

MINIMAL ACTION 6
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Preamble

Disability would not exist were it not defined as such by ableism.

[Ableism] may be defined as a belief system, analogous to racism, sexism or ageism, that sees persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism may be conscious or unconscious, and may be embedded in institutions, systems or the broader culture of a society. It can limit the opportunities of persons with disabilities and reduce their inclusion in the life of their communities. **Ableist attitudes are often based on the view that disability is an “anomaly to normalcy,”** rather than an inherent and expected variation in the human condition. Ableism may also be expressed in ongoing paternalistic and patronizing behaviour toward people with disabilities.

- Ontario Human Rights Commission
<http://ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability>

We identify as “crips” and/or “disabled” in a gesture of reclaim of the designations.

The majority of us identify as settlers.

The majority of us have the privilege to be white and to not experience the violence that Indigenous, racialized and other discriminated identities and communities regularly face or die from.

We have gratitude for the food, the roof, the clarity, the solidarity, and the writing that has led to this message.

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Background

We acknowledge that the rights of individuals living with disability have been and still are violated and that we do not have the proper legal tools or the necessary financial means to fight for their enforcement. Still, **we remember:**

That the International Covenant on Economic, Social and Cultural Rights (ICESCR) has established, among other rights, our

- right to self-determination, which means that we can all freely determine our political status and freely pursue our economic, social and cultural development (Article 1)
- right to social security and social insurance (Article 9)
- right to an adequate standard of living, i.e. adequate food, adequate clothing, adequate housing (Article 11)
- right to freedom from hunger (Article 11)
- right to the highest attainable standard of physical and mental health (Article 12)
- right to education (Article 13)

That the United Nations Convention on the Rights of Persons with Disability (CRPD) has recognized/established/confirmed our rights to

- a social model of disability

The Convention recognizes that “disability is an evolving concept and that “persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in **interaction** with various barriers may hinder their full and effective participation in society on an equal basis with others.”

- self-determination

The Convention “recognizes the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices”.

- active participation in decision-making in programs that concern us

“ .. Persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them”.

- a recognition of our economic and social rights

“Countries recognize the right to an adequate standard of living and social protection; this includes public housing, services and assistance for disability-related needs, as well as assistance with disability-related expenses in case of poverty (Article 28)”.

- the highest standard of health

“Persons with disabilities have the right to the highest attainable standard of health without discrimination on the basis of disability.”

- **equal recognition before the law** (Article 2)
- **respect of our privacy** (Article 22)
- **respect of home and family** (Article 23)

That the Supreme Court of Canada and the Ontario Human Rights Commission (OHRC) have specified our right to

- a social model of disability with a focus on our experience

On the OHRC's website: "The [Supreme] Court [of Canada] said:[A] "handicap" may be the result of a physical limitation, an ailment, a social construct, a perceived limitation, or a combination of all these factors. Indeed, it is the combined effect of all these circumstances that determines whether the individual has a "handicap" for the purposes of the *Charter*. (Mercier, *supra* note 17). In another case, the Supreme Court of Canada confirmed that "social handicapping," that is, society's response to a **real or perceived disability**, should be the focus of the discrimination analysis."

What happened when ODSP and OW were established resembles what is happening now.

Before OW and ODSP existed, people with disabilities received GAINS-D, Guaranteed Annual Income System for the Disabled and Aged, introduced July 1st, 1974 (GAINS-A still exists as a supplement for very poor seniors who have less than \$2'000/year in income). GAINS-D was originally based on a medical definition of disability and was just a couple of regulations in the FBA, Family Benefits Act that replaced a variety of smaller programs. FBA provided assistance to mothers near age 60-64 + a group with disabilities called dependent fathers + PUE's, Permanently Unemployable singles. PUE is a concept that was coined in the late 1930's, and used until 1982. PUE's tried for years to access GAINS-D and were rejected because of a too narrow definition of disability. It is only in 1982 that they were finally raised to GAINS-D after a lot of advocacy work in which Scott Seiler and John Stapleton were involved. FBA spanned from 1966 to 1998.

The current ODSP definition of disability includes social factors and exists since the start of ODSP in 1997/8, but it is the result of another piece of advocacy.

In 1994, the Income Maintenance Group or IMG, a coalition of consumer based and service provider agencies that served the need of people with disabilities heard the rumour of a change of the definition of disability. IMG got alarmed, not only because of this rumour but also because of other austerity measures. They put together a campaign called "Not Disabled Enough" which lasted until ODSP became law in 1997. In 1996, they also put together a conference at Humber College in which 100 different organizations took part and which served as the consultation that the government never did. A report of the conference was sent to the Ontario government. That same year, after the 22% cut to social assistance rates, the government introduced a bill with a very narrow definition of disability, one that was purely medical and did not include social factors. This was a huge problem because most of the people who had got onto the system had been the PUE's, i.e. marginalized people with social disabilities. It is only with the help of the media, that the government finally accepted that ODSP include social factors. Without the press this would not have been possible.

