can publicly investigate and publicly prosecute these individual cases again.

Dalton McGuinty refused to agree to this. He didn't listen to the disability community's opposition to Bill 107 last year. Instead he shut down the public hearings on that bill that he had promised, advertised, and scheduled.

I ask the Liberal candidate, even if your leader hasn't promised to repeal Bill 107's privatization of human rights enforcement, will you as an individual MPP pledge to support the repeal of Bill 107 and the holding of a new public consultation on how to fix our broken, backlogged Human rights enforcement system?

The following article originally appeared in the Fall 2006 issue of Abilities

HELPING STUDENTS SUCCEED: LEARNING DISABILITIES ASSESSMENT CENTERS OF ONTARIO

By Allyson Harrison and Susan Alcorn MacKay

Today, there are more than 13,000 students in Ontario's colleges and universities who have diagnosed learning disabilities (LD). These students are capable of being successful...if they have the supports and services they require to level the playing field and demonstrate what they know.

In 1997, the Ontario government struck the Learning Opportunities Task Force (LOTF). The mandate of this task force was to investigate the status of post-secondary students with learning disabilities and to make recommendations that would enhance access and services for students with specific learning disabilities. The final report of the task force was submitted to the Ontario Ministry of Training, Colleges and Universities (MTCU) in November 2002. This report contained seven key findings and 24 recommendations. One of the key findings was that:

“A significant majority of the students arrived at (post-secondary) institutions with no, or at best inadequate, diagnostic information. As a result, students had neither appropriate documentation nor an understanding of their own learning disabilities. A comprehensive, up-to-date diagnostic assessment is essential for the provision of requisite supports, services, programs and accommodations for students with learning disabilities.”

The LOTF therefore recommended that, “The Province should establish, implement and evaluate the concept of Regional Assessment and Resource Centres.”

In a proactive and visionary move, the MTCU decided to accept this recommendation and

fund a bold initiative: a two-year pilot project to investigate the feasibility of establishing and running such assessment centres. The first of these, the Regional Assessment and Resource Centre (RARC) was established at Queen's University in Kingston in September 2003. The second, the Northern Ontario Assessment and Resource Centre/Centre d'évaluation et de ressources du Nord de l'Ontario (NOARC/CÉRNO), began in April 2004 at Cambrian College in Sudbury. We have enjoyed the opportunity to work in partnership and share practices, resources and ideas. Together, these centres, the Assessment Centres of Ontario (ACO), have set a standard of excellence for the assessment and provision of resources to post-secondary students with learning disabilities in the province of Ontario. In addition, they have been so successful that the Ontario government no longer considers them to be pilot projects.

Already, the enhanced disability services provided to students with LD in Ontario are the envy not only of other provinces, but also of those who provide similar services at universities in other countries, such as England. Truly, we are fortunate to have a ministry that values the contributions that persons with LD can make when they have access to appropriate services and supports, and we in Ontario can boast a tremendous track record of graduating a high percentage of such students who go on to become successful and productive members of society.

Having access to an assessment centre is one piece of this successful formula—it allows students to get an appropriate and comprehensive assessment that identifies their strengths and makes specific and relevant recommendations for accommodations and supports. The diagnosis of a learning disability has, until now, not always been available to individuals without the financial means to pay for an expensive assessment. Happily, initiatives such as ours provide students with an opportunity to undergo such an assessment at a cost that is appropriate to their financial means. To date, our centres have provided over 1,000 assessments.

RARC is a stand-alone clinic located at Queen's University in Kingston, and serves students in all of Southern Ontario. NOARC/CÉRNO is structured as a consortium of the northern colleges and universities. In this way, services and procedures around the assessment process are developed within the realities of great geographic distance and low population of service providers in general. A main focus of NOARC/CÉRNO is to assist existing psychological service providers to provide the most effective assessments for the post-secondary student as possible.

Using video conferencing technology in a secure environment is one way to break down the geographic barriers in far northern communities and ensure that follow-up and face-to-

face feedback is provided to students whom we assess in northern parts of the province. In addition, collaboration and professional development activities can be extended through webcasting and video conferencing to busy northern practitioners.

NOARC/CÉRNO is physically located over the Glenn Crombie Centre for disability services at Cambrian College. In addition to the assessments completed within the centre, psychological staff travel to other cities within the consortium to assist in the provision of the assessments, especially during peak referral times between September and January.

While it is true that the ACOs provide high-quality assessments, our mandate is much broader than this. We provide training opportunities for graduate students in psychology, education and rehabilitation medicine; we engage in clinical research; we offer transition support and disability-specific counseling to students; and we act as a resource for people seeking LD-specific information.

In any area of student service, one needs to engage in research, the results of which will improve and advance the service that is being provided. Providing service without continually validating it as well as generally endeavoring to “push back the frontiers of knowledge” would be to abandon one’s role as a professional. To this end, our two centres have begun collaborating on joint research projects that will benefit students with LD all over North America. Our combined research efforts will help to inform both our practice and the practice of other professionals in this area of service provision across Canada. It will help clinicians make more accurate diagnoses, which in turn will lead to provision of more appropriate treatment and academic support.

Research from the LOTF also identified that students with LD require specialized transition planning to help them succeed at the post-secondary level. One transition initiative developed by the team at RARC is a program called On-Line to Success. This past year, the program ran in five different school boards, and feedback from students, teachers and parents about the value of this program has been universally positive. Furthermore, the follow-up information we have on past participants would indicate that they continue to feel that this program significantly improved their first-year transition experience. Presenting information about this unique program has given us national exposure, and RARC has received requests from all over Canada to allow other schools to use this program as part of their curriculum. At present, NOARC/CÉRNO is investigating whether school boards in Northern Ontario might be interested in running such a program for their students.

The ACOs are able to assess any student accepted into or enrolled in college or university.

For further information about these assessment centres or to make a referral, please contact us:

Regional Assessment and Resource Centre (RARC)

Queen's University
186 Barrie St.
Kingston, Ont.
K7L 3N6
Phone: 613-533-6311
www.queensu-hcde.org/rarc/

The Northern Ontario Assessment & Resource Centre/Centre d'évaluation et de ressources du Nord de

l'Ontario (NOARC/CÉRNO)
1400 Barrydowne Rd.
Sudbury, Ont.
P3A 3V8
Phone: 705-524-7397
Fax: 705-524-6779
www.noarc-cerno.ca

DID YOU KNOW...

