

Backgrounder: New Accessibility Legislation

The Government of Canada is developing new accessibility legislation to:

- promote equality of opportunity by improving accessibility and removing barriers in areas of federal jurisdiction, and
- increase the inclusion and participation of Canadians who have disabilities or functional limitations in society.

The government recently completed a series of public consultations on this new legislation.

Laws that protect the human rights of persons with disabilities

The current laws that protect the human rights of people with disabilities include the *Canadian Human Rights Act (CHRA)*, *Employment Equity Act*, and *Canadian Charter of Rights and Freedoms*. Despite these laws, there are still a number of barriers for people with disabilities.

The process under the *CHRA* is complex, lengthy and puts the onus on individuals to file complaints and prove discrimination. In 2015, 58% of all complaints received by the CHRC were on the ground of disability – the largest percentage for all the grounds of discrimination.

Discrimination in the federal public service

Treasury Board's *2014-15 Employment Equity Annual Report* shows a troubling trend. The data show that the number of persons with disabilities leaving the public service is almost three times higher than those coming into the public service.

The *2014 Public Service Employee Survey* suggests what might be causing the high number of departures. The results showed that workers with disabilities have significantly higher rates of negative answers to survey questions such as having the materials and equipment to do their job, having the training and equipment needed to ensure their health and safety at work, and receiving meaningful recognition for work well done.

Workers with disabilities were more likely than workers without disabilities to have negative experiences being accepted as an equal member of the workplace team or in being selected for a position. As well, they were almost twice as likely to have suffered harassment on the job.

The federal government should be a role model and a workplace of choice for all people in Canada.

Please join us in asking for comprehensive accessibility legislation.

Backgrounder: Bill C-16 on Trans Rights

For years, PSAC has been advocating for the federal government to formally prohibit discrimination against transgender and transsexual persons.

Bill C-16 amends the *Canadian Human Rights Act* and the *Criminal Code* by adding protections against discrimination and violence based on gender identity or expression.

On October 18, 2016, the House of Commons overwhelmingly adopted this bill. But we need to ensure that the Senate supports the bill, so it can be officially adopted by Parliament.

Trans people are among the most marginalized in our society

Trans people are among the most marginalized persons in our society, and too many encounter obstacles and barriers in finding employment, housing, and health-care services. They also face extreme violence, prejudice and hate, which have sadly resulted in high rates of suicide.

Bill C-16 will strengthen existing human rights protection

Bill C-16 would add “gender identity or expression” in the *Canadian Human Rights Act*, making it explicitly unlawful for federally regulated employers to discriminate or harass on the basis of gender identity.

This amendment will strengthen existing human rights protections for trans people. And most importantly, it will help educate the public in general, and employers in particular, on their legal responsibilities and obligations.

This bill would also give Canada’s trans people better protection from harassment and violence, by making it an aggravating factor in sentencing when a hate crime is committed because of someone’s gender identity or gender expression.

Please join us in asking the Senate to support Bill C-16.

Backgrounder: Employment Equity Act

Canada's experience with employment equity is mainly at the federal level under the *Employment Equity Act (EEA)*, which came into force in 1986. Initially, the *EEA* only applied to the federally regulated private sector. -After years of lobbying and pressure by PSAC activists, the Act was expanded to include the federal public service in 1995.

The *EEA* requires employers to analyze their workforce, policies and practices, and put into place an employment equity plan that sets out measures to address barriers and under-representation of designated groups. The *EEA* states that the legislation must be reviewed every five years. The last review was in 2002.

The importance of EE for racialized workers

Racialized workers continue to be under-employed and underrepresented in workplaces across Canada, both in the public and private sectors. Despite the requirements of the *EEA*, there remains a significant gap between labour market availability rates and the employment of racialized workers in the federal public service. This is especially true at management and leadership levels.

The exclusion of GLBT workers

Four historically disadvantaged "designated groups" are covered by the *EEA*: women, Aboriginal peoples, persons with disabilities and "visible minorities" (now referred to as racialized or racially visible people). Gays and lesbians, bisexuals and trans people are not included in the current legislation.

The importance of reviewing the EEA

Employment equity initiatives have led to a significant increase in representation rates of the four designated equity groups. However, the *EEA* needs to be strengthened with more meaningful enforcement, and oversight mechanisms and ensure that it is reflective of the changing nature of Canada's society.

Please join us in asking for the *Employment Equity Act Review*.