



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

Law Commission of Ontario Launches Project On the Law and Persons with Disabilities

FOR IMMEDIATE RELEASE

TORONTO, July 3, 2009 – The Law Commission of Ontario (LCO) today launched a public consultation on the law as it affects persons with disabilities. This public consultation is the first stage of a major project that is expected to develop a new approach to this area of the law. It seeks input on how the law should define “disability”.

Persons with disabilities make up a significant proportion of Ontario’s population – over 15 per cent, according to 2006 figures – and the number and percentage of Canadians with disabilities has been steadily increasing in recent years. “Given the increased occurrence of disability associated with aging, almost everyone will, at some point in their lives, either experience disability or have a family member who does” said Dr. Patricia Hughes, Executive Director of the LCO.

Over the past 40 years, there has been significant movement towards acknowledging the experiences of persons with disabilities and recognizing their rights. Nevertheless, persons with disabilities continue to experience wide-ranging disadvantage when compared with their non-disabled peers. Hughes noted that persons with disabilities face ongoing barriers in education and employment, and are disproportionately likely to have to survive on low-incomes, and to be victims of violent crime and domestic assault. “This suggests a need to critically examine current legal approaches to disability issues and to develop a new framework of principles for this area of the law,” she said.

The project will not focus on reform of any one specific issue; rather, it aims to develop a principled analytical framework that can be used as a tool for shaping legislative initiatives that affect persons with disabilities, or in reforming current law.

In this first stage of the project, the LCO is seeking input on the way in which the law approaches defining disability. While recent policy frameworks and international documents have focused on the barriers to equality and participation faced by persons with disabilities, the law continues to emphasize bio-medical impairments and functional limitations as the core of the experience of disability. The LCO has developed a Consultation Paper that outlines current legal definitions and the various conceptual approaches that may underlie definitions. Responses to the Consultation Paper will be accepted until Friday, August 28th, 2009.

This preliminary consultation will be followed by a broad Discussion Paper, which will provide the foundation for extensive public consultations during the fall of 2009 and the winter of 2010. The project is expected to be completed in the fall of 2010.

Launched in September 2007, the LCO, which is housed at York University, operates independently of government to recommend law reforms to increase access to justice.

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Lauren Bates
Staff Lawyer
Law Commission of Ontario
(416) 650-8406
LawCommission@lco-cdo.org