* The number of students with learning disabilities (LD) entering college or university has been increasing steadily over the past 10 years. (Thomas, 2000; IDIA & CCDI internal communication, 2006)

* The number of college freshmen with LD has increased tenfold since 1976. This is the fastest-growing group of college students with disabilities receiving services. (Norlander, Shaw, & McGuire, 1990)

* Despite this increase, students with disabilities have been less successful in participating fully in the college experience and in attaining a college degree. (Hall & Belch, 2000)

* The Learning Opportunities Task Force found that over 85% of students with LD arrived at college or university with either inadequate or non-existent documentation of their

disability.

* According to the Learning Disabilities Association of Ontario (2003), LDs affect approximately 10% of the general population, and there are over two million Canadians with LDs.

Statistics Canada reported that:

* In 2001, a substantially smaller proportion of working-age Canadians with disabilities (38%) than without disabilities (48%) had some postsecondary education. Although the percentages of students with and without disabilities who obtained junior/community college qualifications were similar (16% versus 17%), only 11% of working-age Canadians with disabilities graduated from university compared to 20% of those without disabilities. (quoted in Jorgensen, et al., 2005, pp. 101-102)

* There is a significant difference between a psychological diagnosis of an LD and the criteria for identification of an LD for program funding eligibility. In addition, at the post-secondary level, students can only access disability-related accommodations and services if they have a formal diagnosis of a disability. Sadly, most parents and students are not aware of this fact, and are surprised when the accommodations they have always received in high school are no longer offered to them based solely on an “identification.”

* Studies have shown that a high-quality psycho educational assessment is one of the key ingredients for the academic success of students with LD. (Bell, 2002) fall 2006

General contact information

- *Affiliated organization:*

Queen's University at Kingston - Health, Counselling & Disability Svcs.

LaSalle Bldg., Kingston, Ontario, K7L 3N6 Phone: 613-533-6467 Email:

robertb@post.queensu.ca

[» more information](#)

The following interview was conducted with a law student who requested anonymity.

**“WORK HARD AND NEVER GIVE UP”: THE EXPERIENCES OF A FIRST YEAR
LAW STUDENT WITH A LEARNING DISABILITY**

By *Suzie Kotzer*, Pro Bono Students Canada

Suzie Kotzer: Would you mind telling us a little bit about your background- where you were born, how you were raised?

Law Student: I was born and raised in Toronto.

SK: What is the nature of your learning disability?

LS: My major weakness is my memory.

SK: How did you discover you had a learning disability?

LS: In grade 3, my teachers and principals advised my parents to get me tested.

SK: Did discovering your disability change your perception of yourself? If so, how?

LS: Having a learning disability at (the elementary school I attended) was a tough experience. This school was very one-sided and not accommodating at all. At the early age of 10, the school constantly tried to coerce my parents for me to leave the school and attend a less challenging school. Because of these experiences, having a learning disability definitely lowered my self-confidence. Thankfully, the high school I went to was much more welcoming and accommodating. In high school and university, having a learning disability really didn't affect my perception of myself.

SK: How have you adjusted to academic studies throughout your life, both before and after learning of your learning disability?

LS: I don't really remember ever not having a learning disability. However, I like to think that I have really good reading, writing and studying skills that have helped me succeed academically. I know that I need more time to study and do assignments. Therefore, I start all my work very ahead of time so I won't feel rushed.

SK: Can you tell us any surprisingly positive or negative experiences you have faced in your school career with regard to your disability?

LS: Everything regarding my elementary school was very negative. I remember a specific instance in grade 5 where the school made me sit down with my parents, teachers, and principals of the school. I felt very uncomfortable at this meeting where I was bombarded by people telling me that this school could not accommodate people with disabilities like me. York University, where I completed my undergraduate degree, was very supportive of my disability. I always felt welcome to speak to my personal learning disability advisor if I had any issues.

SK: *What motivated you to apply to law school?*

LS: As cliché as this might sound, I always knew I wanted to go to law school. Even at a very young age, I wanted to be a lawyer just because my mom was a lawyer and I wanted to be just like her. I achieved pretty good marks at York and thought that I would be a competitive applicant. The LSAT was a very challenging test for me. Even though I did receive extra time for the test, I still found the test to be super difficult in such a time-restrained environment. However, I ended up writing the test 3 times before I achieved a decent mark.

SK: *Would you mind telling us a little bit about the application process? Was it different than the general application process?*

LS: I don't really know what the general application process is so I don't really have anything to compare it to. I did apply under the "Access" category. I think the only thing that was different is that I had to send my psycho-educational assessments along with all my applications. As well, I addressed my learning disability in my personal statements.

SK: *As the application process was different, do you feel it was fair?*

LS: I think the process was overall reasonably fair. Most schools have an allotted number of spots for people with disabilities. This can work to an applicant's advantage or disadvantage depending on the year in which they apply and how many other disabled applicants apply that year. I strongly believe that there should be a separate category for people with disabilities. I am "that" person that my elementary school tried to kick out of school because I didn't fit into their rigorous regime. I think my extra effort in all my schooling endeavours should be recognized.

SK: *How did you enjoy your first year at law school?*

LS: I really liked first year. I thought there was too much reading, but who didn't?

SK: *What kind of academic accommodations does the University of Ottawa provide for you?*

LS: I receive extra time on all my examinations.

SK: *Do you make use of every academic accommodation? If not, which accommodations do you use, and why?*

LS: I definitely make sure of extra time on all my exams. However, sometimes I finish my exams before the time has expired. I am also allowed to go to the “access tutorials”. I signed up to go to them for one class and I did not find them helpful. However, it might have been the actual leader, as opposed to the idea of extra-help sessions, which I’m sure could be helpful depending on the tutor.

SK: *Do you feel these academic accommodations are helpful? If not, what changes would you suggest?*

LS: I suggest more one-on-one help as opposed to a group setting. Students could be in the access tutorials for a variety of reasons including: bad marks first term, learning disabilities, mature students, etc. This mix did not really provide the extra help I was hoping for.

SK: *Do you believe having an invisible disability as opposed to a visible one (such as using a wheelchair) is a disadvantage, advantage, or does not have any impact on your academic success and the way you are perceived?*

LS: I prefer to have an invisible disability because I feel that my learning disability is my own business. I like to keep my disability private and not have everyone know about it. I think I would be looked down upon in law school if my fellow classmates knew I had a learning disability.

SK: *What advice do you have for other aspiring law students with a learning disability?*

LS: Work hard and never give up!

