


disabilities
Handbook
Version 2.0



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Executive Summary



The National Campus and Community Radio Association's disAbilities Handbook is intended as a reference guide, recommendation guide, and historical document for campus and community radio stations across Canada. The handbook is meant for station management and boards, but employees, content creators, and other volunteers will also find it useful.

Canada's campus and community radio stations have been successful at integrating members of their community into their daily operations. This document has several case studies demonstrating these successes. We have updated this handbook to ensure that more stations have the opportunity, tools and language to improve their accessibility and empower their staff and volunteers living with a disability.

Contained within this handbook are recommended structural and physical changes, policy updates, volunteer training goals, and an outline of the legal obligations stations have to people with disabilities.

This document has been a collaborative project with people within our sector who live with disabilities to raise the level of accessibility across all stations. We want to thank them for their dedication and time. We also want to thank the authors of the initial version of this guide and Economic and Social Development Canada who funded this update.



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Introduction

The National Campus and Community Radio Association (NCRA/ANREC), through its Abilities Committee has made this document to assist station staff and volunteers campus and community radio stations across Canada to better integrate and empower their staff, volunteers and community members living with a disability participate in community radio. This handbook is meant to help station management and boards engage in this integration, but employees, content creators, and other volunteers are also welcome to engage with these recommendations.

Purpose of this document

This handbook will help you create an open and safe space, adapt your station set-up, create training and policies to be more accessible to everyone, and get a glimpse into the awesome work people with disabilities are doing in the sector. But this is only a starting point — stations should also talk to people with disabilities already working and volunteering at your station in addition to local advocacy groups in your community. This work isn't a one-off activity, but should be regularly reviewed.

Disabilities in the Canadian Context



Across Canada an estimated 13.7% of Canadians are living with a disability, which comes to approximately 3.8 million people¹. The Canadian Government does not have a universal definition for disability that it uses across all programs. In the government's

¹ Canada (2015). A profile of persons with disabilities among Canadians aged 15 years or older, 2012, Statistics Canada

[Federal Disability Reference Guide](#) it notes that the government defers to the definition [provided by the World Health Organization](#):

“Disabilities is an umbrella term, covering impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations.”

There is a commitment by our sector, and at the federal level with the *Accessible Canada Act*, to address barriers and stigma which discriminate and limit someone from performing their job to the best of their ability. This needs to be addressed in our policies, the work we do, and in how we treat each other. Some employers may consider people disadvantaged because of their disability for example, which is an unfair assumption².

At the national level, the employment rates of both women (45%) and men (49.8%) with disabilities are substantially lower compared to those of women (70.1%) and men (77.1%) without disabilities³. There are challenges people living with disabilities face due to discrimination during the hiring process, and then after throughout their employment. This guide is designed to help demonstrate where some of those barriers can be found, and what should be done instead. Addressing discrimination and human rights issues in the workplace is a workplace obligation.

² Canadian Human Rights Commission. Roadblocks on the career path: Challenges faced by persons with disabilities in employment. Pg 4

³ Ibid

The Origin of the disAbilities Handbook



The original version of this handbook was initially sparked by an idea from Stephane Bertrand at CKUT-FM in Montreal, at the 2009 National Campus and Community Radio Conference.

There he helped host a panel on accessibility and community radio that featured guests from his show *The Avalanche*, and other people with disabilities from across the country. Later that week, Stephane said he had been thinking about how to help more stations become accessible, how to encourage stations to create shows hosted or produced by people with physical and intellectual disabilities, and how to get more people with disabilities involved in community radio. He suggested creating a handbook (with an accompanying CD) that would help support this important work.

Later that year Cameron Wells, host of *Handi-link* at CJAM-FM in Windsor, came on board and helped host another panel discussion, this time at an Ontario regional conference in Kingston. An editorial committee was put together and funds allocated. Three years after Stephane first thought it up, the first guide was completed!



The 2020 Update

The disAbilities Handbook is part reference guide and part inspiration, here to help you better integrate your whole community into the daily operation of your station and to improve accessibility.

The first section, Building Accessible Spaces, offers recommendations about how to build or modify your studio and office in order to make your station physically accessible. This will include both easier tasks such as orienting the furniture and equipment to make it more accessible, as well as recommendations of how to modify or alter the physical space.



The second section, *Developing an Accessible Community*, offers suggestions about how to nurture a welcoming and open space, recommendations on preferred and discouraged language and terminology, and general policies on how to create a safer and more socially accessible environment.

The third section, *Case Studies*, looks at some success stories from campus and community radio stations across Canada. These stations faced accessibility issues and dealt with them appropriately, or they worked with community members who integrated themselves into their local campus and community radio stations with success.

The fourth section, *Legal Obligations*, describes regulations and legal obligations your station must be aware of, including the *Accessible Canada Act*.

Additional resources and links are in the appendices.



Building Accessible Spaces



Accessibility means having equal opportunity to use and navigate a space. Ideally, a station would have all accommodations for people with disabilities integrated into their layout, though many stations are unable to do this because of their current space and financial constraints.

In 2019 and 2020 the NCRA/ANREC worked with Economic and Social Development Canada to improve the physical accessibility of radio stations. For some stations which were too inaccessible — such as CFYT-FM in Dawson City, YK — the solution was to develop live-remote equipment to effectively bring the station to a location which is already accessible, as the station itself was not able to be made accessible. In other words, even with constraints on budget and a station's ability to modify their physical space they can still improve their accessibility.

Improving Accessibility

This section will discuss aspects to investigate when improving physical accessibility for your station, in terms of layout, space, and physical accessibility.

Ramps and Elevators

- A well-installed ramp's gradient should be 1:20. This means that for every 20cm there is 1cm increase in height. The ramps should have a non-slip surface and be in well-lit areas.
- Ramps should be in place leading to all key locations within a station. The washroom, studios, music library, and offices should all be able to be accessed by all members.



- Elevators should be readily available where possible to provide access to stations in basements or on upper levels. Make sure all elevators are on accessible routes in the building and are in operation at all hours, including during emergencies.
- Buttons should be at a height that is easily reached by someone in a wheelchair and be in braille or raised.



Washrooms

- Washrooms should comply with provincial standards on accessible washrooms. Working with a qualified local contractor you can see what is possible in your space.

Studio and Office Layout

- Every studio within a station should provide between 2m to 2.5m extra space around corners and doors to accommodate people with wheelchairs or mobility aids.
- All spaces should be well-lit, or should be able to be well-lit: navigating narrow side passages or hallways also creates barriers for people with low vision.
- The station floor, hallways and other high-traffic areas should be free of any clutter (especially trailing cables) that may impede mobility, or present obstacles to people with vision impairments.
- The station floor should be free of rugs, tape, or any ripped carpet, as they can be difficult to navigate over for mobility devices and wheelchairs.
- Station equipment or furniture should not be rearranged without warning — people with vision impairments may have memorized the layout of the room and abrupt changes can lead to injury. Additionally beware of low-hanging lights or fixtures.



- All computer desks should be wide enough and at an appropriate height for accommodating a wheelchair underneath.
- Mixing boards should be positioned so that anyone seated in front of them can easily reach them, along with any necessary equipment (CD players *etc.*).
- Mixing boards should include labels in both written and braille forms. If possible, all buttons should provide an audio read out of its function when pressed.
- Doors should be a different colour than the walls to help distinguish them.
- All signs should be large and have high contrast.
- There should be at least one reserved parking spot for people with disabilities near the station. Ideally there should also be accessible public transit nearby, whether it is a bus stop or space for pick up/drop off. Be ready to call the transit authority, city or university to work out a way to facilitate this.



Entrances and Exits

- The station should have a clearly marked entrance.
- Doors leading to the station should not be too heavy or hard to open, and ideally have push button access.
- Signs should include pictographs for people with learning disabilities or low literacy.
- Main entrances and exits should be clearly distinguished with clear and visible signage.

