



**LAW, DISABILITY  
AND  
SOCIAL CHANGE**

**Combating Disability Discrimination by Regulation**

**An Update on Findings**

June 28, 2018

## **THE LAW, DISABILITY & SOCIAL CHANGE PROJECT**

@LawDisabilitySC

*The Law, Disability & Social Change (LDSC) Project team conducts research into current legal and policy issues to help empower people with disabilities to fully achieve their rights and, more generally, to foster and develop inclusive communities. The Project aims to further the motto “nothing about us without us”. The LDSC Project team undertakes a variety of projects that feed grounded research and theory into policy development and legal decision-making. Current projects include research on accessibility legislation, consent and capacity, transportation inequality, legal aid, general disability discrimination and more.*

*Additional information about the LDSC Project may be found at: <https://lawdisabilitysocialchange.com/about/>*

Little research has been done on the development of standards and regulations although it forms a fundamental aspect of both the lawmaking process and administrative law.

In the research project, [\*Combating Disability Discrimination by Regulation\*](#), our focus is on the development of accessibility legislation and its regulations along with other consultative processes in which people with disabilities contribute to the development of law. We interviewed people with disabilities and organizations dedicated to disability issues (ODDIs) to learn about their experiences with government consultation in the development of laws affecting persons with disabilities. We asked interviewees to share a synopsis of their experiences, why they participated and their assessments of the effectiveness of the process. In this brief report, we present some of our preliminary findings. Participants took part from Canada and the United States. The consultations in which interviewees were involved included stakeholder consultations related to accessibility legislation such as the AODA (the *Accessibility for Ontarians with Disabilities Act, 2005*), stakeholder consultations on other types of laws relating to people with disabilities and, and systemic and ad hoc lobbying of government for legal change. Interview data, and in particular the identity of participants, was kept confidential.

A few of the key themes that we have heard in our interviews regarding ways to improve consultations include:

- provide some sort of remuneration for those providing their expertise
- organize in advance and thoroughly so that there is appropriate outreach to all members of the disability community
- provide feedback

We continue to analyze the data and to present and write up research findings and various formats and modes. A few publications that relate to the study are:

- Laverne Jacobs, [\*“Humanizing’ Disability Law: Citizen Participation in the Development of Accessibility Regulations in Canada”\*](#) (2016) *Revue Internationale des Gouvernements Ouverts*, pp. 93-120.
- Laverne Jacobs, Victoria Cino and Britney DeCosta, [\*“The Accessibility for Manitobans Act: Ambitions and Achievements in Antidiscrimination and\*](#)

[Citizen Participation,](#) (2016) *Canadian Journal of Disability Studies*, Vol 5, No 4, pp. 1-24.

- Laverne Jacobs, [“The Universality of the Human Condition: Theorizing Transportation Inequality Claims by Persons with Disabilities in Canada 1976-2016”](#) (2018) *7 Canadian Journal of Human Rights* pp. 37-66.

Thanks to everyone who participated in the study. Your experiences are invaluable. Working together to uncover the advantages and challenges to productive collaboration between government and persons with disabilities in law development can be essential to the process of effecting social change.

***[Laverne Jacobs](#), BA(Hons), LLB, BCL, PhD is a Canadian law professor at the [University of Windsor, Faculty of Law](#) and a member of Berkeley Law’s International Research Group – The Comparative Equality & Anti-Discrimination Law Study Group. She researches in the areas of accessibility legislation, administrative law, and law, disability and social change.***

Funding for this research has been generously provided by the [Fulbright Foundation](#) and by the [Social Sciences and Humanities Research Council of Canada](#).

**To find out more about the project, please contact Dr Laverne Jacobs at [ljacobs@uwindsor.ca](mailto:ljacobs@uwindsor.ca)**