DISABILITY BENEFITS IN ONTARIO

By *Joshua Clarke*, Pro Bono Students Canada

If you are a person with a disability living in Ontario, then you may be eligible for a number of government assistance programs to help cover living costs and to recognize the unique place in society that you occupy as a person with a disability. This article is meant to serve as an overview. If you require more information, please contact the various program administrators directly or visit:

<http://www.canadabenefits.gc.ca/>

Follow the prompts for “persons with a disability” and then select “Ontario.”

The most commonly known subsidy programs in Ontario are the Federal Canada Pension Plan (CPP) and the Ontario Disability Support Program (ODSP). These programs work together to provide Ontario residents with a disability with resources to secure a reasonable standard of living. Despite the awareness of these two programs, there may be many other programs available to you or your children to further address the needs of persons with specific needs or experiences. The following are all programs for which you or your family may be eligible and I encourage you to investigate these further.

Ontario Disability Support Program (Ontario)

ODSP is designed for persons with a disability to receive income support or if they are able and willing to work, to receive support in training or other qualifications to enable them to perform well in their chosen line of work. Residents over 65 years of age may also qualify if they are in financial need and do not receive Old Age Security.

The income support covers basic accommodation and living costs and some prescriptions and basic dental care. The employment support helps individuals prepare for work, find jobs or train to advance their career through training, vocational assessments and assistive devices among other things.

Canada Pension Plan (Canada)

The Canada Pension Plan (CPP) provides a monthly benefit to contributors with a disability and their dependent children. It is intended to provide a portion of lost employment earnings for those who recently paid into the fund.

To be eligible, you must have a disability that is deemed to be “severe and prolonged.” You must have contributed to the plan in four out of the last six years and be a person with a disability whose disability prevents them from performing *any* job. You typically must be under age 65 but this is not always the case.

The costs of the Canada Pension Plan are covered by the contributions paid into the CPP by employees, their employers and self-employed people, and from interest earned on the investment of that money. With very few exceptions, every person in Canada over the age of 18 who earns a salary must pay into the CPP (Québec Pension Plan in Quebec). You and your employer each pay half of the contributions. If you are self-employed, you pay both portions.

To be eligible for a CPP disability benefit, you must have made enough CPP contributions in at least four of the last six years that you worked. However, there are exceptions which allow more of your working years to help you qualify.

Opportunities Fund for Persons with a Disability

The objective of the Opportunities Fund is to assist persons with disabilities to prepare for, obtain employment or self-employment as well as to develop the skills necessary to maintain that new employment.

Canada Pension Plan Disability Vocational Rehabilitation Program

This program offers career and job counselling, financial support for training, and job search services to recipients of [Canada Pension Plan \(CPP\) Disability Benefits](#) to help them return to work.

Special Services at Home (Ontario)

This program is intended for children with developmental or physical disabilities and adults with a developmental disability to live at home with their families by providing funding on a time-limited basis to address individual needs. With this funding, families can purchase supports and services which they could not normally provide themselves and are not available elsewhere in the community.

Assistive Devices Program (Ontario)

The objective of the Assistive Devices Program (ADP) is to provide consumer centered support and funding to Ontario residents who have long-term physical disabilities and to provide access to personalized assistive devices appropriate for the individual’s basic needs. There are over

8,000 devices supported by this program and eligibility is straightforward: be an Ontario resident, have a valid health card, have a disability lasting longer than six months and the device is needed for more than just a single activity (sports/work/school). If the device for which you are claiming is needed for many of your activities then you are likely eligible.

Attendant Outreach Program (Ontario)

The Attendant Outreach program provides visitation attendant services to people with severe or serious physical disabilities. The type of care provided ranges from nursing at home, personal care, or occupational therapy but this list is not exhaustive. To be eligible, a consultation is needed with a case manager. Please call the Champlain Community Care Access Centre located in Ottawa at 613-745-5525 or TTY 613-745-0049.

Self-Managed Attendant Services (Ontario)

The Self-Managed Attendant Services program lets people with disabilities choose and hire their own attendants. For information on this program, contact the *Centre For Independent Living* in Toronto at 416-599-2458.

Children's Rehabilitation Services (Ontario)

This program is intended to assist children under the age of 19 with physiotherapy, occupational therapy and speech and language therapy as core services. A wide variety of other services and clinics are provided depending on local needs and the mix of other providers in each community. To be eligible you must be under 19, and be a person with a physical or communicative disability including but not limited to: Cerebral Palsy, brain injury, developmental disability, Down Syndrome, or Spina Bifida. Contact the Ottawa Children's Treatment Centre at 613-688-2126 for more information or to apply.

Residential Rehabilitation Assistance Program for Persons with Disabilities (Canada)

RRAP offers financial assistance to homeowners and landlords to undertake accessibility work to modify dwellings occupied or intended for occupancy by low-income persons with disabilities. To be eligible you must own a home under a specified value and fall below an income threshold. Alternatively you may be a landlord who rents units at or below a specified rate of rent and your tenants' income is at or below the income ceiling.

The program offers a forgivable loan (do not need to pay it back) for 100% of modification costs to make property accessible up to a specified maximum.

Property Tax Relief for Low-Income Seniors and Persons with Disabilities (Ottawa/Ontario)

This program is delivered by the City of Ottawa and is intended to provide property tax relief to low-income seniors and persons with disabilities. The deferral is for property tax *increases* over the previous year. The taxes are deferred, not eliminated. The unpaid amounts become a lien against the property, meaning that the City will claim the value of the lien should you sell your property or become deceased.

To be eligible, you must own property for at least one year, be receiving a sanctioned disability benefit (ODSP, CPP etc.), and have household income of less than \$30,000 from all sources. There are many additional requirements. For more information, contact Lise Baker at 613-580-2424 ext 13740.

Bursary for Student with Disabilities (Ontario)

Ontario's Bursary for Students with Disabilities (BSWD) and the Canada Study Grant for the Accommodation of Students with Permanent Disabilities provide non-repayable financial assistance to full- and part-time students for disability-related services and equipment that they need to participate in postsecondary education.

In order to be eligible, you must be an Ontario resident, have a temporary or permanent disability, have qualified for either an Ontario-Canada Integrated Student Loan (if you are a full-time student) or Part Time Canada Student Loan or an Ontario Special Bursary (if you are a part-time student), and have other educational expenses related to your disability that is not covered by another program.

Visit http://osap.gov.on.ca/eng/not_secure/BSWD.htm for more information.

Veterans Disability Pension (Canada)

You may qualify for a disability pension if you have a medical disability that is related to your service and you are: a Canadian Forces (CF) Veteran or a Merchant Navy Veteran of the First or Second World War or the Korean War; a current or former member of the Regular or Reserve Force; or a civilian who served in close support of the Armed Forces during wartime.