Shelving units

- Important documents and commonly used items should be easy to reach and easy to locate.
- All shelves should be secured tightly so that they cannot be knocked or tipped over.
- All shelves containing CDs or other media should be within easy reach, as seeking assistance to obtain a CD can be time-consuming, and could interfere with live to air work.
- Common media such as station IDs and PSAs should also be kept on the station's computer to minimize the need to search and retrieve.
- Music libraries and archives should be spacious enough to accommodate mobility aids and include braille labels.



Emergency Procedures

- All emergency notifications should be both audio and visual — for instance a blue light that flashes when the doorbell is ringing. These alarms should be installed in common areas throughout the station, including washrooms.
- Vibrating pagers should be made available to people with hearing impairments to communicate an emergency.
- Fire alarm activation levers should be reachable by someone in a wheelchair.
- Evacuation plans should be posted in public spaces, and no higher than 120 cm from the ground. Evacuation plans should be printed in at least 14 pt. font and posted in a prominent place. Have a copy of the plan available electronically as well. The plan should include a map of all accessible exits from the station.

- Staff and volunteers should be trained on how to transport someone with limited mobility. In an emergency, the elevators may not work and a person with limited mobility may need to be carried down stairs.
- An able-bodied person should be assigned to help a person with a disability in case of an emergency, if necessary. This can mean assisting them out of the building or alerting them of a situation. Though having this partner system in place can help in a crisis, everyone should be trained in providing support evacuating in an emergency.
- An area of refuge should be identified and designated, in case of emergencies with no one nearby to assist. This is a fire resistant area through an accessible route, typically near elevators or stairways, where they can wait for assistance from emergency crews.
- The refuge area should include a communication device, such as an intercom, that connects with the rest of the building so that emergency workers know where to find someone who requires help leaving. Tell local fire and police stations where the area of refuge is located and post the location so all staff and volunteers know where the area is.
- Assistive devices, such as ramps and blankets (to help carry those with limited mobility) should be stored in the station where everyone can reach them.
- Emergency drills should be carried out at least once a year with the participation of all volunteers and staff to ensure that everyone is comfortable with these procedures.
- There should be some individual or individuals identified to offer support someone with a disability who may need it. This should be a consideration when scheduling programming. For example, avoid having those who may need support when there will be no other volunteers or staff.

Technology and Tools

It's essential to provide accessible station equipment. Technological innovation has made it possible to modify gear to better accommodate persons with disabilities.



Assistive Devices and Software

- Individuals with disabilities should be able to participate in all aspects of radio operations, including writing radio copy and clerical work. One simple and cheap way to make computers more accessible is through assistive technologies *e.g.* only needing the keyboard or the mouse to work a computer, rather than multiple implements.
- The accessibility functions that operating systems (Windows, Mac) include should be explored and activated, such as increasing the size of icons or text on the screen.
- Stations should have speech-to-text, screen reading, and transcribing programs. Much of this software is multi-purpose, as people with learning disabilities or people with vision impairments can use speech to text aids.



Website

- The station's website should be accessible. By doing so, stations broaden their audiences while also helping encourage people with disabilities to volunteer.
- The website should include features such as being able to change the size of the display font, to change the contrast, to be able to navigate the site



using only the keyboard or mouse. Ensuring that your website is compatible with screen readers is also a key consideration.

The website [W3C](http://www.w3.org/) (<http://www.w3.org/>) can help you tweak your website or blog to accessible standards. In addition the website [USERWAY](#) provides a widget that can be added to WordPress sites to improve their accessibility.

Modified phones

- For anyone who may have low vision, stations should have either a phone with braille or a large display on hand.
- The phone should be positioned as close as possible to mixing boards.
- Phones should have adjustable screens that can be tilted higher or lower for better viewing.

Microphones

- Studio microphones should be able to be tilted or lowered to reach someone sitting in front of the mixing board to ensure that the audience is able to clearly hear the speaker.
- Wireless microphones and lapel microphones should be made available, for when microphone booms cannot reach speakers or guests in mobility devices.
- Portable digital recorders for field recording should be small and have the ability to be operated by a single hand. Many types are available.
- Station staff and volunteers should be able to train anyone who wants to use them in their work.

Fostering an Accessible Community

The work of building an accessible space is more than building ramps and installing braille: building an accessible space should also consider developing a sense of community which includes people living with a disability. From welcoming events, to inclusive language, this section will walk you through recommendations on how to develop in-house community policy to create a more welcoming environment.

Community Recommendations

Common sense is sometimes not very common. In the case of speaking or socializing with people living with disabilities, using dated, or insulting language is not always done out of malice but may be a result of lack of familiarity. This section will explore some basic rules to follow — and pitfalls to avoid — when welcoming a person with a disability into your radio community.

Special Events

Before going out into the community or public spaces for special events, be sure to call or visit ahead to ensure that the space is suitable for all of your members.

- It's important to not only to call an establishment regarding their accessibility but to actually visit to confirm.
 - Many movie theatres have stairs at the entrances and bars may have washrooms in the basement.
 - Make inclusivity a priority. Annual meetings, committee meetings, fundraisers and parties should be held in places that are accessible.
 - Confirm that despite no pets policies at establishments, they cannot refuse any person with a service animal. A service animal is not a pet, but a personal aid. Many provinces have legal protections.
-

Etiquette

Follow these common sense tips on proper etiquette when communicating with a person with a disability:

- Talk directly to a person who has an interpreter or an attendant, not their interpreter or attendant. You don't need to ignore the interpreter, but face the person who you are speaking to.
- Never grab someone who is vision impaired. Ask if they would like to be guided and then offer your arm.
- When guiding someone, describe the surroundings.
- When a person has low vision, introduce yourself and indicate when you are ending a conversation, or leaving the room.
- Do not disturb a service animal when it is working. However, if a service animal is at rest, ask their owner if you may approach the animal.
- If possible, sit down when talking to someone in a wheelchair so they don't have to look up at you.
- Do not grab or direct someone's wheelchair without their invitation or permission. This is a violation of someone's autonomy and can be interpreted as being similar to being dragged or shoved.
- Not all disabilities are visually evident. Be respectful in all your interactions.



Community Development



Although there's no reason not to create special events and sessions targeted to members of your staff, community, and volunteer base who live with disabilities, inclusion and community development is better explored as a regular, ongoing activity.

Safe(r) Space

A safe(r) space is a supportive or non-threatening environment where people can feel comfortable expressing themselves, free from hate or prejudice. In such a space, everyone feels comfortable being themselves.

There is a collective understanding that others in the space will not question how a person chooses to identify, discriminate against any group, use any hateful language or gestures, or express any overt stereotypes.

As a station, make a list of safe space policies that will ensure everyone feels comfortable. Post these ground rules in a common area in an accessible format. Be sure that all volunteers understand these policies and why they are important. These policies are a way for your station to stay true to its mission of representing the communities you serve, and their importance should be made clear.

See The Mental Health Commission of Canada's [Safer Space Guidelines](#) for further guidelines.



Advocacy

One of the greatest tools at a station is the willingness of staff and volunteers to push for accessibility. Staff and volunteers can talk to landlords, city or town councils, or their university's administrators to discuss what modifications are needed and what can be done. Be active in bringing accessibility issues of the station to your community. Talk to local disability groups for support.

In a safe space, there are always allies. These are people who align themselves with marginalized groups by challenging oppression, without being a member of those groups. Allies don't speak on behalf of other people, but support their efforts and help preserve safe space.

For example, when CHUO-FM in Ottawa realized that they didn't have accessible washrooms near their station, the station lobbied their university, advocating on behalf of students, volunteers, and staff with disabilities who used the station. The university agreed, renovating the washrooms.

Who Can Help

Disability rights groups, campus support centres, and public interest groups may be able to arrange anti-oppression training. Reach out to organizations in your community. Activists are also a wealth of knowledge when it comes to horizontal organizing and may offer anti-oppression training sessions for free.

Pride in Disability

Having a disability is an identity that people can be proud of despite negative stereotypes and oppression. Here, much like with Black Pride or LGBTQ Pride, the idea of “pride” reflects a refusal to live with shame, and not necessarily a sense of accomplishment, and just as someone can be proud to be a woman, a person can be proud to have cerebral palsy or a hearing impairment.

