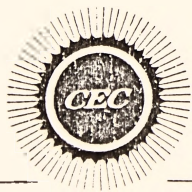


BRIEF
PRESENTED TO THE
SPECIAL JOINT COMMITTEE
ON THE
CONSTITUTION OF CANADA

by the
Board of Directors
The Canadian Council for Exceptional Children



THE CANADIAN COUNCIL FOR EXCEPTIONAL CHILDREN
LE CONSEIL CANADIEN POUR LES ENFANTS EXCEPTIONNELS

National Office:
6450 Thorold Stone Road,
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The Canadian Council for Exceptional Children is a national organization of professionals and parents concerned about the welfare of handicapped citizens. The Council has members in each of the ten provinces and two territories of Canada. On behalf of the members of the Board of Directors of the Canadian Council for Exceptional Children, it is an honour to have this opportunity to present the following resolution pertaining to the rights of handicapped citizens:

Whereas:

the Canadian Council for Exceptional Children supports the rights of handicapped and disabled individuals to non-discriminatory services and provisions

And whereas:

the Canadian Council for Exceptional Children believes that such rights must be guaranteed by legislation

Be it resolved:

that Section 15, Subsection 1 of 'The Constitution Act, 1980' be amended by adding the term, "handicapping condition" to the list of descriptive terms.

The purpose of this proposed amendment to Section 15(1) is to ensure that governments, legislatures and the courts recognize and defend the rights of handicapped Canadians to equality before the law. The guaranteed protection of all Canadians shall be thus established in the Constitution of Canada without discrimination toward any group of citizens and without future risk of being negated by the unilateral action of any policy making body.

Just as race, national or ethnic origin, colour, religion, age and sex are recognized as inherent characteristics of an individual; so too, is a handicapping condition. A person may be handicapped because of genetic deviation, disease, toxic agents, or accident. Handicaps occur in people from all social and economic levels of our society - each of us can become handicapped at any time. Hearing problems, loss of visual acuity, decreased mental and physical abilities are, for many, concomitant with the aging process.

A handicapping condition may be defined as a physical or mental disability which substantially limits an individual in one or more of life's activities. The handicapping condition may be present as a significant impairment of function, or may be the result of the misperceptions and negative attitudes of others toward the disability.

Because of inadequate demographic studies, it is not possible to determine the exact number of handicapped Canadians. However, it is generally recognized that at least ten percent of the population of any country are affected by some type of handicapping condition. The most prevalent forms are physical disability, chronic illness, mental handicap and sensory impairment.

At the present time, handicapped persons suffer from discrimination according to type of handicap and

the jurisdiction in which they reside or work. The Canadian Human Rights Act and legislation in the provinces of New Brunswick, Prince Edward Island, Nova Scotia, Quebec, Saskatchewan, and Manitoba protect those who have a physical disability from unfair employment practices. The provinces of New Brunswick, Saskatchewan, Quebec, and Manitoba extend this protection to include protection against discrimination in the provision of goods, services, facilities and accommodation. The Special Joint Committee on the Constitution of Canada has a unique opportunity to remove forever this inequity.

In the most recent Annual Report of the Canadian Human Rights Commission, it is recommended that physical handicap be made a proscribed ground of discrimination for all discriminatory practices listed in the Canadian Human Rights Act; and further that mental handicap (retardation), mental illness as well as a previous history of mental illness, or a previous history of dependence on alcohol and other drugs be added to the proscribed grounds of discrimination. The First Report of the Special Committee on the Disabled and the Handicapped, October, 1980, fully endorses these recommendations. The report further emphasizes that "...The Government of Canada can enhance the quality of life for every person in this country by promoting human rights in general and, in particular, by safeguarding the rights of those individuals who need special consideration...."

Attitudes toward handicapped citizens depend upon a just balance of protective policies and guaranteed rights. The Parliament of Canada, representing all Canadians, has an opportunity to foster and encourage the positive attitude that handicapped Canadians are indeed worthy of respect, dignity and legal protection.

As Canada prepares for its participation in the International Year of Disabled Persons, it is a particularly opportune time to amend the Charter of Rights and Freedoms to ensure that handicapped Canadians enjoy full protection of the law and equality before the law. Careful and empathetic consideration of this important matter will undoubtedly result in the addition of the term, "handicapping condition", to the proscribed grounds of discrimination in Section 15, Subsection 1.

The position put forth in this submission by the Board of Directors of the Canadian Council for Exceptional Children is supported by the following national organizations concerned about the rights of handicapped Canadians: Canadian Association for the Mentally Retarded, Canadian National Institute for the Blind, Canadian Coordinating Council on Deafness, Canadian Association for Children with Learning Disabilities, Canadian Rehabilitation Council of the Disabled and the Canadian Mental Health Association.

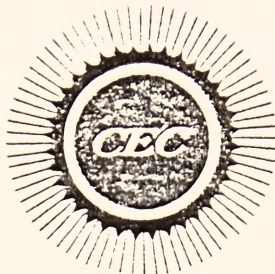
The Board of Directors of The Canadian Council for Exceptional Children thank the honourable members of the Special Joint Committee on the Constitution of Canada for the opportunity to bring this important matter before the committee. We would be pleased to offer any assistance or additional information that may be useful to you during your further deliberations.

Fruther Information may be received from:

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RESOLUTION OF THE BOARD OF DIRECTORS
THE CANADIAN COUNCIL FOR EXCEPTIONAL CHILDREN

The Board of Directors of the Canadian Council for Exceptional Children unanimously approved the following resolution during their deliberations in Halifax, Nova Scotia at the 4th Canadian Congress, October 14th and 15th, 1980.



Whereas :

the Canadian Council for Exceptional Children supports the rights of handicapped and disabled individuals to non-discriminatory services and provisions

and whereas :

the Canadian Council for Exceptional Children believes that such rights must be guaranteed by legislation

Be it resolved :

that Section 15, Subsection 1 of The Constitution Act, 1980, be amended by adding the term, "handicapping condition" to the list of descriptive terms.

Section 15, Subsection 1 currently reads:

"Everyone has the right to - equality before the law and to equal protection of the law without discrimination because of race, national or ethnic origin, colour, religion, age or sex."