Additional benefits may be awarded if you are a disability pensioner who has a spouse/common-law partner or other qualified dependants.

Entitlement is based in 'fifths,' directly proportional to the extent that your current degree of disability was caused by service. The entitlement ranges from 1/5 (service played minor part or aggravated existing disability) all the way to 5/5 (service caused the full extent of your current disability).

Please visit <http://www.vac-acc.gc.ca/clients/sub.cfm?source=dispen> for more information.

Northern Health Travel Grant (Ontario)

This program is designed to compensate persons with disabilities for the travel costs incurred by traveling long distances (minimum 100 km) to receive medically necessary services that are not available locally.

You are eligible for NHTG if you are an OHIP insured person with a valid Ontario health card on the date of treatment, living in the districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Timiskaming or Thunder Bay; you are referred for specialty health care that is an insured service under the *Health Insurance Act*; a northern physician, dentist, optometrist, chiropractor, midwife or nurse practitioner has referred you before the travel takes place; you are referred to a medical specialist who is certified by The Royal College of Physicians and Surgeons of Canada (RCPSC), a Manitoba physician recognized by the College of Physicians and Surgeons of Manitoba (CPSM) as a specialist and allowed to bill Manitoba Health at medical specialist rates, or designated health facility; and the nearest specialist/health care facility able to provide the type of care you require in Ontario or Manitoba is at least 100 kilometres from your **area of residence**. For more information please call 1-800-461-4006.

Canada Pension Plan Children's Benefits (Canada)

This program is available to the children of disabled or deceased contributors. For you to be eligible for Children's Benefits, your parent must have made sufficient contributions to the CPP. Also, if you are between 18 and 25, you must be attending school full time at a recognized institution. Children under 18 do not have to be in school to be eligible.

For more information please call 1-800-277-9914 or TTY 1-800-255-4786.

Integrated Services for Northern Children (Ontario)

This program is a combined effort by many Provincial Government agencies with a goal of providing a multitude of health, mental health and education services to children and youth living in rural and remote areas across northern Ontario. Outreach services include: assessment, consultation and treatment services to children and their families. Services are delivered in a linguistically and culturally appropriate manner and as near to the child's home community as possible.

Parents can speak with their local schools or their local Case Manager who will assess the child with special needs and their family, and act as a single point of access to the ISNC program.

International Pension Benefits (Canada)

The International Benefits program may provide retirement, disability or survivor benefits to eligible individuals who have lived or worked in another country, or the surviving spouse, common-law partner or children of eligible individuals who have lived or worked in another country.

If you have lived and worked in another country, you may be eligible for social security benefits, either from that country or from Canada. You may qualify for these benefits: if you have lived and worked in a country which has a social security agreement with Canada, and if you have paid into the social security plan of that country.

The benefits you may qualify for are: retirement, disability or survivor benefits from the other country, Canadian Old Age Security pension or Allowance, Canada Pension Plan disability or survivor benefits.

INTERVIEW WITH RECENT LAW SCHOOL GRADUATE PETER FORGERON

By *Joshua Goldberg*, Pro Bono Students Canada

Joshua Goldberg: *Please tell me a little bit about the nature of your disability.*

Peter Forgeron: I was three months premature and was placed in an incubator wherein the oxygen level was lowered resulting in permanent scarred tissue on my retinas. I have five percent vision in both eyes (20/400) and, am therefore, legally blind. My condition is stable to date. I can see roughly 15 feet in front of me.

JG: *Please tell me a little about your scholastic and work history.*

PF: I graduated from high school in 1996 and earned my four year undergraduate degree in political science from Cape Breton University in 2000. I earned my graduate degree in political science from Brock University in 2002. I am in the late stages of my law degree at the University of Ottawa.

A number of my work has been from summer placements as a university student. I enjoyed a wide-range of experiences with different opportunities and challenges. I worked for a summer with the CNIB in my home city of Sydney, Nova Scotia. That was my first job and I certainly appreciated the services that organization offered me as a young person.

I worked summer successive summers with Immigration and Citizenship, also in Sydney. I was a Teachers' Assistant (TA) and Research Assistant (RA) while I was at Brock University. I had an opportunity to go the England for six months as an intern with the Royal London Society for the Blind. While there, I assisted teenagers with various classroom tasks and extra-curricular activities.

While in my first two years of law school I was fortunate to work in Halifax and Toronto. I worked for the Nova Scotia Workers' Compensation Appeal Tribunal and ARCH Disability Law Centre as well.

JG: How has your disability affected your access to education at other schools?

PF: Once I submit a letter written by my family doctor outlining my disability, I am able to access services for visually impaired students. I used whatever services and accommodations universities offered. I simply did not apply to universities that did not have adequate services for visually impaired students.

JG: How has your disability affected you access to education and resources at the University of Ottawa's Faculty of Law?

PF: I used the resources and services offered by the law school. I also was able to acquire various technologies from a federal grant for students with disabilities. I combined both the university resources for students with visual impairments and my technologies throughout my studies.

JG: Does the University of Ottawa accommodate you? How? What are they doing right? What could be improved?

PF: Yes, the University of Ottawa does accommodate me. Access Services procures print materials for my reading software on my laptop. The staff would scan the book and do meticulous editing of the material before e-mailing me the finished product. This saves time and is a tremendous service. If the request for the procurement of print materials by other students is too great, I will take it upon myself to scan books or journals myself.

The circulation desk staff at the law library will retrieve books and journals for me upon request via e-mail. I also use a designated room in the law library to scan print materials and do research on the Internet. I write my exams there as well and have extended time to complete exams. An exam is enlarged to 16 font for me. At times, I was able to take a book off reserve to scan it myself or have the Equity Officer of the law school take it out on my behalf so the Access Services staff could transcribe it into electronic format.

There is also a Closed Circuit TV (CCTV) which is a stationary magnifier which enlarges regular print on a screen. I can manipulate the size of the print by pressing a button which will enlarge the size of the print.

I was able to register early for courses and asked the Access Services staff to procure course materials over the Spring and Summer when fewer students would be requesting transcription services.

JG: Does the law school provide any special help that is not available to students in other departments?

PF: I am uncertain of this. I can only speak of my experience as a law student and cannot speak about anything beyond it.

JG: What are your career aspirations?

PF: I would like to provide legal services in my hometown of Sydney. I would like to focus on private practice with a small law firm and, if possible, provide estate planning services for families who have a son or daughter with a disability.

