



ARCH Alert

ARCH's Newsletter on Disability
and Law in Ontario

INSIDE THIS ISSUE

- 02 2019 Federal Election – Disability Perspectives
- 06 Élections Fédérales 2019
- 12 Building Solidarity in Celebrating Difference
- 16 Inclusive Investing and Financial Literacy Month
- 20 Legal Challenge to Safeguards in Medical Assistance in Dying Law
- 22 Access to Information: Leaving No One Behind
- 23 Bill 74 - The Cure for our Health System...or Simply an Administrative Shake-up?


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2019 Federal Election – Disability Perspectives

*By Emily Prosser, ARCH Disability Law Intensive Student
Lila Refaie, ARCH Staff Lawyer*

On October 21st 2019, Canadians will head to the polls to vote in the 43rd Federal General Election. This year is the first Federal election under the new *Canada Elections Act*, which was amended in December 2018. It brought some positive changes related to the rights of electors with disabilities and introduced new accessibility measures for federal elections, among other changes. ARCH wrote about these changes in its last *ARCH Alert* edition, published in July 2019.

Essentially, Elections Canada must now ensure that all communications and other public materials are available in accessible formats. Polling stations must be held in an “accessible” location, as opposed to simply having “level access”. The ballot has also been redesigned in a way that is more accessible for electors with disabilities. There are also several other tools and services available to help make the voting process more accessible for electors with disabilities. While some will be available on Election Day, others require advanced notice. You can find the list of available tools and services at: <https://www.elections.ca/content2.aspx?section=acc&dir=tol&document=index&lang=e>.

For more information on available accommodations, you can read Elections Canada’s accessibility policy

at: <https://www.elections.ca/content.aspx?section=vot&dir=spe/policy&document=index&lang=e>

All registered electors should have received their voter information card. Other than the location of your polling station, you can find important accessibility information, such as whether your assigned polling station is accessible and how you can request accommodations to vote. If your polling station is not accessible, you can request a transfer certificate to vote at a different polling station.

For any questions or concerns related to ways you can vote, accessibility of polling stations, or requests for accommodations, contact Elections Canada:

Telephone: 1-800-463-6868

TTY: 1-800-361-8935

Online: <https://www.elections.ca/content2.aspx?section=conge&document=index&lang=e>

The Major Parties and Disability Issues

Over the past few weeks, all major political parties have been releasing their promises and commitments to Canadians in one form or another. Through various press releases, their platforms, and public debates, the leaders of these parties have made multiple promises about what they will do if elected into government. These promises range from the

economy, foreign affairs, social issues, and many other categories. Some parties have specifically commented on pressing disability-related issues. Below is a summary of some of their promises regarding disability-related issues.

This article will only focus on disability-related promises made by the 5 major political parties: Liberal Party of Canada (the Liberal Party), Conservative Party of Canada (the Conservative Party), New Democratic Party (NDP), Green Party of Canada (the Green Party), and People's Party of Canada (PPC).

While the Bloc Québécois is also considered a major political party, they only have candidates running in Quebec and their focus is solely on the interests of Quebec. As such, this article will not cover this party's platform. If you wish to read the Bloc Québécois' platform (only available in French), go to: <http://www.blocquebecois.org/>

The information below is current as of October 10, 2019.

Employment and Disability

Both the Liberal Party and the NDP have outlined their plan to ensure that persons with disabilities are included in the workforce.

The Liberal Party recognizes that the lack of available accommodations makes it difficult for persons with disabilities to attend school or work. Consequently, they have pledged to implement a new \$40 million/year national workplace accessibility fund. According to the Liberal Party, this fund will have a special focus on making small and medium-sized businesses more accessible. The Liberal Party will also match the costs of accommodations for employers and schools, up to \$10,000.

The Liberal Party also promises to make changes to the *Canada Labour Code* which would provide "better support for the mental health of workers, by including mental health as a specific element of occupational health and safety, and requiring employers to take preventative steps to address workplace stress and injury".

The NDP has committed to expanding employment programs to ensure fair and equal work opportunities for all Canadians, including those with a disability.

Mental Health Services and Supports

Several parties have commented on the importance of providing better supports for persons with a mental health disability.

The Liberal Party has committed to setting clear national standards for access to mental health services.

The Green Party plans to reorient Health Canada's mandate towards mental health and addiction, among other priorities. They also commit to working with Indigenous communities to provide mental health services to these communities. The Green Party promises to establish a mental health and suicide prevention strategy that will address concerns of Canadians with regards to several social issues.

Similarly, the NDP has recognized a need for supports for persons with a mental health disability. They have promised to expand the *Canada Health Act* to include these types of supports. According to the NDP, this change would result in available supports to Canadians with a mental health disability at no cost. Furthermore, the NDP has committed to end the stigma surrounding addiction disabilities, particularly drug addiction. They promise to support overdose prevention sites and ensure better access to treatment for persons living with an addiction. They have also committed to work with Indigenous communities to expand mental health services and addiction supports in their communities.

Strengthening the Accessible Canada Act (ACA)

At the time of writing this article, only the NDP has publicly commented on the new ACA. They promised to strengthen this law by ensuring that all federal agencies are equally covered by the ACA and have "the power to make and enforce accessibility standards in a timely manner".

International Commitments

Several parties have made official statements with regards to Canada's international commitments, such as international conventions and treaties.

The Liberal Party and the Green Party have both confirmed they will continue to support Canada's commitment to the 2030 Agenda for Sustainable Development. Among other goals, the 2030 Agenda includes the goal of working towards the inclusion of persons with disabilities in various settings within society.

Without providing any specifics, the NDP has committed to respect the *Convention on the Rights of Persons with Disabilities*.

Conversely, the PPC has pledged to withdraw from all Canada's international commitments, including signed conventions and treaties.

National Autism Strategy

The Conservative Party and the NDP have each outlined a plan to put in place a National Autism Strategy. Both parties have described their approach to this strategy in a different manner.

The Conservative Party has publicly promised to establish a National Autism Strategy with a goal to provide better access to supports and resources to persons with autism. In doing so, they committed to investing \$50 million for the first five years, which will be used to consult with individuals, organizations, provincial and municipal governments, as well as indigenous communities. They have outlined their strategy as being person-centred, culturally appropriate, and reflective of the needs of Canada's northern, rural, and remote communities.

