

A SUBMISSION TO THE
SPECIAL JOINT COMMITTEE ON
THE CONSTITUTION OF CANADA

PRESENTED BY

HUGH MCLEOD

NATIONAL DIRECTOR OF LEGISLATION
THE CANADIAN COUNCIL OF THE BLIND

Charter and operating in all ten provinces of Canada, is an organization composed of blind people. Its primary purpose is to advocate adequate general services and legislative measures for the blind.

We are endeavouring to provide the best service possible to blind and visually impaired Canadians and, on behalf of the 92 clubs of The Canadian Council of the Blind and their members, we take this opportunity to present to the Special Joint Committee on the Constitution of Canada and the Charter of Human Rights, the following request:

That the rights of blind and disabled Canadians be absolutely safeguarded by the embodiment of these rights in a Charter of Rights in the Canadian Constitution.

We strongly object to the blind and visually impaired who are part of the physically handicapped, being protected only in employment practices:

"...the fact that a person has a physical handicap
(where employment is involved)"

We believe that the rights of the blind or physically handicapped should have the full and complete protection under the law in all areas and not only where employment practices are concerned.

We would also like to draw your attention to a correction required in the definition, where a seeing eye dog is mentioned instead of a dog guide.

There are seven dog guide schools in various locations throughout the United States, one of which is Seeing Eye, Inc., Morristown, N.J. Only dogs trained there can rightly be called seeing eye dogs. The name is officially registered in Washington, D.C.

Definition:

At present the Human Rights Act states:

"Physical handicaps, within the context of the Canadian Human Rights Act, is defined as meaning:

"...a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, muteness or speech impediment, and physical reliance on a seeing eye dog or on a wheelchair, or other remedial appliance or device."

Intent:

The intent of the Act is clearly to have a narrow interpretation of the exemption clause. The purpose of the Act is to enable employment opportunities, not to provide mechanisms by which rights not to employ are granted.

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The Act gives protection in the area of employment and in fact, spells it out in detail. However, there is no recognition or protection in the Act in the areas of housing, transportation, or safe access to public buildings.

We therefore recommend:

1. That the rights of blind and disabled Canadians be absolutely safeguarded by the embodiment of these rights in a Charter of Rights in the Canadian Constitution.
2. That the protection given to them under employment practices be expanded to include all aspects of the Human Rights Act.
3. That in the definition, the words "seeing eye dog" be replaced with the words "dog guide".

Submitted by:

R. D. Rempel

R. D. Rempel,
National President
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and

Hugh McLeod

Hugh McLeod, *per M.T.*
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