JG: Are there any particular aspects of the law or legal system that you think are unfriendly to people with disabilities or should be improved for their benefit? Also, please tell me about any legal issues that you feel are relevant with respect to individuals with disabilities.

PF: There have been many improvements to Canadian laws for people with disabilities. With respect to public transportation, a visually impaired patron can use his or her CNIB card to serve as a buss pass within city limits. This is so across the country. I appreciate using this privilege any chance I get. I realize that not every person with a disability has this privilege. For instance, people using scooters or walkers still pay for a bus ticket.

JG: Has your disability affected your access to future employment?

PF: Perhaps it is a factor for employers. I am not as proficient with my time when drafting documents or reading material. As a lawyer, one has to have a tremendous work ethic and stamina. Fatigue is a factor during the course of a day for me.

JG: What advice do you have for other students with disabilities or future students?

PF: Use the resources at the university you are attending. If possible, target technologies that you can use to supplement the services you receive at the university. Generally speaking, there is a strain on resources at universities with few staff and if a student can use his or her own technologies for academic purposes this will benefit the student.

The following article originally appeared in the August, 17, 2007 issue of The Lawyer's Weekly

MENTAL ILLNESS STILL IN THE CLOSET

By Nora Rock, The Lawyer's Weekly

In the dark days leading up to his suicide attempt in 1991, Phil Upshall had no time for introspection. He had his hands full serving “wonderful, exceptional” clients in his law practice and volunteering with community organizations. “Life was so busy,” he says, “it took all you had to just go through the motions.”

But he was “caught in a cage” of deep depression that he didn’t understand at the time, and that he didn’t talk about with anyone. “Your family is looking to you for support for their own issues. And talking about emotions just isn’t a typical male characteristic.”

Seventeen years later, Upshall talks about mental health all the time. He’s the national executive director of the Mood Disorders Society of Canada; he’s an adjunct professor in the Department of Psychiatry at Dalhousie University in Nova Scotia; and he has provided guidance and leadership to mental health organizations across the country.



Click [here](#) to see full sized version.

Getting there was a long road. In the wake of his suicide attempt, Upshall was diagnosed with bipolar disorder, was incarcerated for convictions involving trust money, got divorced, went bankrupt, and was disbarred. It took seven years to rebuild his health and his professional life. When asked what might have helped him avoid his suicide attempt and its nightmarish consequences, Upshall isn’t sure. It never occurred to him, at the time, to seek professional

help, and he never considered consulting his family doctor, who was also a personal friend.

John Starzynski, president of the Mood Disorders Society of Canada and Volunteer Executive Director of the Ontario Lawyers' Assistance Program (OLAP) and another ex-lawyer survivor of bipolar disorder, confirms that lawyers are especially hesitant to seek help for mental health problems: "lawyers *solve* problems; they can't *have* them; that's the attitude. If we disclose that we have a problem, we worry that we might be giving the competition an unfair advantage, or that we may be sending the message that we're incompetent, maybe even dangerous." In Ontario, for example, according to OLAP's website, "out of Ontario's 26,000 lawyers, at least 2,600" will suffer from depression, alcohol or drug addiction during the course of their careers, and many of those lawyers "will experience discipline proceedings and/or negligence claims."

Starzynski recalls rebuffing colleagues' inquiries into his well-being. "I yelled at people. I swore at them. It was an effective way to get people to leave me alone." But he desperately needed the help he was rejecting, and he had nobody he felt he could call when he felt like he "needed to die". He credits his work with OLAP — which offers confidential counseling to lawyers on issues including addictions and mental health — with keeping him alive. "It's my passion," he says.

Similar assistance programs exist in many Canadian provinces. For example, in B.C. lawyers can turn to Interlock (www.interlock-eap.com) for confidential counselling, or to the Lawyer Assistance Program for peer support. In Alberta, a program called ASSIST offers four free hours of counselling on issues that include depression, anxiety, and substance abuse. Lawyers in Nova Scotia have 24-hour access to a Lawyers' Assistance Program that offers both counselling and peer support.

OLAP counselors are exempt from the requirement, under Rule 6.01(3) of the Ontario Rules of Professional Conduct, to report "the mental instability of a lawyer of such a serious nature that the lawyer's clients are likely to be severely prejudiced".

"Confidentiality is the cornerstone of our services", says Starzynski. "Lawyers can feel comfortable, when they call us, that's there's no direct pipeline to the Law Society or to their insurer." However, lawyer assistance programs, wherever they exist, are still generally required to report, to the local law society, circumstances in which there's evidence that a lawyer has been involved in serious criminal activity.

Upshall advises lawyers who contact the Mood Disorders Society of Canada to "be careful what you disclose and to whom." While lawyer assistance programs can put lawyers in touch with an employee assistance program counselor, "some of these guys wait far too long to get

help, and by the time they do, they're in trouble – they've dipped into their trust accounts, for example.”

Disclosure of a mental illness can interfere with eligibility not only for liability insurance, but for other kinds of insurance — including an employee's eligibility for workplace EAP services, says Upshall. “It means sufferers need to be very cautious about talking about their problems openly, which is unfortunate, because open dialogue is exactly what we need to have.”

Peer support programs, which sometimes allow people to participate anonymously, can often provide access to needed information without the risk of immediate disclosure. Mood disorder organizations across the country offer peer support programs; a list of these organizations is available on the website of the Mood Disorders Society of Canada (www.mooddisorderscanada.ca). “Peer support,” says Upshall, “allows you to talk with someone who's been there, done that. Their experiences can provide essential perspective on your own.”

For lawyers in practice, however, keeping mental health problems under wraps is often an illusion. “You think you're the only one who knows,” says Starzysnski, “but *everybody* knows.”

Colleagues may play a part in covering up the problem. “If lawyers took a close look at the cost of mental illness within the profession,” says Upshall, they might be surprised. He explains that, when called upon to remedy a colleague's professional mistakes, lawyers may attempt to protect their partners and peers by concealing the role of mental illness in the practice problems.

David Goldbloom, MD, FRCPC attributes some of the secrecy surrounding mental illness to a lack of mental health literacy in the general public. “Being a lawyer is an above-the-neck profession. When an illness like depression or bipolar disorder transiently erodes your capacity, there's a lot at stake for you.” He explains that people's perceptions are crucial, and that when a lawyer struggles with mental illness, colleagues tend to “feel that you've changed in a very different way than if your liver packs it in, or your leg is broken. Those physical things don't change, in the eyes of others, the fundamentals of who you are. But when depression, for example, erodes your cognitive capacity — your ability to concentrate, remember, make decisions, feel confident — your very sense of identity is threatened.”