The NDP has put forward their own plan to develop a National Autism Strategy. Following a consultation period with persons with autism, their strategy will include research support, access to needs-based services, employment opportunities, and access to housing.

Disability Tax Credit

The Conservative Party is the only party that has made a commitment related to the Disability Tax Credit. They plan to expand the eligibility criteria for this tax credit, by introducing the *Fairness for Persons with Disabilities Act*. The Conservative Party states that the changes will allow 35,000 more Canadians to qualify for the tax credit. Currently, the Disability Tax Credit is available to people with disabilities who meet one of the qualifying criteria. The Conservative Party plans to change the definition of the life-sustaining therapy criteria. This criteria is currently defined as a therapy needed to support a vital function at least 3 times per week for an average of at least 14 hours a week. The Conservative Party want to broaden this definition by including "determining dosages of medical food and activities related to determining dosages of medication, including dietary or exercise regimes" as part of the therapy. The number of hours spent on this therapy will also be reduced from 14 to 10 hours a week.

Expanding Income Support Programs

The NDP has pledged to eliminate the rate of poverty for persons with disabilities by reviewing and making changes to income security and employment programs. Particularly, they plan on extending Employment Insurance sickness benefits to 50 weeks for "Canadians facing a serious illness". The NDP also plans to create a pilot project related to Employment Insurance which would allow employees with episodic disabilities to access these benefits as they need them.

The Green Party also recognizes the particularly high rates of poverty experienced by marginalized groups, such as persons with disabilities. Their approach to addressing poverty is to establish a universal guaranteed livable income, the level of which will vary depending on the region.

The Liberal Party has committed to expanding Employment Insurance sickness benefits from 15 weeks to 26 weeks. They have also pledged to double the Child Disability Benefit for families with a child with a disability. According to them, this benefit will provide up to \$5,664 in total financial support for these families. The Child Disability Benefit is a tax-free

monthly benefit available to families with a child with a disability that is severe, and prolonged by certain conditions.

Accessible Housing

The NDP and the Green Party have both made commitments related to creating accessible housing for persons with disabilities. While the NDP has promised to create accessible housing, the Green Party has committed to financing non-profit housing organizations and cooperatives for “persons with special needs”, among other marginalized groups.

The Liberal Party has promised to provide accessible and affordable housing for homeless veterans, which would also include necessary supports for veterans. This will be implemented through an investment of \$15 million a year.

Implementing a National Universal Pharmacare

The Liberal Party, NDP and Green Party have all pledged to implement a national universal Pharmacare program for all Canadians. Through this program, Canadians will have access to full prescription drug coverage.

Each political party has detailed their promises and commitments if they are elected into power. For more detailed information about each party and their election promises, visit their website:

Liberal Party of Canada: <https://2019.liberal.ca/our-platform/>

Conservative Party of Canada: <https://www.conservative.ca/news/>

New Democratic Party: <https://www.ndp.ca/commitments>

Green Party of Canada: <https://www.greenparty.ca/en/platform>

People’s Party of Canada: <https://www.peoplespartyofcanada.ca/platform>



Élections Fédérales 2019

Par Lila Refaie, Avocate, ARCH Disability Law Centre

Le 21 octobre 2019, les Canadiens se rendront aux bureaux de vote pour voter à la 43^e élection générale fédérale. Il s’agit de la première élection fédérale où la nouvelle *Loi électorale du Canada* s’applique. Cette loi a été modifiée en décembre 2018. Elle a apporté des changements positifs liés aux droits des électeurs ayant un handicap et a introduit, entres autres, de nouvelles mesures d’accessibilité pour les élections fédérales. ARCH a écrit un article détaillant ces changements dans sa dernière édition d’*ARCH Alert*, publiée en juillet 2019 (disponible en anglais seulement).

Essentiellement, Élections Canada doit s'assurer que toutes communications et autres documents publics soient disponibles dans des formats accessibles. Les bureaux de vote doivent être tenus dans un lieu « accessible », plutôt qu'assurer le lieu ait « un accès de plain-pied ». Le bulletin de vote a également été modifié de manière à être plus accessible aux électeurs ayant un handicap. D'autres outils et services sont également disponibles pour aider à rendre le processus de vote plus accessible aux électeurs ayant un handicap. Certains d'entre eux seront disponibles le jour du vote, tandis que d'autres nécessitent un préavis. Vous pouvez trouver la liste des outils et services disponibles à :

<https://www.elections.ca/content2.aspx?section=acc&dir=tol&document=index&lang=f>

Pour plus d'informations sur les mesures d'adaptations disponibles, vous pouvez lire la politique d'accessibilité d'Élections Canada à :

<https://www.elections.ca/content.aspx?section=vot&dir=spe/policy&document=index&lang=f>

Tous les électeurs inscrits devraient avoir reçu leur carte d'information de l'électeur. Autre que des informations générales, vous y trouverez aussi des informations importantes concernant l'accessibilité, telles que savoir si le bureau de vote qui vous a été attribué est accessible et comment demander une mesure d'adaptation pour pouvoir voter. Si votre bureau de vote n'est pas accessible, vous pouvez demander un certificat de transfert pour voter dans un bureau de vote différent.

Si vous avez des questions ou des préoccupations au sujet de la manière de voter, de l'accessibilité des bureaux de vote ou des demandes de mesures d'adaptation, contactez Élections Canada :

Téléphone: 1-800-463-6868

ATS: 1-800-361-8935

En ligne: <https://www.elections.ca/content2.aspx?section=conge&document=index&lang=f>

Les partis politiques et les promesses électorales liées au handicap

Au cours des dernières semaines, les partis politiques ont publié leurs promesses et leurs engagements envers les Canadiens sous une forme ou une autre. Par le biais de divers communiqués de presse, de la publication de leur plateforme et de débats publics, les dirigeants de ces partis ont fait de nombreuses promesses quant à ce qu'ils feraient s'ils étaient élus au gouvernement. Ils discutent de l'économie, les affaires étrangères, les problèmes sociaux et de nombreuses autres catégories. Certains ont particulièrement commenté des problèmes pressants liés au handicap. Vous trouverez ci-dessous un résumé de certaines de leurs promesses relatives aux problèmes liés au handicap.

