

# ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT ALLIANCE NEWS RELEASE – FOR IMMEDIATE RELEASE

**Today is the 40th Anniversary of Parliament Agreeing to Guarantee A Constitutional Right to Equality to People with Disabilities – A Victory Disability Advocates Now Invoke to Prevent Disability Discrimination in Access to Life-Saving Critical Care if Hospitals Start to Triage Critical Care**

January 28, 2021 Toronto: Forty years ago today was the most important single event to protect the constitutional equality rights of millions of people with disabilities, in Canada's first 114 years. Four decades ago today, the Joint Committee of the Senate and House of Commons on the Constitution of Canada ("the Joint Committee") voted to add equality rights for people with disabilities to the proposed Charter of Rights, then being debated. ("The disability amendment")

Weeks earlier, in October 1980, Prime Minister Pierre Trudeau introduced a bill into Parliament to add a new Charter of Rights to Canada's Constitution. The proposed Charter of Rights included an equality rights provision, section 15. However, section 15 did not include equality rights for people with disabilities. Unless amended, courts could not interpret section 15 to protect disability equality.

Without the benefit of fax machines, email, the internet or social media (which were years away), people with disabilities campaigned for the disability amendment. Their blitz got little media coverage.

In fall 1980, [three major disability organizations](#) appeared before the Joint Committee to call for the disability amendment. In response, on January 12, 1981, Justice Minister Jean Chretien said no to the disability amendment.

Despite that, people with disabilities tenaciously kept up the pressure. Victory came on January 28, 1981, when the Trudeau Government withdrew its opposition to the disability amendment. That day, the Joint Committee voted to pass the disability amendment. Canada became the first western democracy to explicitly protect equality for people with disabilities in its constitution.

Over the forty years that followed, the disability amendment led to some [important court victories](#) for disability rights. It also helped drive the passage of several accessibility laws: Ontario's [Accessibility for Ontarians with Disabilities Act 2005](#), Manitoba's Accessibility for Manitobans Act 2013, Nova Scotia's Accessibility Act 2017, and the federal Accessible Canada Act 2019.

"Canada should be proud of what was achieved forty years ago today in the name of equality and full participation for people with disabilities," said David Lepofsky who was one of the disability advocates who appeared before Parliament to advocate for the disability amendment and who now chairs the non-partisan [AODA Alliance](#) that campaigns for disability accessibility. "However, despite the disability amendment, over six million people with disabilities in Canada still face far too many unfair barriers in areas like [employment](#), [transportation](#), [education](#), [health care](#) and [access to buildings](#). Top of mind today is the serious danger that patients with disabilities will suffer [unjustified disability discrimination](#) in access to life-saving critical medical care if the COVID-19 pandemic overloads Ontario hospitals, requiring the rationing or "triage" of critical care, dressed up as objective medical science. Those of us who fought for the disability amendment could not have imagined that forty years later, we'd need to use that victory to try to prevent disability discrimination in access to life-saving critical medical care."

In months of public debate over the Charter of Rights four decades ago, the only new constitutional right that was added to the Charter, and which was not in the original draft, was equality for people with disabilities – something the media has also rarely covered. Even lesser known was a second disability rights victory for people who are deaf, deafened or hard of hearing at the Joint Committee four decades ago today. The Joint Committee also amended section 14 of the Charter, to guarantee the constitutional right to an interpreter for deaf persons when participating in legal proceedings. Previously, section 14's wording did not guarantee the right to an interpreter to persons needing one due to hearing loss.

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