

# WHERE HAVE WE COME FROM AND WHAT'S NEXT FOR ACCESSIBILITY IN CANADA?

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Keynote Address

By

Michael J. Prince  
Lansdowne Professor of Social Policy  
University of Victoria  
[mprince@uvic.ca](mailto:mprince@uvic.ca)

## INTRODUCTION

The invitation to deliver this keynote address is very much a personal pleasure and gives me a sense of professional satisfaction.

The personal pleasure comes from my long association with Carleton University. I was an undergraduate student here in the early to mid 1970s, and lived in Glengarry and then Lanark residences. I returned as a faculty member in the late 1970s through to the later 1980s, before joining the University of Victoria. Over the subsequent decades, I have collaborated with former Carleton colleagues in conducting research, presenting at conferences, and publishing on a range of contemporary issues in public policy.

Equally, this invitation to speak to today is a professional pleasure because it offers me an opportunity to discuss big ideas with people who share, I believe, common interest and hold to human-centred values around access, inclusive design, social inclusion, equity, and belonging.

I have been asked to consider the topic of accessibility for people with disabilities in the Canadian context, from the point of view of driving change, and of looking into the future; or, perhaps more aptly, of offering some thoughts on what the future or a future may hold for the pursuit of accessibility.

To guide me in this, the event organizers presented me with three or four questions as my compass: what is next for accessibility in Canada? What aspects of education, or of other sectors, are the most in change of change? How can we prepare the next generation of students and those entering the workforce to continue to improve accessibility and inclusion in

Canada? While I will address these questions in one way or another, I do not answer any of them in a satisfactory manner. This, I suppose, is both the limitation of a keynote address and the prerogative of a keynote speaker.

Let me preview the main themes of my remarks.

The first theme is that **barriers to accessibility is a community, a workplace, an education, a political, a technological, and a cultural issue**. Obstacles to social inclusion and equal participation are a local issue; a city issue; a provincial issue; a federal issue; and intergovernmental and intersectoral issue. In other words, the identification, removal, and prevention of barriers is multifaceted, promoted and contested, and ongoing.

A second theme is that **accessibility, as a public idea, is practical and multipurpose**. It is a cherished value and positive principle that can rally individuals and groups and organizations around a common cause. It can serve as a lens for assessing the present circumstances of intersectional barriers, whether in built environments, organizational procedures, hiring practices, attitudes, and beliefs, or in public programs and service delivery systems. It is means not only for expressing hope for a better future but for making concrete plans in order to shape the future.

A third theme is that **accessibility is a growing field of activities, concepts, technologies, relationships, and possibilities**. With the value of equality and the idea of system change within and across sectors, the field of accessibility is increasingly explicit in policies, programs, products, and practices. The accessibility field is animated by the work of many groups in Canada and beyond, including assistive device engineers and technologists, universal design specialists, inclusive education proponents, the video game accessibility movement<sup>1</sup>, disability rights activists, progressive employers and unions, and other allies in music, sport, and recreation. With all these activities, public awareness of, and governmental responses to barriers, disability, and equality have changed over time. As I will suggest later in my remarks, training and work on accessibility and the political idea of rights to access by people with disabilities are firmly established on the public policy agenda, in a way unlike a few generations ago.

My fourth and final theme is that the people here today -- the university or college students, the professors, the service and support staff, the partners of READi, and the external community members -- **you are all agents of culture change**. Each in your way and on your own journey, though most likely in collaboration with many others, have an affinity with the issues and possibilities of accessibility. You have a deepening awareness and appreciation, a growing knowledge of new ways of doing things within an array of settings and life

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<sup>1</sup> Barbara Ortutay, "Sony's Access controller for PlayStation aims to make gaming easier for people with disabilities," The Associated Press. October 13, 2023. This article quotes the founder of the nonprofit AbleGamers, Mark Barlt: "The last five years I have seen the game accessibility movement go from indie studios working on some features to a triple-A games being able to be played by people who identify as blind. The five years, it's been breathtaking."

circumstances. Furthermore, as change agents you are interested in making a difference; in removing barriers; in promoting and enabling positive opportunities for everyone.