Cet article ne portera que sur les promesses liées au handicap faites par les 5 partis politiques majeurs : Parti libéral du Canada («PLC»), Parti conservateur du Canada («PCC»), Nouveau Parti démocratique du Canada («NPD»), Parti Vert du Canada («PVC») et Parti populaire du Canada («PPC»).

Bien que le Bloc Québécois soit également considéré comme un parti politique majeur, il ne compte que des candidats au Québec et se concentre uniquement sur les intérêts du Québec. En tant que tel, cet article ne couvrira pas la plateforme de ce parti. Si vous souhaitez lire la plateforme du Bloc Québécois, visitez leur site Web : <http://www.blocquebécois.org/>

L'information ci-dessous est courante en date du 10 octobre 2019.

Emploi et handicap

Le PLC et le NPD ont tous deux exposé leur plan visant à garantir que les personnes ayant un handicap soient incluses dans la main-d'œuvre canadienne.

Le PLC reconnaît que le manque de mesures d'adaptation disponibles empêche les personnes ayant un handicap d'aller à l'école ou de travailler. En conséquence, le PLC s'est engagé à mettre en place un nouveau Fonds national pour l'accessibilité en milieu de travail doté de 40 millions de dollars par année. Ce fonds visera plus particulièrement à rendre les petites et moyennes entreprises plus accessibles. Les employeurs et des écoles seront tenus de contribuer aux coûts des mesures d'adaptation jusqu'à concurrence de 10 000 \$.

Le PLC promet également d'apporter des modifications au *Code canadien du travail* afin d'offrir un meilleur soutien à la santé mentale des employés en intégrant la santé mentale en tant qu'élément spécifique de la santé et de la sécurité au travail. Les modifications proposées obligeront aussi les employeurs à prendre des mesures préventives pour lutter contre le stress et la blessure.

Le NPD s'est engagé à élargir les programmes d'emploi afin de garantir des opportunités d'emploi justes et équitables pour tous les Canadiens, y compris les personnes ayant un handicap.

Services et soutiens en santé mentale

Plusieurs partis ont souligné l'importance de fournir de meilleurs services de soutien aux personnes ayant un trouble de santé mentale.

Le PLC s'est engagé à établir des normes nationales claires assurant l'accès aux services de santé mentale.

Le PVC prévoit réorienter le mandat de Santé Canada vers des nouvelles priorités, incluant la santé mentale et la toxicomanie. Le PVC s'engage également à travailler avec les communautés autochtones pour qu'ils aient accès aux services de santé mentale. Finalement, le PVC veut établir une stratégie de prévention de la santé mentale et du suicide afin de répondre aux angoisses ressenties par les Canadiens face à plusieurs problèmes sociaux.

De même, le NPD reconnaît le besoin d'accès aux soutiens et services pour les personnes ayant un trouble de santé mentale. Ils ont promis d'élargir la *Loi canadienne sur la santé* pour inclure ces types de soutiens et services. Selon le NPD, ce changement créerait un service gratuit pour les Canadiens ayant un trouble de santé mentale. De plus, le NPD s'est engagé à mettre fin à la stigmatisation qui entoure les problèmes de dépendance, en particulier la toxicomanie. Ils promettent de supporter les sites de prévention des surdoses et d'assurer un meilleur accès au traitement pour les personnes toxicomanes. Ils se sont également engagés à travailler avec les communautés autochtones pour développer les services de santé mentale et de dépendance dans leurs communautés.

Renforcer la *Loi canadienne sur l'accessibilité*

Au moment de la rédaction de cet article, seul le NPD a publiquement commenté sur la nouvelle loi. Ce parti s'est engagé de renforcer cette loi en assurant qu'elle s'applique de manière égale à toutes les agences fédérales et ces agences aient le pouvoir de définir et d'appliquer des normes d'accessibilité dès que possible.

Engagements internationaux

Plusieurs parties ont fait des déclarations officielles concernant les engagements internationaux du Canada, tels que les conventions et traités internationaux.

Le PLC et le PVC ont tous deux confirmé qu'ils continueront d'appuyer l'engagement du Canada en faveur du Programme de développement durable à l'horizon 2030. Parmi les objectifs, le Programme 2030 comprend l'objectif de travailler vers l'inclusion des personnes ayant un handicap en société.

Le NPD s'est engagé à respecter la *Convention relative aux droits des personnes handicapées*.

De l'autre côté, le PPC s'est engagé à retirer le Canada de tous les engagements internationaux, y compris les conventions et les traités signés.

Stratégie pancanadienne sur l'autisme

La CPP et le NPD ont chacun décrit un plan pour mettre en place une stratégie pancanadienne sur l'autisme. Les deux parties ont toutefois décrit une approche différente.

Le PCC a publiquement promis d'établir une stratégie pancanadienne sur l'autisme dans le but de fournir un meilleur accès aux soutiens et ressources aux personnes autistes. Pour ce faire, le PCC s'est engagé à investir 50 millions de dollars au courant des cinq premières années. Cet investissement servira à consulter des individus, des organisations, des gouvernements provinciaux et municipaux, ainsi que des communautés autochtones. Leur stratégie est décrite comme étant centrée sur la personne, adaptée à la culture et reflétant les besoins des communautés canadiennes nordiques, rurales et isolées.

Le NPD a présenté son propre plan pour élaborer une stratégie pancanadienne sur l'autisme. Suivant une période de consultation avec des personnes autistes, leur stratégie comprendra « un soutien à la recherche, l'accès à des services axés sur les besoins, favorisera l'emploi et l'accès à des logements adaptés » pour ces personnes.

