



LAW COMMISSION OF ONTARIO  
COMMISSION DU DROIT DE L'ONTARIO

## Quick Facts About Persons with Disabilities and the Law

### Persons with Disabilities:

Persons with disabilities make up a very significant proportion of the Canadian population – 14.3 per cent, according to 2006 Statistics Canada figures - and the number and proportion of Canadians with disabilities has been steadily increasing in recent years.

The experience of “disability” is complex, and so there is no single definition of the term. Individuals experience a wide range of impairments, physical, sensory and mental, and in some cases these impairments interact with the social, physical or institutional environment in a way that results in a significant experience of disadvantage. An impairment that might be disabling in some circumstances might pose no barriers in a more supportive environment.

There is no single simple picture of the experiences of persons with disabilities. Individuals with disabilities may be young or old, successfully employed or living in low-income, living in large cities or remote rural areas. Contrary to the assumptions that are sometimes made, they may fill any role that those without disabilities do, including as parents or community volunteers or athletes. Nevertheless, persons with disabilities continue to experience significant and wide-ranging disadvantage when compared to those without disabilities. For example:

- Persons with disabilities experience barriers in obtaining education that may result in compromised educational attainment. In a Statistics Canada survey, approximately one-quarter of Ontario parents of children with a disability indicated that their children were not receiving the necessary special education supports. Parents of children with unmet accommodation needs were significantly more likely to report that their child was struggling academically.
- They are less likely to be employed, and when employed, are likely to earn less and to be employed in precarious work. 2006 data indicated that 51 per cent of Canadians with disabilities were employed at the time of the survey, as compared to 75 per cent of those who did not identify as having a disability.
- Overall, persons with disabilities are significantly more likely to live with a low-income. The average income for an Ontarian with a disability in 2006 was \$25,304, as compared to \$38,358 for an Ontarian without a disability.
- Persons with disabilities are also significantly more likely to be the victims of violent crime and domestic violence.

## Persons with Disabilities and the Law

There is a very complex web of laws and policies that shape the lives of persons with disabilities, including laws such as:

- The Ontario *Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act* that attempt to remove barriers and promote equality for persons with disabilities;
- The “special education” provisions under the *Education Act* and regulations that create requirements and structures for education and accommodation of primary and secondary students with disabilities;
- The *Substitute Decisions Act*, governing decision-making for those individuals assessed as lacking legal capacity; and
- The *Ontario Disability Support Programs Act*, which creates an income support program specifically for persons who meet its definition of “disability” and its financial requirements.

These are only a few of the most high-profile examples. Laws regarding persons with disabilities are often exceedingly complex, and as they have evolved piecemeal over many years to meet specific pressing issues as they arose, they are often fragmented or contradictory.

Persons with disabilities are also affected by all of the laws of general application that apply to the populace at large. These may have unanticipated and unintended effects on some persons with disabilities.

- Privacy laws may have particular importance to persons with disabilities dealing with sensitive medical information, for example.
- Zoning by-laws may create barriers to housing for persons with disabilities.
- Child welfare laws may not take into account the specific challenges facing persons with disabilities, or may be implemented in a discriminatory way due to stereotypes or unexamined assumptions about the parenting capacities of persons with certain types of disabilities.

An important new element of the legal landscape is the United Nations *Convention on the Rights of Persons with Disabilities*, which was ratified by Canada on March 11, 2010. The CRPD details the rights that all persons with disabilities enjoy and outlines the obligations of ratifying countries to protect those rights. These rights include, among others, the right to life, liberty and security of the person; equal recognition before the law and legal capacity; freedom from exploitation, violence and abuse; respect for mental and physical integrity; to live in the community; to privacy; to expression of opinion; to education, health and work; to an adequate standard of living; and to participate in political, public and cultural life.