The remainder of my address is organized as follows. I wish to remark on the leadership and partnerships that students, staff, and faculty at Carleton have undertaken on accessibility over the last several years. Next, I will look back over the last fifty years to chart four major developments in Canada on human rights and accessibility in relation to people with disabilities. A key feature of this story is the reality of persistent barriers and disadvantages in society for people with disabilities and their families. Another important part of this story is the role of advocates of many kinds in pushing for reforms. After this looking back, I will then look ahead and consider future prospects for accessibility design, education, and related outcomes.

## CARLETON'S LEADERSHIP AND PARTNERSHIPS ON ACCESSIBILITY

I want to acknowledge the leadership on accessibility and inclusion demonstrated by many individuals and groups at Carleton over many years.

What has been this leadership? Let me count some ways that demonstrate “the depth and breadth and height.”<sup>2</sup>

The longstanding work of the Paul Menton Centre for Students with Disabilities and the longtime presence on campus of NEADS, the National Educational Association of Disabled Students, an important voice and champion for inclusive learning.<sup>3</sup> The fact that Carleton hosted the 2014 International Summit on Accessibility.

Of course, the READi program – the Research and Education in Accessibility, Design and Education Initiative. As most of you likely know, this program, in its seventh and final year, is the first interdisciplinary post-secondary accessibility-training program offered in Canada. Students from three universities (Carleton, Ottawa, and Queen's) come together to attend events, workshops, a course, and complete a project that allows them to incorporate accessible, inclusive, and human-centred design principles into their research, design, and development of products, information, and environments. Students come from engineering and information technology as well as design and music.

Carleton's Coordinated Accessibility Strategy. Informed by extensive consultations, this is a strategic commitment to promote a culture of authentic inclusion on a campus accessible for all. This involves a range of service units across the university, for alumni; careers; disability; equity, diversity, and inclusion; human resources; international students; and unions on campus. Collaboration across so many units is a promising way to embed lasting support for and action toward meaningful social change.

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<sup>2</sup> Elizabeth Barrett Browning, “How Do I love Thee?” (Sonnet 43).

<sup>3</sup> The Paul Menton Centre for Students with Disabilities was opened in 1990, while NEADS is a consumer-controlled, cross-disability organization formed in 1986. See <https://www.neads.ca>

The creation of the Accessibility Institute, now in its eleventh year at Carleton, which has enabled collaborative projects and funding opportunities such as federally with the Public Service Commission, Accessibility Standards Canada, and the Office of Disability Issues at Employment and Social Development Canada.

Under the lead of the Accessibility Institute came the formation of the Canadian Accessibility Network (CAN) a national group dedicated to action-oriented collaboration on access, inclusion, and universal design. In its young history, the Network has attracted an impressive range of more than 90 collaborators. Among these are the Alliance for Equality of Blind Canadians, the Canadian Chamber of Commerce, Canadian Council on Rehabilitation and Work, Inclusion Nova Scotia, Ontario Disability Employment Network, Statistics Canada, and several universities across the country.

Provincially, educational partnerships have notably involved working with the University of Ottawa and Queen's University as well as the Inclusive Design Centre at OCAD University.

As well, the David C. Onley Initiative for Employment and Enterprise Development, led by Carleton, is a partnership of four post-secondary institutions – Carleton, University of Ottawa, La Cite (applied college of arts and technology), and Algonquin College. This initiative aims to enhance knowledge and understanding on access, disability, and employment.

Across these initiatives are intentions to produce, exchange, mobilize and apply knowledge, often of a multidisciplinary kind, for practical solutions on the ground. Another intention is to enhance capacity by facilitating partnerships and bridging resources for breaking down barriers and building up opportunities.

## LOOKING BACK: 1970s – 2020s

I will now trace the changing nature of accessibility rights in Canada since the 1970s from a legislative and public policy perspective. I will condense involved histories and present a sketch to give you a sense of major developments, hoping that these are seen as more than, in the word of Jane Austen, “a quick succession of busy nothings.”

Over this period, we can observe a growing public awareness and associated growing political interest and responses to the reality of barriers in the lives of people with disabilities. I think we can divide the last fifty years into four phases of policy making in Canada on rights to inclusion and access for people with disabilities in society. These four phases are anti-discrimination law, affirmative action programs, reasonable accommodation, and accessibility legislation for barrier removal.