Élargir le crédit d'impôt pour personnes handicapées

Seul le PCC a pris un engagement particulier concernant le crédit d'impôt pour personnes handicapées. Le PCC prévoit élargir les critères d'admissibilité à ce crédit d'impôt en présentant la *Loi sur l'équité pour les personnes handicapées*. Selon le parti, les modifications permettront l'admissibilité de 35 000 Canadiens au crédit d'impôt. Ce crédit d'impôt n'est disponible qu'aux personnes ayant un handicap qui répondent à des critères particuliers. Les changements proposés par le PCC concernent le critère lié aux soins thérapeutiques essentiels. Actuellement, ce critère particulier est défini comme étant des soins nécessaires pour soutenir une fonction vitale au moins 3 fois par semaine pendant au moins 14 heures par semaine. Le PCC veut élargir cette définition en incluant « la détermination des dosages des aliments médicaux et des activités liées à la détermination des dosages des médicaments, y compris les régimes alimentaire ou d'exercice » dans le cadre du traitement. Le nombre d'heures consacrées à ces soins sera également réduit de 14 à 10 heures par semaine.

Expansion des programmes de soutien du revenu

Le NPD s'est engagé à éliminer le taux de pauvreté chez les personnes ayant un handicap en examinant et en apportant des modifications aux programmes de soutien du revenu et d'emploi. En particulier, ils prévoient étendre les prestations de maladie de l'assurance-emploi à 50 semaines pour les « Canadiens ayant une maladie grave ». Le NPD s'engage également à créer un projet pilote relatif à l'assurance-emploi, qui permettrait aux employés ayant un handicap épisodique d'avoir accès à ces prestations lorsqu'ils en ont besoin.

Le PVC reconnaît également que le taux de pauvreté est particulièrement élevé chez les groupes marginalisés, tels que les personnes ayant un handicap. Leur approche de la lutte contre la pauvreté consiste à établir un revenu minimum garanti universel, dont le niveau variera en fonction de la région.

Le PLC s'est engagé à porter les prestations de maladie de l'assurance-emploi de 15 à 26 semaines. Il s'est également engagé à doubler le montant de la prestation pour enfants handicapés pour les familles avec un enfant ayant un handicap. Selon le PLC, le nouveau montant peut atteindre jusqu'à 5 664 \$ à ces familles. La prestation pour enfants handicapés est une prestation mensuelle non imposable offerte aux familles avec un enfant ayant un handicap grave et prolongé par certaines conditions particulières.

Accès aux logements adaptés

Le NPD et le PVC ont pris des engagements concernant la création de logements adaptés pour les personnes ayant un handicap. Alors que le NPD a promis de créer des logements adaptés, le PVC s'est engagé à financer des organismes et des coopératives de logement à but non lucratif pour les « personnes ayant des besoins spéciaux », parmi d'autres groupes marginalisés.

Le PLC a promis de fournir des logements accessibles et abordables aux anciens combattants sans abri, ce qui comprendrait également des soutiens nécessaires pour les anciens combattants. Cela sera mis en œuvre grâce à un investissement de 15 millions de dollars par année.

Mise en œuvre d'un régime d'assurance-médicaments universel national

Le PLC, le NPD et le PVC se sont tous engagés à mettre en place un régime d'assurance-médicaments universel national pour tous les Canadiens. Ce régime permettra à tous les Canadiens d'avoir accès à une couverture en matière de leurs médicaments.

Chaque parti politique a détaillé ses promesses et ses engagements si élu en pouvoir. Pour des informations plus détaillées sur chaque parti et leurs promesses électorales, visitez leur site Web :

Parti libéral du Canada : <https://2019.liberal.ca/fr/notre-plateforme/>

Parti conservateur du Canada : <https://www.conservateur.ca/nouvelles/>

Nouveau Parti démocratique du Canada : <https://www.npd.ca/vision>

Parti vert du Canada : <https://www.greenparty.ca/fr/programme>

Parti populaire du Canada : <https://www.partipopulaireducanada.ca/>

Note from the Editor: The following article was written in honour of Indigenous Disability Awareness Month observed annually in November.

Building Solidarity in Celebrating Difference

By Mona Stonefish, Carla Rice, Sue Hutton, Evadne Kelly, Seika Boye

Into the Light: Eugenics and Education in Southern Ontario is a new exhibition that examines institutional histories and ongoing legacies of eugenics, the false idea that it is possible to improve the human race through selective breeding.

Eugenics is often associated with the dehumanizing atrocities of Nazi Germany during the Second World War. But eugenics was also taught and practiced in Southern Ontario in the early- to mid-20th century. Educational institutions, including Macdonald Institute and the Ontario Agricultural College, two of the three founding colleges that formed the University of Guelph played a key role in the eugenics movement. They, along with other institutions, advanced destructive ideas that targeted, de-humanized, and eliminated Indigenous, Black, and other racialized populations, as well as poor, and disabled peoples through methods of segregation, institutionalization, cultural assimilation, and sterilization that continues today.

This exhibition combines stories with artistic, sensory, and material expressions of memory. The goal is to bring the hidden history of eugenics, and stories of survival, out of the shadows and into the light.

Into the Light is co-created by Mona Stonefish, Peter Park, Dolleen Tisawii'ashii Manning, Evadne Kelly, Seika Boye, and Sky Stonefish. Key contributors include Carla Rice and members of the partnership grant *Bodies in Translation: Activist Art, Technology, and Access to Life* at Re•Vision: The Centre for Art and Social Justice, University of Guelph, Dawn Owen at the Guelph Civic Museum, and Sue Hutton at Respecting Rights, a project at ARCH. Together, we have worked for several months to create the accessible, multi-sensory, and multi-media exhibition.

Our process centres storytelling to support a decolonizing process of building solidarity, grounded in difference, between those who are unevenly implicated in and impacted by colonialism and eugenics. On October 26th, 2019, at 2 PM, the co-creators and key contributors extend this process in a conversation, called "Eugenics Retold," held at the Guelph Civic Museum.

In advance of that event, we offer some reflections on the ways in which human "betterment" is rooted in institutional histories, continues to diminish and disappear those who have already been marginalized by eugenics, and how oppressive ideas and practices continue to bolster one another.

The Canadian government and the Christian church committed heinous crimes against humanity, against First Nations, that have not stopped. While the whole Christian doctrine is not to blame, it was carriers of the doctrine who committed the crimes. But many Canadians are unaware of how these crimes of the past are still with us today. The orange shirts worn on Orange Shirt Day downplay the heinous crimes, which include eugenics. The heinous crimes need to be brought to light.

