



## CITY OF VANCOUVER

### OTHER REPORT

Report Date: November 9, 2005  
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08-3000-11  
Meeting Date: April 20, 2006

TO: Standing Committee on Planning and Environment  
FROM: Advisory Committee on Disability Issues  
SUBJECT: Child Issues

#### CONSIDERATION

WHEREAS children under the age of 19 years and seniors over the age of 65 experience prejudice and remain at risk of maltreatment and denial of services due to age discrimination; and

WHEREAS the British Columbia Human Rights Code defines "age" as 19 years or more and less than 65 years"; and

WHEREAS with this definition there is limited statutory protection against age discrimination for those under the age of 19 years and over 65 years; and

WHEREAS the Code should be expanded to provide protection and entitlement for individuals under the age of 19 years for medical requirements that are the equivalent to person's receiving disability benefits; and

WHEREAS the changes in the definition of age to extend to those under the age of 19 years should not affect any programs or benefits that have been accorded as special supports to children in society; and

WHEREAS families caring for their disabled children should be afforded the same entitlement and access to services and supports that are covered under the foster care system.

BE IT THEREFORE RESOLVED that the Advisory Committee on Disability Issues recommends that Vancouver City Council urge the Ministry of Attorney General to the Province of British Columbia to:

- a) Expand the legislation to acknowledge the rights of children with disabilities, thereby allowing equal access and entitlement as an individual with disabilities over the age of 19 years; and
- b) Forward a recommendation on this matter to the Union of British Columbia Municipalities, the Lower Mainland Municipal Association, and the Greater Vancouver Regional District.

#### **CITY MANAGER'S COMMENTS**

The City Manager submits the foregoing for Council's consideration.

#### **COUNCIL POLICY**

There is no applicable Council Policy.

#### **PURPOSE**

This report recommends that Vancouver City Council urge the Ministry of Attorney General to expand legislation to allow children under the age of 19 with disabilities equal access and entitlement to all disability benefits.

#### **BACKGROUND**

The Advisory Committee on Disability Issues was established by Vancouver City Council on December 11, 2003, as an advisory body. The mandate of the Committee is to work to enhance access to City services for persons with disabilities, and to identify and suggest solutions to gaps and barriers that impede their full participation in all aspects of City life.

#### **Terms of Reference**

The Committee:

- advises on matters which affect persons with disabilities, including, but not limited to:
  - consulting with City staff during the design stage of planning to ensure that accessibility and the needs of people with disabilities are addressed in facilities design and renovation;
  - providing City staff with information on issues related to disabilities - e.g., taxi cabs, transportation;

- providing input on disability issues for inclusion in Council reports - e.g., recent changes to building bylaw;
- working collaboratively with staff on initiatives/projects to enhance accessibility for people with disabilities - e.g., upcoming initiative to make Vancouver the most Disability Friendly City possible;
- advising on issues related to accessibility for the 2010 Olympic and Paralympic Games;
- contributes to City programs and policies to ensure that the needs of persons with disabilities are considered;
- views City programs and policies through a variety of lenses, including gender, racial origins, income levels, sexual orientation, age and levels of ability.
- works co-operatively with other civic agencies whose activities affect persons with disabilities;
- engages in outreach to the community of persons with disabilities to disseminate information and encourage participation;
- acts as a conduit for feedback from persons with disabilities on civic matters affecting them;
- acts as a resource for staff doing public involvement processes involving persons with disabilities;
- supports groups endeavouring to initiate and develop projects to assist persons with disabilities;
- attends City-sponsored public forums to provide information on City programs and receive public input on disability issues;
- produces an annual work plan with specific objectives by no later than March of each year, in consultation with its Council and staff liaisons, for distribution to Council and civic departments for information;
- submits an annual report to Council describing its accomplishments for the year, including reference to each objective set out in the work plan and any arising issues to which the Committee has responded.

At its meeting on November 8, 2005, the Advisory Committee on Disability Issues reviewed the state of governmental assistance to families which have one or more children with disabilities who under the age of 19 years.

Subsequently, the Committee moved the following:

WHEREAS children under the age of 19 years and seniors over the age of 65 experience prejudice and remain at risk of maltreatment and denial of services due to age discrimination; and

WHEREAS the British Columbia Human Rights Code defines "age" as 19 years or more and less than 65 years"; and

WHEREAS with this definition there is limited statutory protection against age discrimination for those under the age of 19 years and over 65 years; and

WHEREAS the Code should be expanded to provide protection and entitlement for individuals under the age of 19 years for medical requirements that are the equivalent to person's receiving disability benefits; and

WHEREAS the changes in the definition of age to extend to those under the age of 19 years should not affect any programs or benefits that have been accorded as special supports to children in society; and

WHEREAS families caring for their disabled children should be afforded the same entitlement and access to services and supports that are covered under the foster care system.

BE IT THEREFORE RESOLVED that the Advisory Committee on Disability Issues recommends that Vancouver City Council urge the Ministry of Attorney General to the Province of British Columbia to:

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## DISCUSSION

The Supreme Court of Canada describes discrimination as a "distinction which, whether intentional or not but based on grounds relating to personal characteristics of the individual or group, has an effect which imposes disadvantages not imposed upon others or which limits access to other members of society" .(*Andrews v. Law Society of British Columbia [1989] 1 O.K. p. 144*).

Although the Human Rights of children have been recognized by the United Nations, Canada's BC Human Rights Code currently excludes those under 19 years of age. It offers no statutory protection within this age sector.

Information published by Statistics Canada, demonstrates that needs related to disability are exacerbated if services are not in place while individual are young. In the absence of such services, children can become increasingly disabled over time. This in turn, generates more cost on support systems, as challenges are then passed onto various Ministries.

Government legislation, programs, and mandates acknowledge barriers to an adequate standard of living for adults with disabilities government-assisted programs for persons with disabilities. Supports are listed financially at \$860.00 monthly per individual, with a monthly income exemption of \$400.00. In comparison, a family of three that includes two children with disabilities is eligible for government-assisted support of \$880.56 monthly, with any income exemption.

Various Acts recognize the unique challenges of adult disabilities. Adults with disabilities are afforded the ability to have medically required needs met through a range of avenues, two of which include family members and community options: all without claw-back. However, families on assistance receiving financial aid for medically required needs of their child/ran are subject to claw-back, since "disability" is unrecognized in the many child sectors. Any

support such families receive is classed as income and therefore is subject to deduction, dollar for dollar.

As such, many families have no choice and are forced to live within the boundaries of typically-defined base needs for food, shelter, and clothing while their child's disability and the special costs associated with those disabilities are effectively invalidated. An adult would have recourse to the BC Human Rights code to appeal these types of discrimination, but a family where the child is disabled has no such recourse under the current code. This certainly can be defined as a violation of the rights of disabled children, putting not only the child's right to develop to their fullest potential, but also the family status at risk of poverty, homeless, etc. The proposed motion seeks to give children with disabilities equal entitlement to medically required needs and recourse to all children to ensure their rights are protected.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **CONCLUSION**

There is a need to expand legislation to allow children under the age of 19 equal access to all disability benefits. Therefore, the Advisory Committee on Disability Issues recommends that Council urge the Ministry of Attorney General to expand such legislation.

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