



McGill Centre for  
Human Rights  
and Legal Pluralism

Centre sur les droits de la  
personne et le pluralisme  
juridique de McGill

## DISABILITY & THE LAW SEMINAR SERIES 2015-2016

### *Autonomy and Security in the Context of Independent Living*

March 21<sup>st</sup>, 2016

*Moderator: Iñaki Navarrete*

*Panellists:*

- *Fahreen Nanji (Physiotherapist, Complex Continuing Care at Toronto Rehab)*
- *Roberto Lattanzio (Executive Director, ARCH Disability Law Centre)*
- *Marie-Christine Beshay (Faculty Lecturer, School of Physical and Occupational Therapy, McGill)*

*Resource Persons: Iñaki Navarrete (Seminar Series Coordinator), Alizeh Ladak (Seminar Series Coordinator), Bwighane Mwenifumbo (Rapporteur)*

*Organized by: McGill Centre for Human Rights and Legal Pluralism, in conjunction with the Human Rights Working Group - Disability and the Law Portfolio*

### ***Summary of Seminar***

In this last installment to the seminar series “Autonomy and Security in the Context of Independent Living”, **Iñaki Navarrete** moderated an interdisciplinary panel on how independent living and integration in the community can be achieved.

**Fahreen Nanji** gave her clinical perspective as a physiotherapist working with patients who have suffered strokes, brain injuries and other traumatic injuries. In her view, the most significant barrier to independent living is the lack of suitable housing and transportation facilities for persons with disabilities. She remarked that living with a disability is quite expensive and the recent government cuts to funding disability-related issues have worsened the situation for many persons with disabilities. While assisted-living environments are very helpful, they are still considered institutions and do not provide the same flexibility that one’s own home might provide, such as living with one’s children. Additionally, there are some who fall in an income bracket that disqualifies them from receiving governmental support, but still cannot afford disability-related services. While it is important to maximize limited resources, it is also important that decisions about who gets support are dictated by individual needs.

**Roberto Lattanzio** spoke on his experiences at ARCH Disability Law Center which specializes in test litigation advancing disability rights. He focused on the inclusion of persons with disabilities (PWDs) in the education system and the workforce. Despite the advances in the understanding of disability indicated by the transition from the medical model to the social model, there is still a strong remnant of the medical model in the legislative structures. An investigation in Ontario revealed that persons with intellectual disabilities were working in some jobs that paid below the minimum wage, a form of exploitation disguised as “creating work opportunities” for PWDs. Such work environments are isolating and a tribunal found this practice to discriminate against PWDs. It is imperative to think about these segregative practices and how they can be ended. While education is of utmost importance to PWDs,

most schools in the province still segregate students with intellectual disabilities. New Brunswick has developed a new inclusive education policy that creates a template for other provinces to follow.

**Marie-Christine Beshay** approached independent living from a community perspective and shed light on the work done by occupational therapists. Occupational therapists (OTs) look at the individual as a whole and consider physical abilities, cognitive abilities, and emotional functions in order to assess the impact of the disability on a person's ability to engage in their occupation and take care of themselves. OTs also consider the physical environment and advocate for environmental modifications that allow their clients to engage in their occupations. The main priority of OTs is to avoid occupational deprivation for their clients because occupations allow participation and engagement in life. Therapists also help their patients to build communication skills, coping skills, and advocacy skills that promote inclusivity. Additionally, they work with other professionals such as lawyers to ensure that their clients get access to the resources that are due to them. They may also act as expert witnesses in court to provide the court with an accurate picture of a client's needs arising from their disability.

**When the floor was opened for discussion**, comments were made on the disparities in the disability services offered by the different provinces and how this has created a hierarchy of accessibility. It was also pointed out that Canada can stand to learn a few things on accessibility from the United States in order to align further with the ideals of the CRPD with regard to independent living. Remarks were also made about how research by disability institutions is contributing to the formulation and shaping of policy such as the reformulation of building codes to promote independent access.