
TITLE: First Nation Federal Accessibility Legislation

SUBJECT: Health, Disabilities , Economic Development

MOVED BY: Chief Derrick Henderson, Sagkeeng First Nation, MB

SECONDED BY: Chief Dennis Meeches, Long Plains First Nation, MB

DECISION Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples states:

- i. Article 21, (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- ii. Article 21, (2): States shall take the effective measure and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and person with disabilities.

B. The Convention of the Rights of Persons with Disabilities states:

- i. Article 27: States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia.

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ANNUAL GENERAL ASSEMBLY

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- C. International treaties and human rights standards serve to support First Nations persons with disabilities with an unprecedented opportunity to develop and implement full and meaningful legislation.
- D. The AFN has additionally been mandated by AFN Resolutions 75/2015, "Support the Economic, Social and Cultural, Spiritual, Civil and Political Rights of Indigenous Persons with Disabilities" and 48/2014, "Support for Persons with Disabilities" to raise awareness and create opportunities for Indigenous Persons with disabilities to fully contribute to their own economic, social and human rights.
- E. The Honorable Carla Qualtrough is the Minister of Sport and Persons with Disabilities and is mandated by the Prime Minister to "Lead an engagement process with provinces, territories, municipalities, and stakeholders that will lead to the passage of a Canadians with Disabilities Act" (now referred to as Federal Accessibility Legislation) supported by the Minister of Families, Children, and Social Development, and Employment and Social Services Development of Canada.
- F. Budget 2016 allocated \$2 million over two years, starting in 2016–2017, to support the full participation of Canadians with disabilities in this development; more specifically, for stakeholders to organize and engage their members on the proposed legislation. Based on domestic and international examples, some potential thematic areas for consideration may include, but, are not limited to: employment, procurement, service delivery, transport, the built environment, information and communications.
- G. To facilitate a First Nations specific engagement process to parallel the Ministers broader consultations with provinces and territories, resources of \$120,000 thousand dollars for fiscal year 2016 and \$120,000 thousand dollars for fiscal year 2017 respectfully, have been proposed to support First Nations in building federal legislation based on First Nations specific and distinct needs.
- H. People with disabilities face discrimination on many levels. In addition, this discrimination is compounded if you are a First Nations person living with a disability, and further compounded if you are a First Nations women living with a disability.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Call on the Assembly of First Nations (AFN) to work with Employment and Social Services Development Canada to develop a First Nations specific engagement process to parallel and compliment the Ministers broader consultation process with provinces and territories in creating federal accessibility legislation that is specific and distinct to First Nation's needs.
- 2. Call on the AFN to work with First Nations disability groups to inform accessibility legislation that will address jurisdictional issues among others, and monitor the federal government's progress accordingly.

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3. Direct the AFN to continue to advocate for First Nations persons with disabilities and ensure adequate resources are allocated for this and future developments, and report back on progress to the Chiefs Committee on Human Resources.

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