Besides his clinical practice and his professorship at the University of Toronto, Goldbloom is senior medical adviser for Education and Public Affairs at Toronto's Centre for Addictions and Mental Health (CAMH). He explains that the literacy gaps, myths and stigma surrounding

mental illness can force people affected to “carry a double burden of suffering: both the symptoms of mental illness, and also shame, secrecy, isolation and a lack of support that are almost unparalleled in relation to other forms of human suffering.”

“If you’re run over by a bus,” he continues, “your colleagues are very sympathetic. But if you throw yourself in front of a bus...” He notes that secrecy surrounding mental illness continues even into death, pointing out that when a person dies of cancer, her obituary often credits her with “losing a courageous battle” with the disease. “But when someone has committed suicide, the obituary reads: ‘37-year-old lawyer, living in Rosedale, died suddenly.’ Most people who commit suicide succumb after losing a courageous battle with depression. But we don’t hear those stories.”

Our fear of mental illness, he suggests, stems in part from a myth that mental illness is untreatable “and that if you get one, you’re screwed. But available treatments for depression, for example, probably have better outcomes than treatments for high blood pressure.”

While he hasn’t seen much change in terms of general mental health awareness since his own diagnosis, Phil Upshall is encouraged by recent government research initiatives such as the Senate Standing Committee on Social Affairs, Science and Technology’s Report “Out of the Shadows at Last” (sometimes known as the Kirby Report). Upshall was a leading advisor on the report, and has participated in a number of other recent research and policy initiatives. Like Starzynski and Goldbloom, he believes that greater public awareness of the facts about mental illness will make it easier for people in crisis to seek help without sacrificing their professional reputations.

Where to go for that help? “To your general practitioner,” says Goldbloom. “Start there.” John Starzynski urges lawyers to call their local lawyer assistance program helpline. “We know what to do”, he says. “We’ve been there.” Once the caller realizes that he or she is talking to someone who has experienced a mental health crisis first-hand, many of the barriers to disclosure seem to melt away.

And Phil Upshall’s advice? “Get to know yourself so that you’ll be able to recognize the danger signs if they appear. And take time for yourself.” So many lawyers today, he says, don’t — “the golf course, once a place to relax, is now just another networking opportunity.” He advocates taking time to relax, to exercise, to eat a good diet, and most importantly, “to find somebody you can talk to and be honest with. It’s up to each of us to maintain our own good mental health.”

**INTERVIEW WITH KAREN JONES, DIRECTOR OF THE CRIMINAL LAW OFFICE
(A DIVISION OF LEGAL AID ONTARIO)**

By Clare Crummey, Pro Bono Students Canada

Karen Jones is the opening director of the Criminal Law Office. Funded by Legal Aid Ontario, the Office has been operating in Ottawa for three years. Karen generously took the time to explain what the Criminal Law Office does and offer her insight into the issues facing people with disabilities in the criminal justice system.

Clare Crummey: *What is the mandate of the Criminal Law Office?*

Karen Jones: The Criminal Law Office opened three years ago. It provides full legal services to anyone charged with a criminal offence. It is just like any other law office, but all the clients must qualify financially for legal aid. One of the big areas that we cater to are people that qualify for legal aid but don't have a high likelihood of going to jail so they can't get a legal aid certificate to bring to a private bar lawyer. These people would have to self-represent, so we step in to prevent that. Legal Aid only gives certificates to people who have a high likelihood of going to jail. We also take certificate clients. We represent people charged with impaired driving, assault, drug offences, domestic assault, sex assaults, theft - the full spectrum of criminal offences.

CC: *How is the Criminal Law Office different from the community legal clinics?*

KJ: Legal aid clinics are different; they generally don't do criminal law.

CC: *My understanding is that the University of Ottawa legal clinic does criminal law?*

KJ: Yes, they handle some criminal cases. But generally the clinics are not like a law firm, in that they do not go to civil court or criminal court. They primarily go to tribunals, to deal with disability and pension issues, for example. We don't do tribunal work. So the clinics are different from law firms in terms of the types of cases they take.

CC: *What motivated you to start the Criminal Law Office?*

KJ: I like new challenges, and I like the concept of bringing justice to people who live at or below the poverty line. Social justice issues have always interested me.

CC: *Did you see a gap in the services being offered by the community legal clinics?*

KJ: Yes. The Office has limited resources though. It was initially only financed for three years, although we have just been given funding for another year, so we can continue our work.

CC: Does the Criminal Law Office do outreach or education in addition to representing clients?

KJ: Yes. I speak at various groups, including the City of Ottawa, the Ottawa police, Elizabeth Fry, John Howard, etc. Our office also runs its own education programs, to educate the legal community as well as service providers. Outreach is a big part of what we do. All of us do it here. We have three staff lawyers, an administrator, and a community legal worker. Part of the community legal worker's mandate is outreach. We try to take preventative approach to criminal law. For example, we present to frontline workers on homeless issues, to explain the court processes. We also speak to mental health workers, and I did a talk for Reach on the elderly and the criminal justice system. I have also spoken on sex crimes and the drug trade in Ottawa.

CC: What do you think are some of the most important issues facing people with disabilities?

KJ: Well, the radio talk shows all discuss homeless issues, and it's all fine to say get rid of the homeless, but where are they supposed to go? That is the issue. I was away from Ottawa for 10 years, and when I returned, I was struck by how many more homeless people there were. There had been many provincial cuts to housing, and a lot of people with mental health issues lost their housing. If people don't have housing, things fall apart. Mental health issues and addiction are closely linked. I work a lot with the Canadian Mental Health Association, and the first thing they do is try to find people a home – by finding a home, a lot changes. Another big problem is the waiting time for a psychiatrist, once you get a referral from a family doctor, you might have to wait six months, and a lot can happen in six months.

Those are some of the challenges; the flip side is what is good. The development of the mental health court is great, it is happening three days a week at the courthouse. One great thing is they have a psychiatrist there. On Mondays there is a clinic, and a client can go see a psychiatrist, that helps us get in the door. It is also a big bonus to have judges and lawyers who are specially trained in the issues.

CC: How does your office address some of the issues facing people with disabilities?

KJ: We take a holistic approach to our clients. We try to strike a balance between acting as lawyers, and preventing clients from entering the criminal justice system again. We are not social workers, but we try to provide information and referrals to resources, to ensure our clients can get healthy. Our community legal worker does a lot of that. If a person has mental health

issues, we try to hook them up with health care. In this office we believe that we owe people a bit of extra time, to help make the difference between a person living a fulfilling contributing life, to one continuously marred by addictions.