The ideas and activities associated with each of these are found in human rights legislation, and codes of the federal and provincial governments, government policies, in the Canadian Charter of Rights and Freedoms, the UN Convention on the Rights of Persons with Disabilities, and in provincial and federal laws on accessibility.

Starting in the 1970s, the passage by governments of **anti-discrimination protection** for people with disabilities introduced the concept of disability as a protected grounds against discriminatory acts against individuals in particular circumstances. The onus for such protection, though, was on the person with a disability (and/or their guardian or family member) to make a formal complaint and possibly go through an extended set of formal proceedings. This anti-discrimination approach was, and still is, complaint-driven. Notably, it does not really address systemic barriers (Barnes and Mercer 2003, 120; D'Aubin 2006, 379; Withers 2012, 111).

**Affirmative action** programming, which includes employment equity and contract compliance measures, came shortly afterward in the 1980s. The focus here is on redressing the impacts of historic disadvantages and past discrimination against one or more designated groups, particularly in employment decisions and workplace practices. At the federal level, these groups include women, people in visible minorities, Indigenous peoples, and persons with disabilities.

Around the same time, **reasonable accommodation** also emerged as a legal obligation on the part of employers. Whereas affirmative action sought to limit the effects of past discrimination, reasonable accommodation sought “to limit immediate or prospective discrimination” and the provision of accommodations to help “equalize the playing field” (Tucker 2001, in Heyer 2015, 41).

With affirmative action and reasonable accommodation, thinking about equality as sameness began shifting to embrace the idea of equality as taking differences into account (Heyer 2015, 72) and the idea of there being systemic discrimination, which needed to be formally addressed. However, the onus was still primarily on the job applicant or employee to disclose their condition and request accommodation (Prince 2016).

Limitations of these approaches, and the lessons derived from them, suggest how each phase generated calls by disability groups and other communities for further action on access and inclusion.

The early decades of the 21<sup>st</sup> century can be thought of the phase for **distinct legislation on accessibility rights for people with disabilities**. Following on initiatives by Ontario, Quebec, Manitoba, and Nova Scotia, with the passage in 2019 of the *Accessible Canada Act*, accessibility rights policy grew from a provincial domain of action to a national domain within federal jurisdiction. With these specific laws coupled with the UN Convention, which Canada ratified in 2010, the rights to access and inclusion attach directly to the status of human rights and values of equality and dignity. By establishing or extending rights to persons with disabilities and by enacting duties on various organizations and sectors, these laws are positive state action on advancing freedom from barriers and enabling opportunities for inclusion on an equal basis with others in society.

Looking back over the last fifty years, we can see the introduction of policies and laws challenging the power of some in society to exclude and withhold access, to more recently a transition to assigning responsibilities on organizations for the inclusion and wellbeing of people with disabilities.

Each of the four phases contributes to our popular thinking about disability and community and belonging. Each has contributed to an evolving vocabulary on how we discuss what is desirable and what is possible in Canadian society. Concepts such as ableism, community living, nothing about us without us, employment equity, Charter rights and equality-seeking groups, systemic discrimination, intersectionality, a duty to accommodate, and universal design (Robertson and Larson 2016; Stienstra 2020).

Drivers for change included the “accidental activism” of parents, the welcome advocacy and support of allies, grassroots campaigns to close residential facilities and to create inclusive neighbourhood public schools and adequate supports in communities (Carey et al. 2021). These and other collective actions involved public education and raising awareness, at times, by challenging hurtful words and negative stereotypes (such as the tragic figure or the inspiring role model); and, at times, by developing positive narratives and images of people with disabilities; undertaking research and development on social innovations; and, at times, setting in motion litigation and claims before courts and tribunals (Heyer 2015; Prince 2009). These are among the vehicles for challenging and transforming inaccessible social arrangements.

## LOOKING FORWARD TO ACCESSIBILITY

What’s next? Accessibility, is a dynamic network of participants, organizations, partnerships, activities, and outcomes, with its own history and a future of many possibilities. The field of accessibility is guided by principles and purposes, “against which achievement can be measured and towards which aspiration can be directed ... towards a fuller measure of equality” (Marshall 1950, 29). The ideas of belonging and equality have gradually been elaborated in their meanings and applications, even though limited by the nature of specific laws and by the jurisdictional boundaries of federalism.