- Mona Stonefish

There are unique struggles, but also parallels –for institutional survivors and residential school survivors. To connect the dots and share stories of resilience, bringing all of that “into the light” has been a long time coming.

But abuses continue to be entrenched in group homes and foster care as well as other types of institutions. For example, Respecting Rights gratefully received funding from the Huronia Regional Centre class action settlement against the province of Ontario to continue its work promoting respect and decision-making rights for people labelled with intellectual disabilities across Ontario.

But the proceedings of this class action law suit, and others like it, are not an easy topic for survivors. This class action experience was not unlike what survivors of the Residential Schools went through with the process of the class action law suit of Residential Schools in Canada that was settled May 10, 2006. Survivors were not provided an opportunity to tell their stories through the process of the class action. Instead, survivors were tasked with filling out forms that felt humiliating, degrading, and caused re-traumatization for many people.

Into the Light is the telling of stories. The care, the love, the inclusion that has been put into the co-creation of *Into the Light* will hopefully embrace listeners who come to experience it with warmth – the way survivors want everyone to be treated.

-Sue Hutton

The 30 years of eugenics course documents on display in the exhibition reveal how value-laden classifications of mental and physical “fitness” hide the actions of eugenicists in positions of authority, who created the conditions of inequality, poverty, devaluing difference, and dehumanization.

For example, by 1928, eugenics leaders, such as University of Toronto professor Peter Sandiford, classified First Nations Peoples as mentally “unfit” and supported their claims with culturally biased intelligence testing on First Nations children. Such faulty testing produced representations of First Nations as mentally and physically “unfit”, which led to unethical sterilizations and institutionalizations, which continue today.

Considering eugenics was taught for over three decades to generations of teachers in domestic science as well as health and social welfare professionals, there is much for all of us to learn about how these ideas and methods have become installed.

-Evadne Kelly

I am deeply invested in the archive and how it reflects systemic oppression, exclusion, and disappearance. In our process, we centred stories and utilized the archive to display *how* the horrific violence of eugenicists happened through slow, persistent, and intentional propaganda that reflected the deeply held beliefs of those with power. The depth of sharing and scope of difficulty of the resulting exhibition, I believe was possible because each of us was invited into the project with the condition of being able to step back, leave, take a moment, correct, resist in ways that accounted for our humanity.

So often projects that involve telling the story of trauma (consciously or unconsciously) rely upon unsupported processes of divulging information in a way that benefits the project but not the individual - and often times individuals become extensions of the archive instead of the other way around. The power of this is that those who experience *Into the Light*, will hopefully understand that stories of surviving eugenics, alongside the archival ephemera, are extensions of all of us, this is a history that we share and a legacy that we continue to be ensnared by.

-Seika Boye

In 2011, when I first arrived at the University of Guelph and found myself in the Macdonald Institute, I knew that I had a responsibility to investigate its history. As a feminist and disability studies professor, I had a general awareness of Adelaide Hoodless, a well-known early Canadian social reformer who played a critical role in founding the Macdonald Institute in 1903. Hoodless devoted herself to the betterment of education for women and became a fierce advocate of the then emerging discipline of domestic science (the study of cooking, sewing, childcare, and housework). While Hoodless advocated the education of women, she also opposed women getting the vote and fought for the education mainly of privileged women: white and non-disabled daughters of men with property. After her death, the organizations and colleges she founded built on her beliefs, attracting privileged young women who became champions of eugenics ideas and betterment thinking as a way of enhancing their place in society. This was at the expense of Indigenous, disabled, non-white and immigrant girls and women, who became targets of eugenics thinking and practices.

For me, bringing this institutional history “into the light” has been critical to living my feminist values. I knew that I had a responsibility to unearth this history as a way of beginning to become accountable for my institution’s history, its involvement in spreading colonial, racist, ableist, and other violent ideas and practices. Even more than this, my commitment to the *Into the Light* exhibition is grounded in my belief that

when we unearth hidden stories of the past, we call into question our ways of doing things in the present, which opens up new and more just possibilities in the future.

-Carla Rice

Canada's histories of colonialism and eugenics have entrenched a divisiveness that continues to create heightened inequities for Indigenous, Black, and other racialized populations, as well as poor, and disabled peoples. Through a process of close listening that celebrates difference, we can begin to understand how oppressive and dehumanizing attitudes and beliefs continue to be firmly established, even after the Residential Schools and institutions have closed. On October 26th, we invite people to join us in collectively working to advance social justice.

For more information about the exhibit, go to <https://guelphmuseums.ca/event/into-the-light-eugenics-and-education-in-southern-ontario/>

Bios

Elder Mona Stonefish is an Anishinaabe artist, Traditional Knowledge Keeper, Windsor Art Gallery board member, disability activist, and recipient of the Queen Elizabeth II Diamond Jubilee award.

Peter Park is co-founder of Respecting Rights, founder of People First, and recipient of the June Callwood Award.

Dolleen Tisawii'ashii Manning is an Anishinaabe contemporary artist and Assistant Professor in Indigenous Education & Pedagogy, York University (start date 2020).

Evadne Kelly is a dancer and Postdoctoral Artist-Researcher at Re•Vision Centre for Art and Social Justice, University of Guelph.

Seika Boye is a scholar, writer, educator, and consultant whose practices revolve around dance and movement. She is a lecturer at the Centre for Drama, Theatre and Performance Studies, University of Toronto.

Sky Stonefish is an Anishinaabe jingle dress dancer, photographer, and activist.

Sue Hutton is a social worker with focus on anti-oppression and accessible mindfulness. Sue is Co-ordinator of Respecting Rights.

Carla Rice is Canada Research Chair and Founding Director of Re•Vision: The Centre for Art and Social Justice at the University of Guelph.

The exhibition is co-presented by *Bodies in Translation: Activist Art, Technology, and Access to Life* at Re•Vision: The Centre for Art and Social Justice, University of Guelph, and the Guelph Civic Museum, and is in partnership with Respecting Rights, a project at ARCH.

