**Case Summary**

Under section 51(a)(i) of the Human Rights Act (HRA), allegations of discrimination were made to the Nova Scotia Human Rights Commission on March 16, 2009 and April 12, 2010. Allegations pertained to discrimination on the basis of physical (dis)ability relating to inadequate wheelchair access to the local transit service. Section 51(a)(ii) of the HRA states, “Prohibition of discrimination: 51 No person shall in respect of (a) the provision of or access to services or facilities, discriminate against an individual or class of individuals on account of (o) physical disability or mental disability”.

**Outcome of the Case**

The Consent Order outlined specific measures to be taken by Metro Transit:

- Individuals using a wheelchair / scooter due to limited physical mobility have the right to get on and off an ALF (accessible low floor) bus at any [stop] not designated accessible if the ramp can be deployed without damage.
- Metro Transit will identify accessible and non-accessible stops in a time schedule in paper form and on the website.
- Passengers with (dis)Abilities on the ALF bus can use the Request a Stop program (stopping at non-designated stops at night) and daytime when weather, personal security and bus ramp conditions are met.
- All Metro Transit bus stops will be assessed for accessibility.
- Upgrading remaining bus stops to be accessible will be addressed in their Universal Accessibility Study.
- The wheelchair access bus stop in front of Dartmouth Sportsplex to be designated a 24 hour priority for snow clearing and this will remain in effect until the new terminal is constructed.

**Case Analysis**

In March 2010, Canada ratified the United Nations Convention on the Right of Persons with Disabilities. Council for Metro Transit administers the existing policy on accessibility was based on the historic belief of "...one size fits all", which is incongruent with the UN Convention.

Oppressive power relations is exemplified in "one size fits all" policy. Within social institutions Those who follow norms which fit the dominant group are included. Those who challenge these norms are deemed as the unfit group.

Metro Transit failed to admit contravention of the HRA. An admission might have invited legal scrutiny of their procedures, and exposed them to further liability. Metro Transit not only utilized power over the parties, and also exercised their own privilege by becoming able again to become "non-disabled" (Stubbiefield, 2009).

It took over 25 years for resolution. This delay further violated the complainants’ rights by extending the time they had to endure challenges and not live a life with equal access.

Metro Transit completed a Universal Accessibility Study. This is a step forward in accessibility rights for those with (dis)Abilities if Metro Transit chooses to implement the recommendations.

**Decision Analysis**

- Persons with (dis)Abilities are denied consideration and support with regards to safety while traveling. This implies that people with a (dis)ability are "on their own" with respect to personal safety.
- The Order indicates that Metro Transit is unwilling to commit to changing policies to best reflect the public’s diverse mobility needs.
- Passengers with (dis)Abilities must be able to rely on a system that is predictable, trustworthy and equitable. This cannot be guaranteed when determination is given to those other than the passengers themselves.
- If Metro Transit committed itself fully to (all) human rights, the decision could have been exceptional. Instead, their contributions reflect how those with physical (dis)Abilities are often viewed and treated throughout society, not worthy of the same consideration of able bodied people.

**Locating the Oppression**

- Historically, dominant ideology of (dis)Ability in social work stems from an understanding of the medical model, which states that an individual’s illness or (dis)ability is a result of deficiency specific to that person, and the only way to be become able again is to remove the deficit (Stubbiefield, 2009).
- In the late 1980s, disability came to "contradict a category of human identity along the lines of (and not completely distinguished from) race, class, gender or sexuality", (Bennett et al) noting that "when (dis)ability is used with regard to persons, disabled and disabling tend to connotate disease or stigma..." (Bennett, Grossberg and Morris, 2005, p. 88).
- In recent years, social constructivist theory has been a framework utilized to understanding (dis)abilities, which states that knowledge is a social development, not an unbiased one and focuses on the direction knowledge has placed itself in history and entrenched itself in sociocultural norms and language (Lavine, 1997).
- (dis)Ability consistently to be represented as a negative attribute in the media. Identities of disabled persons are not the preferred identity of choice in Canadian society and (dis)Ability consistently to be represented as a negative attribute in the media. Identities of disabled persons are not the preferred identity of choice in Canadian society.

**Media Analysis**

- Media produce discourse; socially produced ideas or ways of thinking (Tatum, 2003). Perceptions are important because they influence legislation, policy and programming that affect the day-to-day lives of a person with a (dis)ability.
- Media coverage was analyzed by considering how the subject was represented; identity location (preferred or not preferred), and how the media product was produced, distributed and with what mechanisms and influences. Results found that (dis)Ability was consistently negatively represented; not represented as a preferred identity or, not represented at all.
- An analysis of leading Canadian newspapers completed in 2009-10, found that the human rights perspective, which is less stigmatizing than the medical, heroic and charity perspectives, was included as an afterthought, or was absent in Canadian newspaper stories. This hindered progress towards society understanding the need to address the structural barriers to equity for persons with a (dis)ability. (Haller et al, 2012).
- Mainstream media coverage of our specific case was scanty, and only provided by the publicly funded CBC. Most media products are a business and they print what people want to read. An able mainstream reader may not have a sustained interest in what happens to persons with a (dis)ability as (dis)Ability has historically had a negative connotation.

**Implications for Social Work Practice**

**Social Workers:**

- Must recognize the importance of extending the medical perspective of (dis)Ability to social factors such as stigma, and raise awareness of the social structure constructed by the able-bodied population.
- Need to be cognizant of the intersectionality of oppression between (dis)Ability, economic status, race, gender and other factors (Stubbiefield, 2009).
- Must call into question "expert" discourses on (dis)Ability.
- Have a crucial role in facilitating inclusion and accommodation for individuals with (dis)Abilities.
- Must strive to challenge historic ideas of (dis)Ability by reframing (dis)Ability as a part of the human experience.
- Play a vital role in challenging the inadequacy in the consultation process with individuals living with (dis)Abilities, the lack of social and political emphasis in this area, and to advocate for a reduction in "objective" criteria that measure functional limitations.
- Must challenge policies and structural systems that view (dis)Ability as an individual problem by advocating and empowering those living with (dis)Abilities and encouraging participation, social integration, and equal citizenship (Hiranandani, 2005; Mufailly, 2010; Sakamoto & Pitner, 2005).

**Question**

In the final decision of the Board of Inquiry, the Chair states, “Metro Transit has performed its undertakings with an acknowledged abundance of good faith”. It goes on to say that Metro Transit will consider ways to continue dialogue about transit access issues.

After a critical examination of your own social location, how would you, as an anti-oppressive social worker working with Tammy Robertson and Michael Craig, further dismantle the oppressive structures of the Metro Transit system?