Still, this networked field of accessibility that is coming into view, is one that relates to, and interacts with governments and public services, Crown corporations and regulatory agencies, as well as key sectors of the Canadian economy, which, at the federal level, include banking and broadcasting, telecommunications, and transportation.

In regard to Canadian intergovernmental relations, a federal-provincial-territorial working group of officials on accessibility is being established, initially to be co-chaired by Canada and BC. This new forum offers governments a place to exchange information on practices and share lessons on the work of accessibility policy making, engagement with disability groups, standard development, and matters of monitoring, compliance, and enforcement.

Work is underway also on a distinct First Nations accessibility law developed by and for First Nations communities. The *Accessible Canada Act* included an exemption for First Nations until 2026, and the Assembly of First Nations (AFN) recently produced a discussion guide that identifies options for a distinct First Nations accessibility law (Assembly of First Nations, 2022; see also Assembly of First Nations, 2017). The AFN has established a First Nations Accessibility

Hub as a resource for raising accessibility awareness and building capacity in First Nation communities. Other First Nations organizations are undertaking complementary work on accessibility.<sup>4</sup>

The contemporary drive toward access and inclusion for people with disabilities is taking place partly through public sector organizations in our civil society and political community and partly through private sector organizations in the market economy. The expectation is that both sectors will identify and remove barriers which are unjustified and discriminatory. The standard of legitimacy is different between the public and the private sectors. In the public sector, legitimacy, T.H. Marshall suggested, is the standard of social justice, while in the private sector legitimacy combines a notion of social justice with economic necessity (Marshall 1950, 77). Examples of this interplay between differing and competing standards of legitimacy is found in debates over undue hardship and reasonable accommodation, the modest place of employment equity in Canadian public policy, and, despite years of advocacy by disability organizations, ongoing “accessibility struggles” and mobility barriers with transportation systems.<sup>5</sup> We live in an age of significant and persistent economic inequalities. Accessibility initiatives will be shaped by these fundamental dynamics and tensions.

Going forward there will be bargaining and compromises in accessibility plans, possibly delays in regulatory standards development, and undoubtedly disappointments in the scope, pace, and impact of changes. The three independent reviews so far of the Ontario accessibility legislation demonstrate these dynamics and tensions, accompanied by renewed calls for action by government and stakeholders. Measures taken to date are important and yet are incomplete. Introduced in response to demands by the disability community and other for public action, these measures are, in turn, subject to further debates. Enacting legislation and setting standards, instead of downgrading collective political actions some observers feared, are themselves sites for fostering activism and forging political relationships.

Accessibility rights based on equality and universal design are not solely individual rights. Nor are they a set of rights for special groups of people with disabilities. As they have developed in Canada, accessibility rights are intended as general rights of everyone: rights of barrier-free access to physical spaces, communication and transportation systems, teaching and learning environments<sup>6</sup>, and other services and facilities, which all people can use. As more provinces legislate and implement accessibility, prompting further actions by municipalities and school

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<sup>4</sup> For example, the BC First Nations Health Authority created in 2023 an Accessibility Advisory Committee, of which this author is a member.

<sup>5</sup> The challenges of mobility barriers and struggles for accessibility documented by April D’Aubin (2006) remain all too familiar today. While writing this paper, Canada’s Chief Accessibility Officer, a position established under the *Accessible Canada Act*, Stephanie Cadieux, experienced Air Canada leaving her chair behind after a flight. She posted on social media: “I’m now without my essential equipment. Independence taken away. I’m furious. Unacceptable. #RightsOnFlights.”

<sup>6</sup> My own university, as one example, recently introduced an award for inclusive and innovative curriculum design to accompany traditional awards for excellence in teaching for faculty members, sessional instructors, and lab instructors.

boards and colleges and universities, and as governments collaborate on issues of access and inclusion, shared citizenship will develop further in meaning.

At some future point, because of legislation and standards, culture shifts in attitudes and beliefs, advocacy, and universal design, most Canadians may no longer view accessibility as a discrete set of special measures or fixes for a particular social group, but, rather, regard accessibility as integral to the general infrastructure of the whole community.

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