Inclusive Investing and Financial Literacy Month

By Valerie Le Blanc, Staff Lawyer, Canadian Centre for Elder Law

The Canadian Centre for Elder Law (CCEL) is examining how people make investment decisions with support from family, loved ones, and people they trust. These investors include adults who identify as living with a disability, and adults with Alzheimer's or other forms of dementia. The project hopes to identify what can be done to help members of these communities to participate meaningfully in their investment decisions with supported decision making.

The project explores the practice of supported decision making both formally, through written agreements, and informally, in both British Columbia and Ontario. The project is supported by a volunteer committee who represents members from these communities, lawyers, community agencies and advocates, investment advisors and financial planners, and the investment regulators. We are pleased to have Robert Lattanzio, Executive Director of ARCH Disability Law Centre, as a member of our project committee.

Research for the project includes one-on-one and group interviews with people who have lived experience, knowledge, and expertise in this area. The project report will identify ideas and opportunities for how to enhance the use of supported decision making in the investment context.

The project is funded by the Law Foundation of Ontario's Access to Justice Fund. For more information about the project you can visit our project page by going to: <https://www.bcli.org/project/inclusive-investing-respecting-the-rights-of-vulnerable-investors-through-supported-decision-making>

Inclusive Investing and Financial Literacy

October is Registered Disability Savings Plan (RDSP) Month, and November is Financial Literacy Month. Many of the financial institutions, investment regulators, community and other organizations committed to supporting financial literacy are publishing resources, tools, and information, as well as presenting workshops to help people learn more about how to manage and save their money. There are many great resources available. But it can sometimes be difficult or overwhelming to know where to look to find the information. It may be hard to know where to start, or to know what information will be useful. Everyone has different needs when it comes to learning more about the topic of money and saving.

The purpose of this article is to provide you with some information and links to resources that can help get you started.

Registered Disability Savings Plan (RDSP)

First introduced in Canada in December 2008, the Registered Disability Savings Plan (RDSP) is a federal tax-deferred, long-term savings plan for people who identify as living with a disability, and their families. The purpose of the RDSP is to help with planning for future financial security. With a RDSP, people can access up to \$90,000 in federal grants and bonds. People who have a RDSP can still receive their provincial disability benefits. RDSPs are registered by the Government of Canada, and savings in an RDSP grows tax-free until the beneficiary makes withdrawals.

The RDSP and the Disability Tax Credit (DTC)

To open an RDSP, you first must be eligible to receive the Canada Disability Tax Credit (DTC). The DTC is a federal income tax credit for people with disabilities and their supporters. You can claim the DTC when you file your income taxes. The DTC helps to lower the amount of income tax you have to pay. Once you qualify for the DTC, you can be eligible to open an RDSP.

In the spring of 2019, the federal government proposed two important changes to the RDSP in its Budget 2019. The first proposed change is to eliminate the requirement to close an RDSP when a beneficiary no longer qualifies for the DTC. This would allow grants and bonds that would have otherwise been required to be repaid to the Government to remain in the RDSP. The second proposed change is to exempt RDSPs from seizure in bankruptcy, with the exception of contributions made in the 12 months before the filing for bankruptcy. For more information about these changes, go to the following link:

<https://www.canada.ca/en/employment-social-development/programs/disability/savings/issuers/bulletins/notice-2019-347.html>

The RDSP and Government Grants and Bonds

When you open an RDSP, you may be eligible to receive federal government contributions to your RDSP through two programs:

- The Canada Disability Savings Grant; and
- The Canada Disability Savings Bond.

The Ontario Securities Commission sets out some important points to consider about what these contributions could do for your RDSP savings:

The Canada Disability Savings Grant:

1. The federal government provides matching contributions of 100%, 200% or 300% – up to \$3,500 every year – on contributions made to an RDSP;
2. The grant is paid until the end of the year the beneficiary turns 49;

3. The grant amount depends on the yearly contribution amount and the family income of the beneficiary;
4. Family income is based on the income of the parents until the year the beneficiary reaches age 18, and on the income of the beneficiary (and their spouse) beginning the year the beneficiary reaches age 19;
5. There is a \$70,000 lifetime grant limit for a beneficiary.

The Canada Disability Savings Bond:

1. You don't have to make contributions to your RDSP to be eligible for bonds;
2. To qualify in 2019, you need to calculate the family income of the beneficiary. To learn more about how to do this through the Government of Canada webpage, you can go to: <https://www.canada.ca/en/employment-social-development/programs/disability/savings/grants-bonds.html>;
3. The amount of the bond depends on your net family income. The maximum bond per year is \$1,000, until the end of the year the beneficiary turns 49;
4. There is a \$20,000 lifetime limit for a beneficiary.

More information about the RDSP, and government grants and bonds can be found by going to:

Ontario Securities Commission: <https://www.getsmarteraboutmoney.ca/invest/savings-plans/rdsp/>

Government of Canada: <https://www.canada.ca/en/revenue-agency/services/tax/individuals/topics/registered-disability-savings-plan-rdsp/canada-disability-savings-grant-canada-disability-savings-bond.html>

RDSPs and Investing

Once you have an RDSP, there are many different options for how to save and grow your money in the RDSP.

The Ontario Securities Commission provides some information on how to choose investments, what each investment can do, and things to consider when you're meeting with a financial planner or investment advisor to help you manage your investments.

When choosing investments, the Ontario Securities Commission suggests thinking about the following:

- What type of fees will I pay with each investment option?

- What type of investments are available to me?
- Are there rules for taking out large amounts from the investment?
- How will my regular payments be made from my investment?