Like other areas of difference, disability has been attributed with negative connotations by society that aren’t accurate or fair. There are different ways to show one’s pride: some people with disabilities attend disability pride rallies, others use language to show their pride. For example in Britain some say that they are “disabled people” to put their identity first as a source of pride.



Language and Inclusivity



One of the quickest ways to include – or alienate – members of your community is through the use of language. This section will examine the history and details of both harmful and inclusive language in the context of accessibility and disability.

Historical Context

How a society talks about people is a reflection of how that society perceives them, which is why we need to abandon negative language to reject these negative perceptions.. People with disabilities share a dark history of dehumanization and institutionalization. Starting in the 1800s, many people with physical and intellectual disabilities and mental illnesses were forced into institutions where they had no control over their daily lives and were often subject to abuse, isolation, and inhumane living conditions.

In the 1960s, people with disabilities and their families began to organize in Canada and fight for independent living and inclusion. Through this movement, disability activists made significant legal and social gains. Despite these efforts, legacies of forced sterilization, euthanasia, and devaluation are evoked by disrespectful language and draw upon the stereotypes that are supported by these recent histories.

Though many terms discussed here are still a part of common language, they reflect this negative history and can be hurtful and offensive. It's not about being afraid of what to say, or being politically correct; it's about showing respect. Stations should encourage inclusive language.



It's also worth noting that in its 1987 Statement of Principles, NCRA member stations committed to

“[...] encourage programming policies that prohibit material that is sexist, racist, ageist, homophobic, anti-Semitic, or that maligns persons with disabilities or economically disadvantaged peoples.”

Also, not everyone with a diagnosis or impairment identifies as having a disability. It's important to allow people to self-identify.

Ableism is a form of discrimination against people with disabilities characterized by the notion that people with disabilities need to be fixed, or cannot function as members of society. Ableism can be intentional or accidental but is not tolerable, in the same way that sexist, racist, or homophobic comments are unacceptable.

Language under Hate Speech

In Canada the use of defamatory and hateful language is taken very seriously. Under the *Canadian Criminal Code* (section 318 [4]) people with a mental or physical disability are included as an identifiable group. Inciting hatred against people living with a disability is a criminal offence (319-1), as is the wilful and public promotion of hatred (319-2).

Words to Avoid

Below is a list of unacceptable or outdated words relating to people with disabilities. Some guests may use one of the words mentioned without understanding its offensive nature, or they may use it as a means of reclaiming it in a positive context. Make sure that on-air programs that contain these offensive words are removed, preceded by a warning, or are put in context.

However like many pejorative labels (queer, bitch *etc.*) some people with these identities are working to reclaim these words, taking away their negative

power and empowering the person who uses it. Reclaiming a word is an individual choice, and you should not be surprised if an individual does or does not choose to do so.

When asking someone about their disability, don't ask "what's wrong with you?", because the answer is always "nothing". Instead, ask if they are comfortable explaining their disability and what language they prefer.

“Cripple” or “Crip”

An able-bodied person should never use this term, even as a metaphor (e.g. “patriarchy is crippling”) as it's objectifying and ignores diverse experiences.

“Condition”

Some disabilities are temporary, such as the effects of severe illnesses, but others are permanent. They aren't conditions, but a natural part of their life.

“Disabled person” vs “Person with a Disability”

People are described by their disabilities, not defined by them. People are also not their mobility aids — space allowances around doors don't accommodate wheelchairs, for example, but people in wheelchairs.

“The Disabled”

Not all people with disabilities are the same. This generalization defines and describes people entirely by their disability. Instead, use the term people with disabilities.

“Freak” or “Freak Show”

People with physical disabilities were put on display for the purpose of being objectified for entertainment through carnival acts called freak shows throughout the 1920s and 1930s. People paid to stare at the people with disabilities in these shows who were advertised as “monsters” and “freaks of nature”. These terms are unfortunately still used today.

When Stephane Bertrand from *The Avalanche* on CKUT-FM interviewed the artistic director of *Famous People Players*, Diane Dupuy, she said that critics claimed she would create a “freak show” by including people with developmental disabilities in the show. This ableist prejudice, that performances by people with developmental disabilities would be without artistic merit, was never a hindrance: *Famous People Players* is now one of Canada’s most respected and widely enjoyed theatre companies.

“Invalid”

When used as a noun, this term implies that a person is not a valid human being, or that they are helpless and infantile. This word is not offensive when describing an idea or an argument, but it should not be used to describe a person.

“Lame” or “Gimp”

Historically, the word “lame” was used to describe someone with weak limbs or mobility issues, and “gimp” is a newer term with a similar meaning. Many people now use the word “lame” to mean something is uncool — an ableist equating of someone’s mobility with something that is unimpressive.

“Midget”

The preferred terms are *little person* or *person with dwarfism*. Again, take your cue from the person.

“Retard”

This term was first used in the medical community to label someone with an intellectual or developmental disability and is still in regular use in some parts of the world, although this term has come to describe a person in a way to dehumanize them.

The R-word campaign was started by Special Olympic athletes to stop this use of the word. More information can be found [on their campaign website](#).

“Short Bus”

In some places smaller buses with wheelchair access - sometimes called a short bus - were used to transport students with physical and intellectual disabilities to school. This term is used to demean the target of its use and also all persons with disabilities, and is extremely ableist.

“Spaz” or “Spastic”

Some disabilities involve uncontrollable muscle spasms or seizures. Historically, individuals with these spasms were described as “spastic”. Describing someone foolish or energetic as being “spastic” or “a spaz” unfairly equates a disability to a personality.

About Casual Speech

Don't be scared of common and casual language. Many verbs of sensing and mobility have metaphorical extensions which people with disabilities are well aware of and are not typically offended by. For example, it's not offensive to say to someone with a vision impairment that you'll “see them later” or to express to someone with a hearing impairment that you're “happy to hear from them”.













Don't try to adapt normal verbs. Don't ask people with vision impairments if they've “felt any good books lately” or if a person in a wheelchair “goes for nightly rolls”. Although again, the person with the disability can refer to it however they like.

Be aware that many people with disabilities dislike euphemisms such as *differently-abled*, *handicapable*, *special needs*, or *physically challenged*. Though well-intentioned, these terms can be very condescending. Terms such as these, like *special needs*, are associated with treating a person like a child.

Many people also dislike the term *handicapped* as the person is defined by their ambiguous handicap. Ask the person with a disability you're speaking to what terms they prefer.

Common Symbols

The following chart outlines some of the most common symbols that you would come across working with people living with a disability.

<u>Symbol</u>	<u>Situation</u>	<u>Previous (Outdated) Term</u>	<u>Current (Preferred) Term</u>
	Having a disability	Handicapped	Has a disability
	One who does not speak verbally	Mute	Non-Verbal
	Person with epilepsy	Epileptic	Has a seizure disorder
	Person with dementia	Demented	Has dementia
	Born with an abnormality	Birth defect	Has a congenital disability
	Person with a mental health condition	Nuts, crazy, insane	Has a mental health condition, has a psychiatric disability
	Person with paralysis	Paraplegic, quadriplegic	Has a spinal cord injury, person who is a paralyzed
	Person of short stature	Dwarf, midget	Little person, person of short stature
	Person has polio	Post-polio, suffers from	Has had, experienced polio
	Person with a Learning disability	Slow learner, The "R" word	Person who has a learning disability
	Person with a speech disability	Tongue tied, stutter	Person who has a communication disability
	Hearing/visual disability	The blind, the deaf	Person with low vision, visually impaired, person who is deaf/hard of hearing

Context and warnings

The language used in Canada today, though progressive, is not universal. Around the world, many people still use outdated terms to describe people with disabilities. This includes “the R-word”, *handicapped*, *invalids*, etc. You may interview people who use this language, whether they are disability activists who are reclaiming a word, comedians trying to push boundaries, or people who either don't know better or are intentionally being offensive.

The best course of action is to include a disclaimer at the beginning of the show, indicating that the station does not necessarily share the views of all guests. In the case of people with disabilities reclaiming language, you can also ask the guest to contextualize their comments.



