

The Coalition of Persons with Disabilities-NL (COD- NL): “Quite Capable but Socially Invisible”

Response to the Hebron Agreement: Specifically Gender Equity and Diversity

Coalition of Persons with Disabilities - NL

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This is a response to the Call for papers/presentation by Commissioner Ayre concerning the Hebron Agreement, Newfoundland and Labrador utilizing a community-based, inclusionary lens so to reflect the importance of diversity in the energy sector. COD-NL believes there is a place for women and men with disabilities to enter the labour market in the energy sector, specifically oil, and that this is a valuable resource pool of potential employees who are quite capable but, historically, socially invisible.

The Coalition of Persons with Disabilities-NL (COD- NL)
Response to the Hebron Benefits Agreement Reflecting Diversity:
“Quite Capable but Socially Invisible”

Under-represented groups and those not in the workforce today will play an increasingly important role in helping to meet future; labour demands. Many of these groups continue to face employment challenges and barriers; including women; persons with disabilities; Aboriginal groups; youth; and mature workers. (Department of Human Resources Labour and Employment)

Operating at the provincial and local levels, the **Coalition of Persons with Disabilities-Newfoundland Labrador (COD-NL)** is the provincial advocacy organization concerned with all persons with disabilities, promoting their rights and raising public awareness. COD-NL is proactive, working to improve legislation and services at all government levels and networking with national and regional groups to support independence and foster positive self-concept of its members, to whom it is accountable and from whom it takes its overall direction. The organization’s primary goal is to advance the inclusion of all persons with all disabilities living within our province by focusing on solutions based analysis.

It is a positive step forward to have an agreement that specifically considers employment equity for *Women and Diversity* within the Hebron Project. We wish to congratulate both the government for developing the Benefits Clause and the energy sector, which has consented to work within the boundaries of including diversity in the labour market. COD-NL believes that the inclusion of such a clause is a positive platform from which to move forward.

The problem is too few persons with disabilities are employed and too many are underemployed or unable to enter the labour market. Part of the challenge is the narrow manner in which much of society envisions what a person with a disability looks like. It is the experience of COD-NL that many imagine two pictures. One is a person in a wheelchair and the other is a person with intellectual disabilities. Both are too often considered less capable than those without disabilities; making gross determinations based on preconceived ideals is an indicator that COD-NL has a lot of work to do.

It is important that we do not allow ourselves to be dismissed as if we all come from this one great metaphysical category “the disabled”. The effect of this is depersonalization, a sweeping dismissal of our individuality, and a denial of our right to be seen as people with our own uniqueness, rather than as the anonymous constituents of a category or groupⁱⁱ.

There is a vast depth and breadth to what makes a person identify as having a disability and it is much more than having a disease/illness; disability is about many small and large forms of obvious and subtle discriminations. Change will require significant social shifting to envision a labour market that welcomes women and men with disabilities; most of whom are **quite capable but socially invisible**. Hiring qualified persons with disabilities is one way those involved with the Hebron Project can demonstrate an inclusive Best Practices paradigm.

COD-NLⁱⁱⁱ, as an organization seeking inclusion of all persons with disabilities within society, acknowledges short comings in several areas that prevents persons with disabilities from having access to either the skilled trades or completion of some form of post-secondary education. Access to educational and employment-related supports are essential; knowing post-secondary education is actually an option, and knowing there is access to support systems that facilitates persons with disabilities to reach the educational objectives are paramount and areas in which the disability community must take some responsibility.

The Hebron Project Diversity Endowment Fund available through the College of the North Atlantic (CNA) and Memorial University of Newfoundland (MUN) are an excellent start but will likely not have significant uptake from many persons within the disability community. Without comprehensive educational effort young persons with disabilities will likely not apply for the energy sector scholarships. The lack of uptake has historically been viewed as lack of interest, but community leaders will tell you it is much more complex than that. Fear of losing other supports, dealing with systems with little transparency, inability to get access to needed disability-related accommodations (may be as simple as a computer program), lack of self-value, and lack of promotion by career counsellors; all combined will result in a low uptake of scholarships. Work to change this is will be substantial and cannot be done in isolation by either COD-NL or the Oil and Gas sector.