Helpful Links

You can access a list of banks and other financial institutions that offer the RDSP in Canada by going to:

For more information about the RDSP you can go to:

<https://www.canada.ca/en/revenue-agency/services/tax/individuals/topics/registered-disability-savings-plan-rdsp/opening-rdsp.html>

https://www.rdsp.com/wp-content/uploads/2016/10/PI_SBS_Guide_160211_HR-2.pdf

<https://www.getsmarteraboutmoney.ca/wp-content/uploads/2017/06/Ontario-edition-Registered-Disability-Savings-Plan-RDSP-guide.pdf>

<https://www.mcass.gov.on.ca/en/mcass/programs/social/odsp/index.aspx>

To find out if you qualify for the DTC, visit the Government of Canada webpage, by going to: <https://www.canada.ca/en/revenue-agency/services/tax/individuals/segments/tax-credits-deductions-persons-disabilities/information-medical-practitioners/eligibility-criteria-disability-tax-credit.html>

The form to apply for the DTC can be found by going to:

<https://www.canada.ca/en/revenue-agency/services/forms-publications/forms/t2201.html>

Steps to complete the form can be found by going to:

<https://www.canada.ca/en/revenue-agency/services/tax/individuals/segments/tax-credits-deductions-persons-disabilities/disability-tax-credit/step-step-instructions-filling-form-t2201.html>

For more information about investments for your RDSP, you can go to:

Ontario Securities Commission:

Choosing Investments <https://www.getsmarteraboutmoney.ca/invest/investing-basics/>

Investing Basics: Getting

Started https://www.osc.gov.on.ca/documents/en/Investors/res_basics-of-investing_en.pdf

Introduction to Investing <https://investingintroduction.ca/en/#check-before-you-invest>

Investment Products <https://investingintroduction.ca/en/#investment-products>

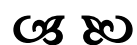
Understanding Risk <https://www.getsmarteraboutmoney.ca/invest/investing-basics/understanding-risk/>

PLAN Institute:

Choosing a Financial Institution <https://www.rdsp.com/tutorial/choosing-a-financial-institution/>

Future Planning Tool <https://planinstitute.ca/what-we-do/innovation/future-planning-tool/>

Prosper Canada: <http://prospercanada.org/Resources/Webinars/Future-planning-tips-for-people-with-disabilities.aspx>



Legal Challenge to Safeguards in Medical Assistance in Dying Law

By Oliver Backman, ARCH Disability Law Intensive Student

Medical Assistance in Dying (MAiD) in Canada has been legal since June 2016. MAiD refers to the process where someone can request to have a doctor or nurse practitioner assist them in ending their life. As discussed in previous articles published in *ARCH Alert*, safeguards are a critical element to this framework to protect against coercion, lack of available supports, ableism, and a history of paternalism and eugenics-influenced policies and legislation. Because of the importance of these safeguards, any attempt to remove them should be met with concern and reflection.

ARCH and other disability rights groups are very concerned about a recent Quebec Superior Court decision. In early September 2019, the Quebec Superior Court in *Truchon v Canada* decided one of the eligibility requirements for seeking MAiD was not valid. This requirement, sometimes called the “reasonably foreseeable” requirement, means that someone could only access MAiD if their death was reasonably foreseeable.

Disability rights advocates have expressed concern about the removal of the “reasonably foreseeable” requirement for numerous reasons including the harmful and dangerous message about which lives are deemed to be worth living.

Furthermore, there have been concerns over a potential increase in people seeking MAiD because of a lack of disability-related supports. Due to insufficient resources, persons with disabilities often face long waitlists to receive the vital supports they require to live within their communities. These situations underscore the need to ensure that appropriate supports are made available for persons with disabilities, that appropriate palliative care is

available, and that barriers to receiving appropriate care are removed. These services need to be in place and available to persons with disabilities, so they do not feel that MAiD is the only alternative when facing barriers to obtaining appropriate supports and care which would allow them to continue living in their homes and communities.

In giving her reasons for the decision, the Quebec Superior Court Judge said that she believed that there are other safeguards in place to prevent situations like these from happening. She believes that doctors and psychiatrists can properly tell when someone is earnestly seeking MAiD. Because of this, the Courts said that the “reasonably foreseeable” requirement was unnecessary.

Disability rights groups are worried that doctors and psychiatrists are not always able to make these assessments correctly. MAiD is a new type of procedure, and the medical community is not always perfectly equipped to tell when someone’s medical decision has been made under pressure or under coercion. There has already been a lack of consensus in the medical community about how to interpret the MAiD legislation. The “reasonably foreseeable” requirement is an important guideline to allow medical professionals to know when MAiD is appropriate, and its removal gives practitioners even less guidance to make these vital decisions.

Across Canada, there are emerging stories involving MAiD that remain troubling. In British Columbia, Sean Tagert, a man with ALS, opted to have MAiD because he could not afford 24-hour care. His doctor said that he needed 24-hour care, and this would have let him stay in his own home and be close to his son. Because he could only access 16 to 20 hours a day of home care, he chose MAiD rather than living with the insufficient supports offered to him. It is unfortunately not an academic exercise when considering whether the failures to offer sufficient support to people with disabilities would lead to the use of MAiD.

A similar case arose in Montreal in 2016 when Archie Rolland also chose to end his life with MAiD, citing insufficient care. Rolland had been living in a respiratory care wing of a hospital. This particular hospital had frequent cases of preventable infections, and patients complained of long gaps of care. Rolland decided to seek MAiD because he was tired of arguing and fighting for the competent care he needed and deserved.

As a procedure, MAiD was intended to only be used on the condition that all other treatment options had been exhausted. This condition, by definition, cannot be met when people are seeking MAiD because of insufficiencies in care and support. Between inconsistencies in how the medical community is interpreting our law, numerous issues in providing adequate and timely support for people with disabilities, and the removal of vital safeguards within the law itself, the dangerous gaps within Canada’s MAiD system are widening.

The Government of Canada has until Friday October 18, 2019 to decide to appeal this decision.

ARCH will continue to monitor MAiD and provide updates as new developments arise.

RELEVANT LINKS:

<https://cacl.ca/2019/10/04/advocates-call-for-disability-rights-based-appeal-of-the-quebec-superior-courts-decision-in-truchon-gladu/>

<https://www.cbc.ca/news/canada/british-columbia/als-bc-man-medically-assisted-death-1.5244731>

<https://montrealgazette.com/news/local-news/saying-goodbye-to-archie-rolland>



Access to Information: Leaving No One Behind

By Mariana Versiani, Communication and Outreach Coordinator

On September 28th, 2019, ARCH launched a survey in observance of the International Day of Universal Access to Information. The theme for this year is “Leaving No One Behind!”. This theme speaks to the digital empowerment of persons with disabilities, and the role digital technology can play to ensure accessibility of information. ARCH launched a new website this year to make it a more open and accessible tool for everyone. It is important to ARCH that information is accessible on our website, and that our communities can use it as a tool to amplify their voices.