Inclusivity Training



Diversity helps a station grow and thrive. Although this handbook focuses on increasing access for people with disabilities, anti-oppression training shouldn't just be about confronting ableism. Talking about accessibility is a great opportunity to look at the range of barriers that make it hard for anyone — particularly people from marginalized and under-represented groups — to get involved at the station.

This is reflected in the NCRA/ANREC [Statement of Principles](#) that says our stations serve “an audience that is recognized as being diverse in ethnicity, culture, gender, sexual orientation, age, and physical and mental ability.”

Basics of Anti-Oppression Training

Anti-oppression training is recommended to make sure all staff and volunteers are ready and skilled in creating a safe and inclusive station. Creating an anti-oppression environment is about more than knowing all the “isms”: it means actively acknowledging and critically analyzing how society gives power to some groups while marginalizing others.

Under an anti-oppression model, personal identities are understood as political identities that affect how a person is treated in mainstream society. A person's race/ethnicity, gender, sexual orientation, class, and ability all play a role in a person's identity. How communities are oppressed varies depending on their histories and experiences. The goal of anti-oppression training is to work collectively towards accessibility, meaningful inclusion and social justice.

Prepare for training

Ideally, your anti-oppression facilitator should be from outside your station and will not be influenced by internal station politics. They can also give an outsider's perspective of the station's environment. It's important that as many people as possible attend these sessions so that all of your staff and volunteers are equally familiar with anti-oppression. Also consider improving the training environment by preparing in the following ways;

- Hold training for all volunteers and staff in an accessible space.
- Offer snacks, sign language interpretation, as well as free child care. (A cheap way to do this is to organize a potluck.)
- Incorporate pictogram-based, braille, and large print handouts.

Calling Out vs Calling In

If someone breaks the safe space agreement, don't be confrontational. Be aware of your tone so you don't sound like you are talking down to someone: an able-bodied person may have never thought of the implications of certain words. Try to steer away from "calling out" (i.e. being overly critical of someone's behaviour) and instead engage in "calling in" (i.e. making an incident into a learning opportunity).

You don't want to accuse a person of being ableist as this is a personal attack and can often shut down the discussion, or can be dismissed as they may have an invisible disability, or shrugged off with claims of having friends or family members who have disabilities. Rather, explain how what the person said or did does not foster a good environment, and suggest better alternatives.

It's important to call attention to ableist words and actions even if you are able-bodied and no one with a disability is around. This isn't a matter of politeness but one of creating a space free of ableism. Keep in mind that you

don't want to start policing language — this isn't about censorship, but instead is about fostering a space where everyone feels validated and respected.

Checking Privilege

Having fewer barriers between you and your goals in life, based solely on others' perceptions of your identity, is a privilege. Feminist theorist Peggy McIntosh defines privilege as any “unearned advantage and conferred dominance”⁴. This is not a value judgment: being privileged doesn't make you guilty or a bad person.

People who belong to a privileged group are part of the “dominant culture”. This culture is used as a standard of society that all other cultures, practices and ways of life are compared to. This privilege can come in many forms: white privilege, straight privilege, able bodied privilege *etc.*. For example, an able-bodied person has the privilege of not having to worry about whether the washrooms are accessible when they go out to eat.

Privileged groups also have access to information and resources that oppressed groups do not. For example, the version of Canadian history taught in most classrooms is written from the perspective of white European male colonialists. Similarly, most buildings are constructed with the accessibility needs of able-bodied people top of mind. Though there are powerful systemic inequities at work, acknowledging your access to privilege can make a difference.

Even so, identities are always complex and in flux — and privilege does not always equally apply or look the same in all contexts. Don't try to create a hierarchy of identities to show who has the most or least privilege, and recognize that in some contexts privilege and oppression may sometimes overlap. Allow people to self-identify and respect what they chose to disclose.

⁴ McIntosh, P. (1988). White privilege: Unpacking the invisible knapsack.

Maintaining Accessibility

Understandably, not all stations can make all the changes mentioned, though all stations have an obligation to make reasonable efforts towards what is possible. Modifications should be prioritized based on community demand, specific needs of volunteers with disabilities, and money available. Creating an accessible environment is only the beginning: after accommodations are in place, your station must also evaluate and maintain them. There are many ways to do this;

- Review disability policies at general or annual meetings. Encourage volunteers and staff with disabilities to attend.
- Have in-station surveys asking volunteers and staff about accessibility or try a suggestion box. This way people can recommend improvements, whether they have a disability or not.
- Establish a committee within the station to review accessibility. In addition to considering legal compliance on equal access, it is also a way to let people with disabilities know that their opinions are vital to the station.
- Reserve leadership positions on the accessibility committee for people with disabilities, but encourage able-bodied people to join as well.
- Make sure people with disabilities are assessing the accessibility issues that are most relevant to them.
- Be careful to not embarrass anyone who is not comfortable openly discussing their disability, or who does not self-identify.
- Be comprehensive in proposing solutions; a ramp can help conquer a set of stairs, but when the doorway it leads to is too narrow for a person with a mobility aid, permanent modifications have to be put in place.
- Create and update a list of problem areas which require funding to improve.



- Make accessibility upgrades a part of the station's budget. Set aside a few hundred dollars to make small changes each year, or save the money for larger modifications.
- Apply for grants from your provincial or municipal government for accessibility renovations. Make sure that the Accessibility Committee at your station has accurate financial information so they can set realistic goals. Universities may fund changes at campus stations as part of their own accessibility improvements.
- Offer discounts or bonuses for volunteers or organizations working with people in recovery, such as CFUR-FM in Prince George, BC. In exchange for a bonus or free access to events those volunteers offer event participants free and safe rides home to deter impaired driving.



Case Studies

This section is dedicated to the successes of community members who became involved themselves in local stations, and to the stations who identified their own accessibility shortcomings and addressed them accordingly. Some of these volunteers and staff are still at their stations, while others have moved on.

If you find inspiration in these stories – or if your station has a success story of its own – let the NCRA/ANREC staff know so you can also be acknowledged and celebrated

The Missing Ramp at Canoe FM CKHA in Haliburton.



As a community radio station whose volunteer and listener base is mostly seniors, we must ensure that all individuals can access our spaces.

For the last few years we have been looking into making our building accessible by having a ramp built so that we are accessible to all residents of Haliburton County and beyond.

About a year and a half ago we had a young man by the name of Ben Dykstra want to volunteer with us, he was taking

the broadcast course down at Durham College. This was an impossible task as he couldn't get into the building. Once in the building he is able to get around as our space is a former Red Cross Outpost Hospital with wide doors on all the office spaces. We had also ensured that our broadcast spaces would work.

Ben's dad brought him into the station and he wheeled around in all of our spaces and made a few suggestions, but of course the fact that we did not have a ramp was the most crucial.

Ben did do some work for us from home, but he just didn't feel like he was part of the community. To volunteer in the station you need to be able to come and go and be a part of all the action that makes up community radio.

We have a majority of senior volunteers with physical issues that struggle to get into the building. We know accessibility is an issue and we want to address it now.

Using a grant from the NCRA/ANREC through a grant from Economic and Social Development Canada CKHA-FM was able to successfully install a ramp and accessible door.

“DJ Squeaky Wheelz” Brings Humour to The Radio

CJAM-FM in Windsor.

David Robbins-Singh started at CJAM-FM during a year-long high school co-op placement, helping produce ad campaigns and PSAs, dabbling on some sports and music programs. Feeling that he could also offer valuable insights into disability issues, he was interviewed on CJAM-FM's disability program Handi-Link. He quickly became a regular contributor and co-host.

“People don't like to talk about disability,” he says. “They always say you can't make a joke about this or talk about that. A lot of



people don't talk about disability because they think people are sickly and dependent. But we're able to break that taboo."

For instance, he says the name "DJ Squeaky Wheelz" is a way to spoof on stereotypes about people with disabilities.

He also says some people have told him they don't see his wheelchair as a way to show that they believe in equality. But Robbins-Singh says he doesn't need to erase his disability.