While the College of the North Atlantic^{iv} has and is doing substantive work to engage persons with disabilities into their programs, a number of things must happen for any change to occur broadly within the province. Gaps identified within this report are lack of exposure to adaptive technology and lack of awareness of services between the high school level and the post-secondary level. As demographics shift and more and more students are integrated into mainstream classrooms youth will naturally presume the right to be engaged within their communities in a positive and productive manner^v.

As a provincial organization that advocates for issues of persons with all types of disabilities COD-NL suggests three major investment incentives that must take place to bridge existing gaps.

- 1. COD-NL needs sponsored: a facilitator, knowledgeable about disability issues, who, using an inclusive community-based approach will develop a template document which expands on others presently in existence. This document will outline a plan that entices youth with disabilities to become qualified for energy sector jobs.**

Such a facilitator is necessary to inform young women and men with disabilities about the endowment fund and other opportunities available. An 'on the ground person' visiting youth throughout the province puts a face and name to the project, enables persons to get support completing application forms, and promotes energy sector endeavours to engage youth with disabilities.

Essential is a budget that enables travel, accommodation, and the means to communicate with young people with disabilities throughout community, youth groups, and youth throughout the school systems. During these facilitated sessions there must be a budget that ensures inclusion of all persons via

disability–related supports such as, mobility accessible spaces, Sign Language Interpreters, and access to large print or electronic documents.

Sponsorship of such a facilitator would increase community capacity by exposing young persons with disabilities to information about the necessity of post-secondary education. Qualified skilled workers offer a resource pool for the energy sector and supports social structure by advancing potential entry to the labour market. Because of this outreach, communities throughout the island and Labrador would become knowledgeable of the social infrastructure the energy sector is giving back. Oil and gas companies do more than extract our natural resources; this is an opportunity to publically demonstrate how to reach underrepresented individuals. Imperative is the financial support to do this work.

The Coalition of Persons with Disabilities- NL cannot expect all decision makers with the Hebron Agreement to understand the complexity of disability. Understanding the full depth and breadth of diversity, specifically disability, is exceedingly challenging and for many of us is a life-long endeavour.

Disability is an intricate and multifaceted theory that is not as easily identifiable as one may be lead to believe. This was confirmed within the federal government report *Defining Disability*^{vi} wherein it was generally agreed defining disability is not possible in absolute and all inclusive terms. Disability, as a broad notion, is left undefined by many provincial and national equality seeking organizations. This is to avoid boxes, labelling, and it is also because the concept of disability is ever evolving and leaving room to re-examine the comprehensive field of disability enables a notion of expanding ideals. The Independent Living model based on dignity, respect and right to choice prefers a self-identification of disability^{vii}.

The self-identification concept often challenges those whose jobs ask them to create criteria to make determinations of disability. The self-determination approach in which disability is defined by the individual also supports the option to choose not to self-identify. Some types of disability are very visible and others are non-visible; either being an identity few assume without good reason. There should be no hierarchy of ‘preference’ and some people identify as living with more than one type of disability.

The NL Poverty Reduction Strategy^{viii} speaks to the social isolation experienced by persons who live in poverty and to the high unemployment rates of persons with disabilities in this province. As a result sixty-four percent (64%) of persons with disabilities have an average income of less than fifteen thousand dollars (\$15,000.00). Statistical information regarding women and men with disabilities is not well kept, perhaps so that discrepancies within this demographic cannot be highlighted. But statistics do exist that indicate employment rates for persons with disabilities are low, despite advances in post-secondary education^{ix x}. Women with disabilities^{xi} and leaders with the disability community^{xii} have long been calling for a comprehensive framework or action plan addressing the crisis faced by persons with disability and lack of access to the labour market

