

Assembly of First Nations

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Assemblée des Premières Nations

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SPECIAL CHIEFS ASSEMBLY
December 5, 6 & 7, 2017, Ottawa, ON

Resolution no. 98/2017

TITLE: Distinct First Nations Accessibility Legislation

SUBJECT: Economic Sector, Disabilities, Health, Housing, Education, Languages, Treaties

MOVED BY: Chief Reginald Bellerose, Muskowekwan First Nation, SK

SECONDED BY: Chief Byron Louis, Okanagan Indian Band, B.C.

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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98 - 2017

Page 1 of 3

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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 Assembly of First Nations (AFN) has been mandated by several resolutions, including 55/2016, *"First Nations Federal Accessibility Legislation"*; 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"*.
- E. In Resolution 55/2016, the AFN has been mandated work with Employment and Social Services Development Canada (ESDC) to develop a First Nations specific engagement process to parallel the Ministers broader consultation process with provinces and territories in creating federal accessibility legislation that is specific and distinct to First Nation's needs.
- F. The Honourable Kent Hehr 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 others that will lead to the passage of a Canadians with Disabilities Act" (now referred to as Federal Accessibility Legislation). The federal government plans to table legislation before the House of Commons by early summer 2018.
- G. Budget 2016 allocated \$2 million over two years, starting in 2016–2017, to support the full participation of Canadians with disabilities in this development and for stakeholders to engage their members on the proposed legislation. Some potential thematic areas include, but, are not limited to: employment, procurement, service delivery, transport, the built environment, information and communications.
- H. To facilitate a First Nations specific engagement process, an allocation of \$286,433 dollars for fiscal year 2016/2017, supports on-going activities to March 31, 2018 as follows: dialogue circles, key informant interviews, national webinars, surveys and a final report on First Nations views, gaps, barriers along with key findings to inform legislation that is culturally safe and distinct to First Nations.
- I. Resulting from the present First Nations engagement sessions, an early recurrent key finding is the call for the development of a separate and distinct First Nation accessibility legislation.
- J. Indigenous peoples are estimated to have a disability 20-50% greater than the general population.
- K. The Employment Equity Act (EEA) requires federal employers to proactively engage practices to increase the representation of First Nations; and requires special measures to accommodate differences.
- L. The EEA in the federal public service failed to achieve fairness for First Nations persons with disabilities, First Nations women, and First Nations overall.
- M. The AFN recognizes the important contributions of First Nations persons with disabilities, and that a disability lens is to be applied at the onset of initiatives; to ensuring equality, accessibility and inclusion of First Nations persons with disabilities.

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

1. Direct the Assembly of First Nations (AFN) to revise the resolutions template to address the diverse and unique needs of First Nations persons with disabilities across all work and policy areas. Disability is not an afterthought; and First Nations persons with disabilities deserve to receive the dignity and respect that is theirs.
2. Direct the AFN to work with Employment and Social Development Canada (ESDC) to develop distinct legislation to support First Nations unique accessibility needs.
3. Direct the AFN to continue to advocate and build awareness about First Nations persons with disabilities; and draft a policy paper to inform a Memorandum to Cabinet that will serve to establish meaningful and culturally safe programs and services for this population; and secure financial resources for this work from ESDC for post March 31, 2018.
4. Direct the AFN to advocate for regional level funding to support capacity building for First Nations' persons with disabilities for full and meaningful inclusion.
5. Direct the AFN Chiefs Committee on Human Resources Development to provide updates on activities and report back to Chiefs-in-Assembly.

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98 - 2017
Page 3 of 3