"It's about seeing the chair but not caring, and treating me as they would someone who's not in a wheelchair," he says. "I hate it when people throw a pity party for people with disabilities, it goes against everything I've fought for."

Though Robbins-Singh had hosted events in the community and is a comedian, he says he was worried he wouldn't have a radio voice. CJAM-FM has given him the confidence to be himself. "Radio has helped me come out of my shell."



Reducing Barriers at Access Live CFUV-FM in Victoria.

Rebecca Robb began volunteering at CFUV-FM while studying philosophy and medieval history. When she first went to get trained at the station she says staff weren't sure what to do.

"I did get the impression that the disability made everyone nervous," she says. "The first reaction did seem to be one of 'Oh my god, a disabled person! What do we do?'"

“Being dyslexic, having a disability, doesn’t really pose any barriers in my life.” she says. “It’s just sometimes people’s attitudes are hard to get around.”

In the end the station adjusted its training for her, which included a written test and an orientation of the mixing board.

Now, she has an assistant, Donald, who techs for the show which is run by Robb and other members of the campus disability rights group Access UVic.

She says the program is a fun way to bring the disability rights movement to the average listener, as it’s not as recognized as other areas of difference in Canada which leaves many people with negative stereotypes and hang-ups about disability.

“It’s very exciting to have a radio show. It’s very empowering for my guests who come, because being disabled isn’t always seen as this hugely fabulous thing, and when they come on Access Live, it is.”

Integrating the Community with *Thrift Store Music*

CFUV-FM in Victoria.

In 2002 support worker Bill Schmuck noticed participants at the Frederic Ozanam Center, which runs a day program in Victoria, BC for people with developmental disabilities, were often able to find their favourite records at the center’s thrift store.

With the help of CFUV’s volunteer coordinator at the time, Schmuck drafted a proposal for *Thrift Store Music*, a show that would give participants a chance to air their love of music. The program has



grown since then, from a half-hour slot to a full hour every Tuesday afternoon, with around 40 participants in groups of three that rotate weekly.

Participants on the show bring in their own music to play, and sometimes play a little themselves. Chad Russell, a veteran of the show, brings in his guitar to jam sometimes. He says they play “any kind of music, country, rock, you name it.”

And Bill White, who has been involved since the beginning, says it’s one of the best parts of his week.

“It just gives me a good feeling being on the air. Someday I’m hoping to have my own show.”

Now co-hosted by support workers Graham “Shotgun” Boardman and Chris McIntyre, the show includes music, spoken word, news updates, a call-in fanclub segment and sing-a-longs.

“Strangers have come up to me and talked to me about the show on the street,” Boardman says. “It’s very popular.” The show has also had callers from as far away as Port Angeles, Washington.

He says that shows their message is spreading. “Part of the difficulty with people with developmental disabilities is that people are pretty well ignorant of what they can achieve,” he says. “This show gives the people who are listening to the opportunity to know what people with developmental disabilities are like.”

Russell agrees. “I think everyone should be on the radio, all disabilities.”

Curating Monthly News in *The Avalanche*

CKUT-FM in Montreal.



In 2005 Cathy Inouye was making a documentary about people with intellectual disabilities who have started self advocacy groups when it hit her.

“I was just sitting there in the dark, cramped confines of studio B, when I thought what a great idea it would be to actually have a group of people make radio who have intellectual disabilities.”

“Because of the nature of our society, people who have intellectual disabilities are often segregated.”

She started contacting groups in Montreal that work with people with intellectual disabilities — though only one got back to her — and soon had a handful of interested people. Stephane Bertrand, one of the original members of the group, remembers the first meeting.

“I was thinking about my walk to the station, and I was told our transmitter is on top of Mount Royal. And you know the transmitter is coming down to Montreal, so I said why don't we call ourselves *the Avalanche*?”

They decided to make their show a disability news program with interviews that aired once a month. The other three weeks a month they host the station's Long Term Memory Radio show. Over the years *The Avalanche* has interviewed the break dancer Lazy Legz, comedian Gordon Paynter, Montreal city councillor Lise Poulin, the band Flame and hosted two panels on disability rights.

Inouye was involved the first two years and then, once everyone was trained and the show went live with a regular time slot, she stepped away.

She says stations can adapt training for volunteers with intellectual disabilities by simplifying equipment (keeping the same presets, adding a large green button on the mixing board), never assuming someone can't learn something and going over material until volunteers understand completely.

“The real winners when shows like these are on air are really the people who are listening, because they get the chance to hear these voices they don't normally hear, voices they should hear,” she says.

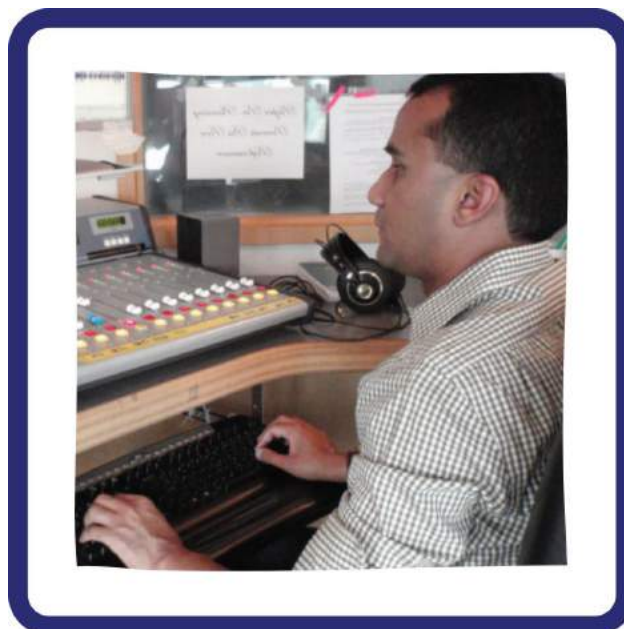
Host Kevin Ley agrees. “It helps people know that there's a place where they can go on the air and know that they can be heard. We have a voice and we're not shy to use it.”

Improving Technological Accessibility in the Studio

CHRY-FM in Toronto.

After creating his own closed-circuit radio station in high school, Kevin Shaw took his passion for radio to Ryerson University where he got his degree in audio and technical production. Then in 2005, he got a job at CHRY-FM.

“When I came here, I was used to working with bigger budgets. We didn't really have a lot. I had to get very creative with managing resources. I also had to figure out how to make all that accessible to me.”



He says technology, especially screen reading, has made the station much more accessible for him and that there are other things stations can do to

accommodate people with disabilities from anti-oppression training to making space for people with mobility aids.

He says getting around campus and doing remote broadcasts is sometimes hard but one of the great things about community radio is that your work stays interesting.

“I get to do something different every day,” he says, “one day I come in and train volunteers, the next day I’m working on a creative ad campaign, the next day I’m mixing for a live band playing in studio. It’s just a real pleasure.”

Discussing Disability Issues on *Handi-Link*

CJAM in Windsor.

Since 2008, CJAM 99.1 FM has been the home of the disability issues program *Handi-Link*. Each episode features a different aspect of life with a disability. This program is an important part of achieving the station's mandate of giving a voice to the voiceless the show.

It is critical in creating disabilities content to recognize what the public needs to know, and that they may not be getting fair representation. For *Handi-Link* an important lesson was avoiding allowing biases to enter the programming. CJAM staff often offered opinions into what may or may not be appropriate. This does not mean they didn’t allow the line to be pushed when a story needs telling.

The station has been excellent in encouraging content that will inform the public and hopefully inspire them to act. *Handi-Link* stories are often promoted on CJAM’s website and all are available through the NCRA/ANREC program exchange.

This is because they recognize disability issues are universal by nature and what faces a group in one community is doubtlessly faced by another, hence as wide a net as possible is cast.