Despite the fact that Canada lead the G8countries in employment growth from 2001-2006 and the employment situation for people with disabilities improved slightly over these years, Canadians with disabilities have persistently remained much less likely to be employed than people without disabilities. According to

Statistics Canada, 51.3% of working-age persons with disabilities were employed in 2006 compared with 75.15 of their counterparts without disabilities^{xiii}

The full inclusion of person with disabilities into the labour market is not only a provincial issue, but also a national and international issue. The Hebron Benefits Agreement cannot solve all of the concerns but its stakeholders can certainly be players in advancing Inclusion. There is much to be gained by making women and men with disabilities more visible in the energy sector.

- 2. COD-NL needs investment by those involved with the Hebron agreement to hire and support a community-based researcher and research assistant who, can produce evidence-based research. This research, both quantitative and qualitative, will utilize community-based research methods. Researchers will highlight best practices globally, perhaps broadening our view locally about diversity in the labour market, what works, what has not, and why.**

Researchers will:

- offer information about means to increase diversity (disability) within the energy sector;**
- compare other agreements and articulate what worked (for example success in including aboriginal workers within Inco);**
- measure sub-contractors' understanding of diversity, inclusion, and what they feel is their obligations towards hiring diversity;**
- identify best practices that would offer employment opportunities to qualified skilled workers with disabilities;**
- attempt to monitor and keep various statistics;**
- suggest approaches that advances labour market entry for persons with disabilities in traditional and non-traditional areas;**
- examine hiring practices and recommend processes through which persons with disabilities can be recruited;**
- design audits to promote barrier free workplaces. COD-NL is not asking for a lowering of standards but rather employers must be open to diverse work spaces. The Convention on the Rights of Persons with Disabilities^{xiv} clearly states the legal right of persons with disabilities to have labour market access¹;**
- examine ways to provide pre-employment experiential work experience;**
- and help to break down barriers by supplying solutions to what many employers see as the 'problem' of employing persons with disabilities.**

¹ The United Nations Convention on the Rights of Persons with Disabilities (CRPD); adopted by the United Nations December 13, 2006; Ratified by Canada 2010 CRPD, Article 27 'Work and employment'

1. State 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 working freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. State parties shall safeguard and promote the realization of the right to work, including those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to inter alia;

a) prohibit discrimination on the basis of disability with regards to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy work conditions...

At COD-NL we are unaware how the energy sector, governed under the Hebron Benefits Agreement, plans to implement proactive programs to promote the inclusion of persons with disabilities. Success would have a higher predictability rate if the energy sector works in close consultation with groups such as COD-NL when attempting to develop proactive programs and practices. Without understanding the complexity of both of our cultures it is impossible to have successful long term outcomes.

Since the benefits clause is entitled 'women and diversity' (acknowledging slightly more than half of all persons with disabilities are women) a distinction about marginalization has been made by policy makers. If we work under the premise that it is a positive move to further sub divide underutilized populations within the energy sector into gender and diversity, then one would assume the consequences is that 'diversity' will have consideration apart from gender. The follow-through should be significant investment into diversity, disability being one perspective.

Since this distinction is in place, COD-NL points out that understanding the marginalization of disability has many similarities to understanding the marginalization of women, however there are significant and substantial differences as well. Presuming knowledge of one does not make one an expert in all areas of marginalization. For example, it is only in recent years that aboriginal people in Labrador, supported by the government of NL, have taken control of their own issues and consequently have experienced significant gains ensuring employment of aboriginal persons in large projects. The same gains are pivotal for women and men with disabilities.

While most would not want to be secularized as 'women and diversity' because of the risk that women with disabilities will become even more invisible than they presently are, COD-NL highlights this distinction as working within the larger framework of 'inclusion'. Women and men with disabilities must become engaged in meaningful conversations with policy makers and the energy sector.