I had a client a few years ago who was an alcoholic, and I asked him why he didn't stop drinking. He said he had never thought of that, so I provided him with some resources. He told me that he had other lawyers for ten years, and once a year he committed an offence, but none of his lawyers ever told him to stop drinking or asked him about his drinking. It's telling for us, I like to think we take the extra time, and just ask, "have you ever tried to stop drinking?" Sometimes you just need one of those simple moments to change. I haven't seen him since, maybe it worked. You can see you are making a difference, we have had almost 900 clients, and most of them would not have even had a lawyer, so that makes quite an impact.

CC: Generally speaking, who does the Criminal Law Office provide services to? Are many of your clients people with disabilities?

KJ: Roughly between 45 - 55% of our clients have mental health and addiction issues. We also have a lot of clients with physical disabilities. We are serving the poorest population, and when you look at employability, the poor are women, ethnic minorities, and people with disabilities. Even people with physical disabilities may find it difficult to be employed, so I help a lot of people with physical disabilities. My clients include people who use a wheelchair, people with environmental sensitivities, severe asthma, oxygen tanks. I also have two or three deaf clients.

CC: What are the issues facing people with physical disabilities in the criminal justice system? How are they different from the challenges facing people with mental health issues, for example?

KJ: The way they are treated by police is a big issue. I had a couple of clients who are wheelchair users, who were treated really badly by the police. The police aren't making accommodations in jail. A woman with environmental sensitivities was kept in a cell, and it took her weeks to recover. A deaf person in a jail cell is very hard. Diabetes is also a huge issue, people can't get medication on time, or they don't get fed properly. There are lots of issues with treatment by police.

Once we get to court, we try to make accommodations. The doors at the court are really difficult to open. They just modified the front door, but there are double doors inside that are really heavy, wheelchair users have difficulty with that. It is a big building, people with mobility problems are having difficulties getting around it. There are supposed to be hearing aids in the courtrooms. I have elderly clients with hearing difficulties, I have had five trials with hearing impaired people, and none of the courtrooms could accommodate headphones, so hearing from

ear pieces is a problem. I had a seriously hearing impaired client who was behind plate glass at his sentencing hearing, and he couldn't hear a darn thing. The crown actually stood inside and yelled, but generally courtrooms don't accommodate these disabilities very well. It's a long and slow process to fill some of these holes, but it's very rewarding!

The following article originally appeared on ARCH's website effective July 19, 2007

ACCESSIBLE TELECOMMUNICATIONS FOR PEOPLE WITH DISABILITIES IN CANADA

By *Phyllis Gordon*, Executive Director, ARCH

Communication by telephone is at the heart of much of the social and economic life of Canadians. It is essential that people with disabilities are able to participate in this communication by using traditional or new telephone systems. Many new developments are occurring at a very fast pace with the advancement of information and communication technologies (ICTs).

Telecommunication Barriers for Persons with Disabilities

Both traditional telecom systems and the new technologies include barriers to their use. The problems that people with disabilities experience in using telecommunications services are diverse, because disability is diverse. Barriers exist at the level of the telephone equipment itself—the handsets, and also in obtaining effective connections across the network. This situation demonstrates the failure of the market to provide for all and justifies regulatory intervention.

Barriers existing in phone equipment (known as “terminals”) include the inability to see the markings and displays on the small screens, the inability to hear the ringer or the received speech, and the inability to handle the instrument and its controls. For example, individuals with little capacity to control hand movements have insufficient motor control to use keypads given the small numbers and the lack of space between the numbers. People with weakness and chronic joint pain may find it impossible to press the buttons and even turn the phone on or off. All of these problems can be resolved, or at least lessened, with suitably designed telephones. Frequently, however, no suitably designed equipment is available.

An example with respect to network barriers is that people who communicate slowly or with irregular voice patterns find that the speed and inflexibility of automated services cut them off. They may become anxious when they are rushed. This is also so when contacting 411.

However, 'timing out' of dialing - because the user dials slowly due to memory or dexterity difficulties - can be overcome by having a buffer facility in the terminal.

There is however great potential that new developments in telecommunications can open significant communication avenues for people with disabilities. Voice over Internet Protocol (VoIP) developments are very exciting. In particular, they can open the way for multi-modal communication. This means that text, video and audio are all possible over the same channel and will lead to major advancements for people who use sign language to communicate. Also, people who prefer to communicate with text, including people who are Deaf or hard of hearing and people who have communication disabilities and cannot speak, will benefit. A current barrier is that these systems are biased toward voice transmission and the market has focused on voice communication.

The social and economic requirements of users of telecommunications services are not static: they evolve as technology changes. It is essential that the industry, policy developers and regulators respond effectively to ensure that this potential for greater communication by everyone is realized. It is also essential that future developments be informed by principles of Universal Design. The telecom industry needs to be responsive to the requirements of people with disabilities and implement the principles of universal design as it designs the equipment and the networks which transmit communications.

Vigilance will be needed to ensure that new technologies do not create new barriers. Formal consultation with persons with disabilities about their telecommunications requirements will be required on an on-going basis. Attention must be paid to the telecommunication requirements of persons with differing abilities and functional limitations, including cognitive, pain, mobility, and communication as well as sensory limitations related to vision and hearing. Communication with agencies with parallel mandates in other countries is essential.

For more information about the potential of accessible telecommunications see:

Canadian Association of the Deaf <http://www.cad.ca/en/issues/telecommunications.asp>

Williams, Jolley & Associates, *When the Tide Comes In: Towards Accessible Telecommunications for People with Disabilities in Australia*, June 2003.
http://www.hreoc.gov.au/disability_rights/communications/tide.htm

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http://www.tiresias.org/cost219ter/making_life_easier/making_life_easier.htm

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Gill, John, *Guidelines: Plain Old Telephone System*, October 2004

<http://www.tiresias.org/guidelines/pots.htm>

Disability Rights Office, Federal Communications Commission, USA

<http://www.fcc.gov/cgb/dro/>

Access Board, USA

<http://www.access-board.gov/telecomm/index.htm>

The Canadian Legal – Regulatory Framework

Unlike several other western countries, Canada does not yet have laws or regulations that are designed to specifically address telecommunication barriers experienced by persons with disabilities. This has in part led to a greater emphasis on more formal advocacy with the telecommunications regulator by advocates of persons with disabilities.