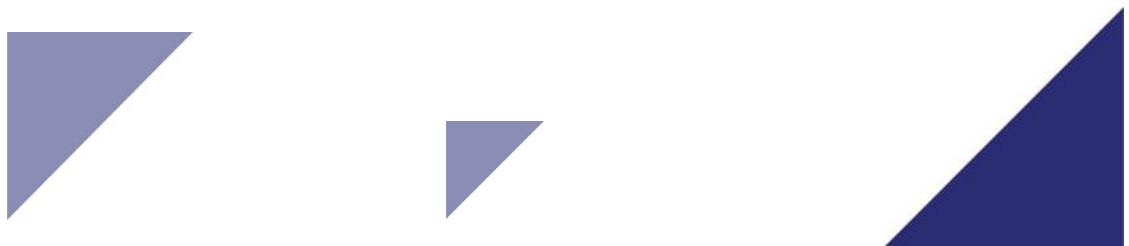
The team at Handi-Link believe that as media representatives our job is to let the public know something needs to be done so they may act accordingly. Society can't easily learn of an injustice and overlook it.

Dry Humour and Irony Laid Bare on *Pity Watch*

CFUV-FM in Victoria.

On the show Access Live at CFUV-FM in Victoria, BC, they host a segment called Pity Watch. They take stories from the mainstream media, like when a person with a disability is constructed as a martyr for doing everyday activities, and by reading the story in mournful tones and adding sappy violin music to the background they show how pitying a person with a disability is ridiculous and laughable. People with disabilities don't "suffer" from their impairments nor are they "victims" of them. It makes people with disabilities sound dependent, sick or in pain. This is not true of all people with disabilities.

Also, avoid describing someone as being "confined", "limited" or "bound" to a wheelchair. Having a disability often isn't a barrier for someone while society's attitudes and inaccessibility is. Don't say how a person was able to accomplish a task "despite" their disability or assume everyday life is a constant struggle. Not all people with disabilities are heroic or brave for just living their lives. When Cam Wells from CJAM-FM in Windsor, ON went to a hospital, a woman with a broken thumb looked over at him and said "I'm not as brave as you," to which he replied "we all come from different experiences." Not everyone with a disability is an inspiration.



Legal Obligations

There are several federal bodies that administer the regulations regarding persons with disabilities. The various relevant sections are reproduced here for your benefit. Please take the time to familiarize yourself with the requirements for the benefit of both your communities and volunteers.

Legal Obligations towards Persons with Disabilities

Canada ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2010. The rights of people living with disabilities are protected under the Canadian Human Rights Act, various provincial and territorial human rights codes, the federal Employment Equity Act, the Accessible Canada Act and the Canadian Charter of Rights and Freedoms.

The Accessible Canada Act

The *Accessible Canada Act* was brought into law in 2019. The aim of the law is to make Canada barrier free by 2040. Under the Act a barrier is anything which hinders the full and equal participation of persons with physical, mental, intellectual, cognitive, learning, communication or sensory impairment or functional limitation.

The Act is a piece of federal legislation and applies to federally regulated industries. Radio is a federally regulated industry and therefore it will apply to campus and community radio stations. Although the Act was brought into force, much of it has not been implemented yet.

Under the Act stations will have to create accessibility plans. These are plans for how the station will work to become more accessible, these plans will need to be developed with input from people living with disabilities. In addition, the stations will need to have a mechanism for people to provide feedback, and how

that feedback will be acted on. There will be a requirement for reporting on the progress. These requirements are not yet being implemented.

Enforcement of the Accessible Canada Act

The *Accessible Canada Act* creates the Canadian Accessibility Standards Development Organization (CASDO) to help develop new standards pursuant to this legislation. For stations the enforcement of and guidance on those standards will be provided by the Canadian Radio-television and Telecommunications Commission (CRTC).

To date, the CRTC has not provided broadcasters with any guidance, or requirements since the CASDO is in the early stages of its work implementing the Act. We expect more information to be provided to broadcasters in the coming months and years.

The Employment Equity Act

One piece of legislation that stations should be aware of is the *Employment Equity Act*, which is in place to eliminate discrimination. One of the obligations that stations have under the Act is to develop and implement an equity program to remove barriers for people with disabilities in order to achieve a representative workforce. Removing those barriers will also benefit volunteers at your station. You should be reviewing your employment systems, policies and practices to eliminate the barriers.

The Canadian Human Rights Commission outlines that the *Employment Equity Act* has two specific provisions relating to reasonable accommodation:

Section 5 of the Act provides that “*every employer shall implement employment equity*” by, among other measures, “*making such reasonable accommodations as will ensure that persons in designated groups achieve*”

a degree of representation” commensurate with their representation in the Canadian workforce and their availability to meet reasonable occupational requirements.

Section 10 of the Act specifies that an employer shall prepare an “employment equity plan” that provides for “*reasonable accommodations [...] to correct [...] under-representation.*”

Some stations may now be wondering how they should analyse their station for compliance. The procedures outlined in the Canadian Human Rights Commission’s guide ‘[A Place for All: A Guide to Creating an Inclusive Workplace](#)’ can support stations in this work.



Human Rights Codes

Campus and Community licensed radio stations are federally regulated and subject to the federal Human Rights Act. Stations not yet licensed, or online-only are subject to the human rights code or Act in their province or territory. This guide looks at Ontario as an example. You can look at the human rights code in your province or territory by looking to the end of this document where they are all linked. **NOTE: licensed stations are subject to the federal Act, not to the provincial codes.**

Under the *Canadian Human Rights Act*, the following are prohibited grounds for discrimination: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, **disability** and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Example of Human Rights Commission Guidance

Below is an example from The Ontario Human Rights Commission, which has provided explanations that can help with your understanding of how human right

codes are understood by the associated administrative bodies, including the federal Human Rights Tribunal, and provincial Tribunals and Commissions. In Ontario the code applies to workplaces under provincial jurisdiction. The protections afforded apply to employees, contractors and volunteers.

The Ontario Human Rights Commission outlines that the Code prohibits discrimination in employment and includes: “job applications, recruitment, training, transfers, promotions, apprenticeship terms, dismissal, layoffs and situations where an employee returns to work after a disability-related absence. It covers rates of pay, overtime, hours of work, holidays, benefits, shift work, discipline and performance evaluations. It also includes the “extended workplace” – for example, business trips and off-site work events.”

It is important to note that the Human Rights Tribunal of Ontario (HRTO) takes it very seriously when employers bring reprisals against employees pursuing their rights under the Code. In a case outlined by the Ontario Human Rights Commission they note that the HRTO found that an employer had committed reprisals when they terminated the employment of a man because of their perception he was unhappy with the accommodations⁵.

Duty to accommodate

You have a legal obligation to take steps to adjust policies, practices or rules that have a negative impact on individuals or groups based on prohibited grounds. This may mean treating someone differently in order to prevent discrimination⁶. The Duty to Accommodate has been affirmed multiple times, including at the Supreme Court, for example in *Québec (Commission des droits de la personne et des droits de la jeunesse) et Mercier c. Montréal*, the Supreme Court of Canada ruled in 2000 that employees who are perceived to have

⁵ Sears v. Honda of Canada Mfg., 2014 HRTO 45 (CanLII) [Sears] at 199

⁶ Canadian Human Rights Commission, Policy Template for Accommodation

disabilities are also protected by prohibitions against discrimination on the basis of handicap or disability.

The Canadian Human Rights Commission has a very thorough guide which outlines how you can work with employees on accommodations. This document is called [Accommodation Works!](#)

There may be an illness or an event which causes injury or illness which limits an employee's ability to work. It is the employee's responsibility to tell the employer. This applies to new and existing employees. The employer should work with the employee on decisions, investigating occupational requirements, obtaining the necessary information about the employee's ability to work such as medical status and functional capabilities, and provide information to the employee about return to work assistance.

If you would like to have a clearer idea about illness and absenteeism, see [this website](#) and the chapter ([here](#)) by Denny Kells of Thompson Dorfman Sweatman LLP in Winnipeg.

The Canadian Human Rights Commission provides a number of examples of what accommodating could look like in the workplace:

- Providing a special screen and software for people with visual impairment
- Allowing an employee to take time off to attend a medical appointment
- Managing an employee's schedule in a way that balances their work and caregiving obligations
- Making wheelchair access available to people with disabilities

When looking to evaluate how best to accommodate an employee or volunteer, we would recommend you review pages 21 through 27 of [Accommodation Works!](#). In addition, the Public Service Agency of British Columbia has an outline of reasonable accommodations in their document: [A Manager's Guide to Reasonable Accommodation](#), which could also help you understand your obligations under the federal Act.