- 3. Establish a practical working group of leaders within Hebron, government and disability that can, on regular basis, examine what is working, what is not and why. This must be a solutions focused working group focused on labour market entry of persons with disabilities. A working group cannot be so big that by nature of size it will be impossible to produce solutions-based results; it is imperative to be practical and pragmatic and there must be willingness on behalf of all involved to be innovative and solutions focused. Leadership from the energy sector must be the decision makers and those with the ability to impact policy within the organization.**

Ideally a working group would be structured and discussion lead by an independent community-based facilitator who skilfully leads all stakeholders through the discussions. *Working with* means dialogue, sitting around tables and having frank conversations about barriers to labour market entry, ways to safely and adequately make disability-related accommodations, understanding the terms used in disability and why disability-related accommodations are often misunderstood. Disability leaders also become educated on the skills needed within the energy sector, specifically petroleum and the energy sector becomes educated of the skill sets in existence, knowledge of barriers (attitudinal and physical) and together, if there is a willingness such issues can be addressed .

If persons with disabilities continue to be excluded from the conversations; as we presently are, then no change will come. This is a window of opportunity that comes with gains from the profitable energy sector that simply must include persons with disabilities from management levels, within industry and government that can facilitate change. Too often the group of disability is patronized by industry as persons with no decision-making authority are sent to speak with us and never are our recommendations carried any further. Persons with disabilities have many skills to offer the energy sector and it is time our voice is valued.

This is a window of opportunity, however, too often agreements or parts of agreements are treated in a patronizing manner by those who hold the power. This is an opportunity to do things right, to develop some tools for the future and to educate persons with disabilities about their options. AT COD-NL we truly believe this is ground zero and a space has been created with the option to move forward influencing change throughout the province. If those involved in this province's off shore oil industry wish to become models of best practices in regards to persons with disabilities, COD-NL is willing to step up and help with the process.

Commissioner, thank you for your time and consideration.

ⁱ Department Human Resources Labour and Employment (2011). Newfoundland and Labour Market Outlook 2020. ISBN-978-1-55146-457-2.

ⁱⁱ Brisenden, S., (1986). Independent living and the medical model of disability. *Disability and Society*. 1 (2) pp. 173-8.

ⁱⁱⁱ Coalition of Persons with Disabilities- Newfoundland Labrador. For more information See www.codnl.ca

^{iv} College of the North Atlantic Report on Learners with Disabilities (2011).

^v Canadian Association for Community Living, (2011). Achieving social inclusion and economic inclusion: from 'segregation to employment first', Law reform and public policy series. Toronto, Ontario.

^{vi} Office of Disability Issues, Human Resources Development Canada (2003). Defining disability: A complex issue. Canadian government Printing Office

^{vii} Independent Living. www.en.wikipedia.org

^{viii} Reducing Poverty: An action plan for Newfoundland and Labrador (June 2006). Government of Newfoundland and Labrador.

^{ix} Statistics Canada (2001). Data on labour market activity @ www.statcan.ca/eng/freepub/89-587-XIE/tables/html/table3/can3.htm

^x Krogh, K. (1998). A conceptual framework of community partnerships: perspectives of people with disabilities on power and beliefs, *Journal of Rehabilitation*, 12(20), 123-134.

^{xi} Murdoch, M., Gustafson, D., The Independent Living Resource Centre-St John's (2005). Women with Disabilities and adaptive technology, Summary Report. ISBN 0-9738748-2-1.

^{xii} A combined effort of leaders within provincial disability organizations, (2010). Life without barriers: Response to the discussion paper "Inclusion for All" – Developing a plan to remove barriers for persons with disabilities in Newfoundland and Labrador.

^{xiii} Crawford, C. (2010). Disabling poverty and enabling citizenship: Understanding the poverty and exclusions of Canadians with disabilities. For the University Research Alliance between the Council of Canadians with Disabilities and University of Victoria,

^{xiv} The United Nations Convention on the Rights of Persons with Disabilities (CRPD). Adopted by the United Nations December 13, 2006; Ratified by Canada 2010 CRPD, Article 27 'Work and employment'