In Canada the federal government has jurisdiction over telecommunications and broadcasting. The Canadian Radio-television and Telecommunications Commission (CRTC) is the agency which regulates the telecommunications industry. The key statute is the *Telecommunications Act* S.C. 1993, c. 38. Much of Canada's telecommunications policy is developed by the CRTC through regulatory hearings and decisions. The CRTC must exercise its powers with a view to implementing the Canadian telecommunications policy objectives that are set out in the *Telecommunications Act*. Section 7 sets out nine policy objectives that differ in emphasis and are perceived to mandate competing priorities at times. The policy objective with greatest relevance for persons with disabilities is (h) "to respond to the economic and social requirements of users of telecommunications services".

In ARCH's view the CRTC is currently the most direct forum to advance the interests of people with disabilities because there is potential for the regulator to incorporate accessibility solutions directly into the regulatory framework.

Anti-discrimination advocacy can also utilize the *Canadian Human Rights Act (CHRA)* which prohibits discrimination on several grounds, including disability. Under this quasi-constitutional statute it is possible for individuals to file complaints of discrimination against telecommunications providers. As well, the *Canadian Charter of Rights and Freedoms* is a central part of Canada's constitution and applies to all statutes, regulations, and governmental action, including the decisions made by regulators such as the CRTC.

Industry Canada also has a key role in the development of policy with respect to telecommunications. In ARCH's view, Industry Canada and the CRTC share the responsibility to develop a full inclusion and a barrier removal policy for industry-wide application and specific product or service application. They must oversee the development of standards, rules and guidelines to implement accessible telecommunications policy and oversee the development of technical standards and specifications and monitor the implementation of policies and standards.

Canada is behind the United States, Europe and some Asian nations with respect to these issues. It is time for Canada to show leadership in law, policy, research and support technological advancements that will support accessible telecommunications for persons with disabilities and the seniors of the country. It is certainly time to spend resources to establish an infrastructure that can effectively implement these goals.

In 2005 Industry Canada established a Telecommunications Policy Review Panel which carried out an extensive review of telecommunications policy in Canada, with much industry and public participation. ARCH made a submission to this project. The Panel has reported and calls for substantial reform. While it does recommend that a specific statutory policy objective be "facilitating access to telecommunications by persons with disabilities", it places a great reliance on market forces to address this and other social requirements. It is disheartening that, despite a very lengthy discussion about the importance of research and policy development, the Report does not discuss universal design principles.

The Telecommunications Policy Review Final Report 2006 and the written submissions the panel received, including that of ARCH Disability Law Centre are available at www.telecomreview.ca.

The current Conservative Government of Canada has promoted the importance of market forces and has issued directives to the CRTC to that effect. However, as with the CRTC rulings and the Telecommunications Policy Review, there has also been a recognition that there is a role for social regulation. There have also been hearings at the Standing Committee on Industry Science and Technology of Parliament in early 2007 regarding the deregulation of telecommunications in Canada. It is not clear at this point what changes will be made and to what extent they will have an impact on the strategies people with disabilities will need to adopt in order to advance the accessible telecommunications agenda.

Disability Advocacy and Achievements at the CRTC

Over the years the CRTC has made a number of decisions that have provided particular solutions for people with disabilities. These cases have dealt with such things as providing a 50% discount on customer-dialled long distance calls when using a TTY machine. They have provided for the establishment of message relay services and alternate format billings. These issues have often been advanced by the Canadian Association of the Deaf and Chris and Marie Stark have been leading advocates on behalf of blind Canadians.

Over the years the telecom industry has made some adaptations for customers who are Deaf, deafened or hard of hearing, or blind. These developments have been largely a result of CRTC directions in particular cases and not provided comprehensive, regulatory decisions.

In the past, the CRTC decided not to regulate in a number of telecommunications markets, based in part on its belief that competition would adequately respond to all consumer needs. This has been particularly problematic with respect to phone equipment and the wireless markets. Thus, although the experience of individuals with disabilities has been that they cannot use much phone (terminal) equipment and most cell phones, these markets are not currently subject to regulation. In one of the CRTC's most recent decisions that dealt with disability, it denied the request made by Chris and Marie Stark that it should re-regulate phone (terminal) equipment. This denial will have a significant impact on the development of accessible telecommunications and will require that different strategies be developed.

Very recently the CRTC has articulated a different understanding about the interplay of market forces and the social and economic needs of users of telecommunications services. It noted that market forces alone may not be sufficient to protect the interests of vulnerable customers, including persons with disabilities. This decision indicates a shift in the CRTC's appreciation of consumer issues and may signal a readiness to balance economic deregulation with a certain degree of regulation for social requirements.

In what is known as the "deferral account" case, the CRTC ordered the major telephone companies to allocate at least 5% of their deferral accounts for accessibility for persons with disabilities. This could amount to as much as \$34,000,000.00 and so could have a substantial impact on telecommunications for people with disabilities. This decision has been much appreciated by the disability community and a coalition of national disability organizations has formed to participate in the follow-up process ordered by the CRTC. However, the Consumers' Association of Canada and the National Anti-Poverty Organization have appealed the original decision to the Federal Court of Appeal. ARCH is a respondent in the appeal. It may thus be some time before these issues are resolved.

The CRTC has committed to initiate a proceeding to address unresolved accessibility issues for persons with disabilities in 2008-2009. ARCH has suggested to the CRTC that when it takes on this case, it needs to address the process for the proceeding very carefully to ensure broad participation by people with disabilities.

To read recent CRTC decisions that relate to disability you can go to the following links:

The “Deferral Account” decision:

<http://www.crtc.gc.ca/archive/ENG/Decisions/2006/dt2006-9.htm>

The Voice over Internet Protocol (VoIP) decision:

<http://www.crtc.gc.ca/archive/ENG/Decisions/2005/dt2005-28.htm>

The “Local Forbearance” decision:

<http://www.crtc.gc.ca/archive/ENG/Decisions/2006/dt2006-15.htm>

Consumer Rights and Complaints at the CRTC

The CRTC has issued a Statement of Rights which sets out consumer rights, and includes rights that are specific to persons with disabilities. However, it is important to know that the Statement of Rights does not articulate all of the legal rights of persons with disabilities relating to telecommunications.

The Statement of Rights sets out general consumer rights to register a dispute or complaint and to participate in CRTC proceedings. The CRTC states that if you believe that your rights have been violated, you can complain to the Commission using their standard complaints process.

A Fact Sheet, “How to File a Complaint about Your Telephone Service” and the Statement of Consumer Rights are both available on the CRTC website.

http://www.crtc.gc.ca/eng/INFO_SHT/T12.htm

<http://www.crtc.gc.ca/archive/ENG/Decisions/2006/dt2006-78.htm>