Who is responsible for making the accommodation happen?

The employee must generally disclose any accommodation needed to the employer. However, stigma or fear may make people reluctant to disclose. For some mental health or substance additions, they may not be aware of their need for accommodation.

Creating a Policy Regarding Workplace Accommodation

For stations looking to create a policy on workplace accommodations there is a highly detailed policy guide that has been compiled by the Canadian Human Rights Commission. The guide not only contains examples, but also provides important questions to ask when developing your policy. As a model policy it also works to ensure that it recognizes your obligations under the Canadian Human Rights Act, the Employment Equity Act and the Charter of Rights and Freedoms.

More information can be found in Part 2 of [A Place For All: A Guide To Creating An Inclusive Workplace](#)

The above also has a sample form for accommodations, and a process example for working on individual accommodations.



A Fitness to Work Evaluation

As an employer you may require that an employee take part in a fitness to work evaluation when they have notified you of an injury that requires accommodation. This will be done with the participation of employer, employee, the employee representatives, and health care providers. In this case, the employee representatives may be someone from the Health and Safety Committee at your station.

If your station has more than 20 employees, you are obligated under the Canada Labour Code to establish a Health and Safety Committee. Although

nearly all of our stations are under that number of staff, the committee can be an effective tool to support staff and management in promoting health and safety at the workplace and stations may want to explore creating one. Under section 135 (7)(e) of the [Canada Labour Code](#) there is an enshrined right of the committee to participate in workplace health and safety investigations (for employers of more than 20 people). You can see more about Health and Safety Committees on section 135 (1), (7) and (9) of the Canada Labour Code. The Workers Compensation Board of PEI in their '[Guide to Workplace Health and Safety Committees](#)' define a Health and Safety Committee as;

“ [...] groups of worker and employer representatives working together to identify and solve health and safety problems at the work site.”

More information about fitness to work evaluations can be found here at the [Professional Institute of the Public Service of Canada](#).

You can also head over to the Workers Compensation Board of Alberta for a sample [Fitness to Work Form](#).

The Duty to Inquire

If the employer notices a change in the employee's attendance, behaviour, or performance, and believe there may be a need for accommodation, the duty to start a conversation falls to the employer under the Duty to Inquire⁷, as outlined by the Canadian Human Rights Commission [Accommodation policy template](#).

The Human Rights Tribunal of Ontario explains in more detail what a Duty to Inquire is;

“the procedural duty to accommodate indicates that an employer cannot passively wait for an employee to request accommodation where it is aware of

⁷ Canadian Human Rights Commission, Policy Template for Accommodation

facts that indicate that the employee may be having difficulties because of disability; there is a duty to take the initiative to inquire in these circumstances.”⁸

Medical Information and Privacy

As this guide outlines a station’s responsibility to accommodate, accommodation may imply a need for access to employees’ medical information in certain contexts. The article [linked here](#) written by Curtis and Overhold of Fraser Milner Casgrain LLP in the Canadian Privacy Law Review in 2010 gives a lot of additional details as to what are valid reasons for gathering such information, and which information to gather.

The Alberta Human Rights Commission has also created an informative bulletin on [Obtaining and responding to Medical Information in the Workplace](#).

It is the responsibility of the employer to take in good-faith requests for accommodation. It is important to be cooperative and supportive. In making comments such as ‘he’s faking it’ or alluding that the claim is feigned for time off may create a hostile work environment.

Assess the Workplace

It is important that your station is in compliance with federal occupational health and safety standards, as found in Part II of the [Canada Labour Code](#). In the case where an employee or volunteer may have been injured at work you should review your workplace to ensure that it is in full compliance with health and safety standards.

Making accommodations for employees or volunteers living with a disability may lead to unexpected consequences. If workplace accommodations change

⁸ Sears v. Honda of Canada Mfg., 2014 HRTO 45 (CanLII) [Sears] at 144

the work environment, or any tasks associated with that environment, also affects the safety of others, you should re-evaluate overall workplace safety.

Undue Hardship

As an employer, the duty to accommodate is not without limit. Under the Canadian Human Rights Act an employer can (only) claim undue hardship when adjustments to an employee's job requirements, and/or adjustments to policy, practice, by-laws or physical space would **be prohibitively expensive or create health or safety risks [emphasis added]**. A claim of undue hardship needs to be factually supported and employers are required to demonstrate that all reasonable means of accommodation have been exhausted.

Regarding cost, an accommodation being expensive is not grounds enough for it to be considered prohibitively expensive. Employers would have to demonstrate that the cost is so great it would either change the essential nature of the organization's operation, or would substantially impact their financial viability.

When trying to assess whether or not there is an undue hardship the Canadian Human Rights Commission has suggested answering the following questions:

- Does the employee have any safety or accessibility issues to discuss with employee representatives?
- Will the employee be able to meet operational requirements?
- During the employee's absence, will the employer have to bring in another employee to perform work?
- How much money and time will the employer have to spend to hire and train a replacement employee?
- How will the injured or ill employee's absence affect other employees? Think about workloads, productivity and work quality.

- How much money will the employer have to spend to refit the workplace so the employee can return to work?
- Does the absence or accommodation result in undue hardship?
- Does the absence or accommodation conflict with collective agreements, human resources policies or other contracts, policies or procedures?




Environmental Sensitivities (Scent Free Policy)

The Canadian Human Rights Act protects people with allergies or environmental sensitivities. They are recognized as a disability and are entitled to protection from the causes of those allergies or sensitivities.

To create an accessible workplace that takes environmental sensitivities into account, there are a few steps that you can take at your radio station. These include reducing the use of chemicals, purchasing less toxic cleaning products, notifying employees and volunteers before construction or maintenance work and implementing a scent free policy.

The Canadian Human Rights Commission has a [good outline](#) of what could be included in a scent free policy.

If there is a scent trigger which causes an employee or volunteer to leave due to an environmentally sensitivity, there should be no negative impacts to their employment or position and the station should make efforts to accommodate it.



Mental Health

There are a significant number of Canadians living with mental health concerns. Mental health issues are protected just as other disabilities. These could include issues such as addictions, depression, anxiety disorders, PTSD, or schizophrenia.

Mental health concerns can have a significant impact on a station. In Canada as a whole it was reported that in 2006 the loss to the economy was as much as \$15 billion from lost productivity and absenteeism⁹. With people spending up to 60% of their waking time at work, it is important to be supportive and aware of the challenges posed by temporary or chronic mental health issues.

It is incredibly important to recognize, support and accommodate those living with mental health issues or addictions. In one case involving the Canadian Security Intelligence Service (CSIS) an employee was suffering from anxiety and depression. Instead of accommodating the employee CSIS encouraged them to retire or transfer out of the province, and CSIS were later found to have discriminated against the employee¹⁰. See the section below for guides and toolkits to support the management and employees of a station with mental health concerns. There are also additional resources available at [Workplace Strategies for Mental Health](#) (a website maintained by Canada Life).

The National Standard for Psychological Health and Safety in the Workplace

In January 2013 the Mental Health Commission of Canada (branch of Health Canada) launched The National Standard of Care for Psychological Health and Safety in the Workplace (The Standard). According to the Mental Health Commission it is the first in the world. The Standard was essentially created to do for psychological health what is already in place for physical health and safety. It is intended to identify psychological hazards in the workplace, assess and control the risks and implement practices that support and promote psychological help. You can learn more about The Standard on their site [here](#).

⁹ Baynton, M., Fournier, L., (2017). The evolution of workplace mental health in Canada—Toward a standard for psychological health and safety. The Great-West Life Assurance Company: Friesens.

¹⁰ Stevenson v. Canadian Security Intelligence Service (2001), 41 C.H.R.R. D/433 (C.H.R.T.).