An interesting meeting between IMG and the Minister at the time took place in 1997, just before ODSP became law. The Minister tried a strategy that can be called blackmailing. They said that if IMG agreed to put all PUE's on OW, those on the new ODSP would get a much enhanced system and if we disagreed, we would not get any allowance raises for the life of that government. IMG refused and asked that all PUE's be "grand-parented" and be taken on ODSP. At the time, PUE's represented 120'000 people out of 160'000 with disability.

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/2-what-disability#_edn22

Our lived experience:

We are **tired** of carrying with others under the poverty line the austerity ideology that the current government is enacting while claiming “compassion”.

We are tired of witnessing that our bodies and minds can't cope anymore with the denial that poverty is a systemic, not an individual problem. We are tired of being trapped in regressive cycles that break us in pieces and then expect us to individually collect them, using services that are designed, not by us, but by the normative standards that have broken us and will break us again.

We are tired of our rights being considered a lower priority, only to resurface when the media shortly grabs the sensations of our misery or when hearts suddenly and ephemerally swell at Queen's Park with the unpleasant feeling of not helping us enough. We are tired of being asked to tell our stories over and over as if we had to embody substantial shame to deserve a political voice and place. We are tired of not being on the surface with you creating another socio-economic fabric just by the fact that we are human beings.

We are tired of witnessing case workers, agency workers and politicians tasking themselves to help us rather than build allyship with us towards a common liberation from the current oppression.

We feel the threats that our advocates currently experience.

We are tired of having non-paid part-time jobs that consist of looking for supports, services, benefits, and of falling into their endless catch-22s of qualification thresholds and definitions that do not belong to us.

We are tired to be submitted to the clock, not of our emergencies, but the clock of a system that counts profit.

We are tired of being thrown closer to crisis at almost every change of government.

We are tired of the current social assistance paradigm that believes that we have to be at bare minimum.

We are tired of sponsoring OW and ODSP with big chunks of our earnings that are nothing else than discriminatory tax rates.

We are shocked to count the people who die on the streets. We are shocked to experience and hear horrific stories about and in shelters. We are saturated with more stories about and through endless wait lists for housing, medical or psychological services. We wake up every morning with the fear of being homeless the next week and the fear of expressing that to those who classify us as mentally ill.

We are imploding with internalized rage and despair that such unjust treatment stays apparently acceptable. We are tired of being told we should learn how to write a résumé.

We are tired of witnessing that we do not have enough internal and external resources to gather and create our own parallel and egalitarian fabric.

We are exhausted to be constantly close to crisis.

We are tired of suicidal thoughts.

Calls

We second all calls for Minister MacLeod's resignation and **we** request that the NDP continue to be the voice of individuals on the spectrum of autism while consulting with them and their representatives.

We request that the NDP shift to see it as its responsibility to reverse Minister MacLeod's decisions to wind down the Basic Income Pilot project at the end of March 2019, to increase the clawbacks on earnings for OW and ODSP recipients and to narrow down the ODSP definition of disability with the damaging effect of limiting future access and forcing rejected applicants into the more precarious and inappropriate OW system.

We request that the NDP sees it as a major priority to increase the OW and ODSP allowances to the new Official Poverty Line.

We request that the NDP sees it as a major priority to act towards Indigenous self-governance on social assistance, with adequate funding, as recommended by the "Income Security: Roadmap for Change" (2017), which was partially authored by Indigenous communities.

We value the Accessibility for Ontarians with Disability Act (AODA) and welcome any effort towards its fullest realization. But, **we** request that the NDP also acknowledge that "inclusion" and "accessibility" are only temporary solutions that produce new exclusions and new barriers.

Removing barriers in a system that is ableist and not fundamentally wired to gather us all cannot displace and share power. It capacitates and celebrates some, while others get pathologized, de-capacitated and/or disempowered. Since ableism is pervasive and embodied even by those who suffer from it, another path towards justice has to be drawn in parallel.

We request that the NDP immediately invests in co-creating with us the basis of an alternate system with fundamentally new mechanisms of respect for land, self-determination, relationships, solidarities, with agency-sharing and democratic decision-sharing founded on a non-ableist human-rights approach compatible with Indigenous philosophies and teachings.

We request that in this process particular wisdom be attributed to those who carry the traumatic marks of oppression and shaming and that their work with you be fairly paid.

We request that the NDP pushes for national, provincial and municipal tools that will allow us to claim the enforcement of our Economic, Social and Cultural Rights under the International Covenant on Economic, Social and Cultural Rights (ICESC).

We request that the NDP collaborate with us and others to soon table a new bill requesting the creation of a Participatory Council of Lived Experience whose members would together have experience with poverty, disability, Indigeneity, race, gender and other forms of systemic discrimination. We think it is necessary that the Council be nominated by the community and have vote and veto power regarding decisions on social assistance. We also think that it is necessary that the Council be given funds to maintain accountability towards its community and to look for external expertise or training when needed. It would also be financially compensated and of course, be supported through all accessibility needs.