ARCH’s online survey aims to receive feedback about our website and how users are interacting with it. If you are interested in participating, you can access and complete the survey by going to: <http://www.surveygizmo.com/s3/5160047/ARCH-Website-Survey>

Thank you to everyone who has taken the time to provide us with valuable feedback.

Bill 74 - The Cure for our Health System...or Simply an Administrative Shake-up?

By Gabriel Reznick, ARCH Staff Lawyer

During Premier Ford's campaign, he promised to end "hallway healthcare". This was a term he used to refer to patients waiting for a hospital bed. This term has come to mean a number of problems that people experience trying to access and receive services in Ontario's healthcare system, including long waitlists for long-term care homes. Hoping to end "hallway healthcare", the current Provincial Government passed a law called *The People's Healthcare Act* in April 2019, sometimes still referred to as Bill 74. The two most noteworthy changes made by the new law are the establishment of what they call "Ontario Health Teams", and the creation of an integrated health agency referred to as "Ontario Health" (the Agency). This article will outline the structure and powers of both the Health Teams and the Agency and will review the potential impact that these changes will have on disability communities. It is important to note that the full impact of the proposed changes will not be known for a number of years. Some have said that the changes being made to Ontario's healthcare system are the most profound in a generation, while others have said that the rush to make all of these changes so quickly is like building an airplane while in flight.

Ontario Health Teams

I'm guessing, that at one time or another, everyone reading this article has felt powerless, lost, or confused when accessing Ontario's healthcare system. It may be that you went to a hospital and were told that it will be hours before you can be seen by a doctor. It may be that you were told that the wait list for a long-term care bed was measured in years. It may be that you have encountered mix-ups and confusion in the transfer of care between institutions or service providers. The government believes that Ontario Health Teams can address all of these concerns by integrating care.

The new Health Team structure promises to coordinate care, so that patients will receive all their health needs, including primary care, hospital services, mental health and addiction services, long-term care, and home and community care, from one Health Team. The process of creating these teams is underway, and currently 31 Health Teams have been given a green light to submit a full application, and 42 more Health Teams are in development. The timelines for fully implementing Ontario Health Teams is uncertain, and it may take years for everyone in the province to be a member of an Ontario Health Team.

The government believes that this new Health Team structure will provide for more efficient healthcare and easier public access to the system. They argue that with a more integrated system, patients will be able to navigate the system seamlessly and have better access to services that meet their unique health needs. The Health Team structure may be beneficial to individuals with disabilities who often require services from multiple health practitioners, and who should now be able to access these services through a single team.

The Health Teams also promise to offer increased use of digital health care options, such as virtual care. Virtual care has the possibility to enable patients to see their doctor or other health care providers virtually, using modern video technology. Although virtual care may be beneficial to some individuals with disabilities, there remains the concern that not everyone has access to the technology needed to conduct a virtual examination. In addition to this, virtual care may not yet be advanced enough to provide the complex care often needed by individuals with disabilities.

Although the creation of Ontario Health Teams may have a positive impact for the disability community, there are still a lot of unknowns and some concerns. One of the main concerns is in respect to how the teams will divide funding from the Ministry of Health and the Ministry of Long-term Care. Currently three quarters of the approved Ontario Health Teams are led by hospitals. One might infer from this that funding may flow disproportionately to hospitals at the expense of long-term and community care.

Ontario Health

Premier Ford ran on a campaign to decrease Ontario's massive provincial deficit. In an effort to reduce administrative costs the provincial government is merging twenty agencies into one super-agency which will be known as Ontario Health (referred to as the Agency). The Agency will oversee everything from primary care, to hospital care, to long-term care. According to the government, the Agency will improve the quality of care, enable innovation, ensure financial accountability, and along with Ontario Health Teams, end "hallway healthcare". In order to achieve these goals, the Act controversially gives the Ministers of Health and Long-Term Care sweeping powers to dissolve and integrate a number of government funded service providers. The government has advised that it will be dissolving Cancer Care Ontario, Health Quality Ontario, the 14 Local Health Integration Networks (LHINs), as well as several other agencies.

The creation of the Agency has been met with some backlash. The Agency may have a direct negative impact on disability communities, specifically those receiving attendant care services provided through the LHINs. There is a fear that once the LHINs are dissolved and integrated into Ontario Health, the Agency will struggle in providing the same level of services that people are currently receiving, which are barely adequate in current circumstances. Another concern is the projected massive layoffs that will occur when multiple organizations are dissolved and replaced with a centralized administrative system. It is estimated that the provincial government is planning on laying off 825 full-time positions.

Almost all patients report that they have, at times, fallen through the cracks of Ontario's system, especially during times when they need to transition their care from one provider to another. Although on paper the impact of these changes may seem positive, it is going take a great leap of faith to believe that the administrative changes being proposed in Bill 74 are going to fix the many problems facing Ontario's patients, especially those with complex health needs. ARCH will continue to monitor the impact of Bill 74.

ARCH on Social Media

ARCH is on social media. You can find us at:



<https://twitter.com/ARCHDisability>



<https://www.facebook.com/ARCHDisabilityLawCentre>

You



https://www.youtube.com/channel/UCZI_6YpK8XB7LJ_dQxdonlg

Check ARCH's website www.archdisabilitylaw.ca for the latest ARCH news, publications (including past issues of the *ARCH Alert*), submissions, fact sheets and more.

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Or you can send your donation cheque to:

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We will promptly send you a charitable receipt. Charitable No. 118 777 994 RR 0001

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We welcome your comments, questions and feedback. We will endeavour to include all information of general interest to the community of persons with disabilities and their organizations, but reserve the right to edit or reject material if necessary. Please address communications regarding **ARCH ALERT** to: Theresa Sciberras, Operations, Program and Administrative Assistant, ARCH Disability Law Centre, 55 University Avenue, 15th Floor Toronto, ON M5J 2H7, Fax: 416-482-2981 or 1-866-881-2723, TTY: 416-482-1254 or 1-866-482-2728, e-mail: scibert@lao.on.ca Website: <http://www.archdisabilitylaw.ca/>

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