The Standard is essentially a framework to help employers with productivity, recruitment, retention, performance and risk management. The intention of The Standard is to help organizations create psychologically healthy workplaces. You can download [The Standard here](#), in addition you can download the [Implementation Handbook](#). There is also a [self audit](#) that you can complete to get a sense of what needs doing. If you are still struggling with how best to proceed, the Canadian Center for Occupational Health and Safety has developed a free e-course: [Assembling the Pieces Toolkit](#), which has advice on implementing The Standard.

In addition to The Standard there are other great tools, such as the [‘Supporting Employee Success tool](#). It was developed by occupational health experts and is designed to identify work stressors, the supports available and then dialogue to address what was identified. The Great-West Life Centre for Mental Health in the Workplace has also developed a guide for business leaders such as Station Managers called: [Building Stronger Teams: Supporting Effective Team Leaders](#), A leader’s guide and activities for developing resilience for you and your team.

The Canadian Centre for Occupational Health and Safety also maintains a guide on how to create a [Comprehensive Workplace Health and Safety Program](#). This program captures physical, psychological, and organizational health.



Substance Dependence

It is important for stations to be aware that the *Canadian Human Rights Act* defines substance dependence on drugs or alcohol as a recognised disability. Those affected by this are to be treated just the same as anyone one else with a disability, through accommodation and empathy.

In an earlier part of this guide we note the station's duty to inquire. In regard to substance dependence there are some signs that can be observed by the employer. These could include personality changes, erratic behaviour, absenteeism, or reduced quality of work for example. These may be related to other personal or health issues and are not exclusive to substance dependence.

The duty to inquire as it relates to substance dependence does not mean that the employer should diagnose someone as dependent on substances. There should be a conversation with the employee or volunteers to assess the issue and outline the employer's obligations to accommodate and what policies or supports you may have in place. You can see more suggestions for that conversation in the Canadian Human Rights Commission's document: [Impaired At Work](#) on page 7.

How do you accommodate alcohol or drug dependency?

The following does not apply to prescribed medications taken as prescribed.

You may assume that accommodating requires an open bar policy. This is not accurate. Examples of accommodations could be more flexible hours to allow for medical treatment or support meetings. It could include short or long term medical leave or adjusting hours. An accommodation should be discussed between the employer, the employee and a medical professional. It is important to be open minded to potential solutions while being aware of your obligations to others in your workplace and workplace legal limitations.

A plan to accommodate your employee or volunteer should be a plan on how to return that person to work, and how to make that work to everyone's benefit. It is not a treatment plan. The employer has no right to know the details of an employee or volunteer's treatment plan. The only details that should be shared about a treatment plan are details necessary for the effective formation of an accommodation plan.

In the Canadian Human Rights Commission's [Impaired at Work](#) report they offer the following advice: "An employee cannot hold out for a preferred

accommodation if a reasonable accommodation is offered by the employer. Should an employee reject a reasonable solution that provides for accommodation, the employer will be found to have met their duty to accommodate. The employer's duty to accommodate ends when the employee is no longer able to fulfil the basic obligations associated with the employment relationship for the foreseeable future."

This area of accommodation may be revisited on multiple occasions as the result of a relapse. It is important that employers maintain empathy and continue to work in good faith with their employees or volunteers on renewing or creating new accommodation plans.

When urgent action is needed

There may be scenarios where an employee or volunteer who may be impaired through substance dependence may need to be immediately removed from the station. For example, if there has been an accident, their actions are having a serious impact on the station in the moment, or their actions are putting themselves or other's safety at risk.

It is important that a station a process is developed to outline what to do in such scenarios. The Canadian Human Rights Commission notes;

"Generally, an employee should not be removed from the workplace unless there is medical information to clearly support this. However, if an employee has health needs requiring urgent attention, or if they pose a serious risk to the safety of themselves or others, an employer should deal with this immediately. An employer should obtain legal advice when removing an employee from the workplace, and other agencies or offices may need to be contacted."

Cannabis

The legalization of cannabis in Canada did not give employees and volunteers the right to recreationally ingest cannabis at work (the station).

If your volunteer or employee has consumed cannabis and has been prescribed medical cannabis and can provide supporting medical information, it is your duty to accommodate them (as outlined above).

It is important to note that as an employer your concern should be limited to whether recreational cannabis is affecting an employee's behaviour, performance, or safety in the workplace. The duty to accommodate applies to addictions to cannabis and cannabis for medical reasons, and does not apply to recreational cannabis.

For those who are taking cannabis for medical reasons, there is additional guidance from the Ontario Human Rights Commission, which may be useful to radio stations even though they are under federal jurisdiction. The Ontario Human Rights Commission notes that in the province of Ontario vaping or smoking cannabis for medical reasons is not permitted within an enclosed workspace and employers may need to allow breaks for them to go to permitted outside spaces. Courts and tribunals have confirmed that employers can prohibit impairment from cannabis at work, including medical cannabis, at safety-sensitive jobs such as operating heavy machinery.

It is important to note that a policy which would discipline people for cannabis use (who had not disclosed addiction or medical use) may itself also be seen as discriminatory (see "Duty to Inquire").

There are no explicit rules from the CRTC regarding being impaired on-air. However it is unprofessional, and could have multiple consequences. For example, it may be perceived to be promoting those substances (there are strict cannabis promotion prohibitions). It would also likely violate section 3 of the

Broadcasting Act which says that on-air content must be of “high quality”. As a station you have an obligation to comply with the *Broadcasting Act*.

Harassment

It is incredibly important that all stations protect their employees, volunteers and guests from harassment. Harassment in this context is defined as a pattern of saying or doing something which is distressing to someone and is based on their disability, which they know or should reasonably be expected to know is unwelcome. In the case where this conduct causes its target to reasonably fear for their safety or those known to them, it may constitute criminal harassment and may lead to criminal charges.

There are many things which could be considered harassment from comments ridiculing someone’s disability related characteristics, slurs or pejorative nicknames (some outlined below), singling someone out for jokes, or disclosing someone’s disability to people who don’t know.

The NCRA/ANREC can provide a sample anti-harassment policy upon request.

Hiring and Recruitment

When hiring or recruiting volunteers there are many areas to consider to avoid discrimination. For example, when looking at resumes and work experience there may be ‘gaps’ in their work related to time needing to be taken for their health and/or disability. Excluding candidates who have these gaps could be a more subtle form of discrimination.

Another consideration is how you engage with new volunteers. Avoiding, or declining volunteers with a disability because they may be perceived to take too much time for training or too much support may also be discriminatory.

In many cases there is protection for both past, and perceived disabilities. For example, if a candidate is known to have had an alcohol addiction in the past, disqualifying them on that ground may be discriminatory.

Broadcasting Hate Content

Stations have a duty to not broadcast abusive comments under the Radio Regulations (1986), Part 1, section 3 (b) states “any abusive comment that, when taken in context, tends or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;”

The broadcast of slurs against people living with disabilities for example would be in contravention of the Regulations and could put the station’s license in jeopardy.

The Canadian Government, recognizing that there are inappropriate words, has issued guidelines for the media with some other options. The full guide can be [found here](#).



Appendix – Additional Resources

Additional resources are organized below by province and by topic. These organizations are here to help you – please engage with all resources relevant to your space.

Access Points to Provincial Resources

There are also the following Human Rights Commissions, and other organizations can be gateways to local resources. Many may offer workshops or training. Don't forget to also refer to the resources on the website for the [Canadian Human Rights Commission](#).

British Columbia

[Work Safe BC](#)

[BC Human Rights Tribunal](#)

Alberta

[Workers' Compensation Board Alberta](#)

[Alberta Human Rights Commission](#)

Saskatchewan

[The Saskatchewan Workers Compensation Board](#)

[Saskatchewan Human Rights Commission](#)

Manitoba

[The Manitoba Human Rights Commission](#)

Ontario

[The Ontario Human Rights Commission](#)

Québec

[Commission des droits de la personne et des droits de la jeunesse](#) (Human Rights and Youth Rights Commission)

New Brunswick

[New Brunswick Human Rights Commission](#)

Nova Scotia

[Nova Scotia Human Rights Commission](#)

Prince Edward Island

[PEI Human Rights Commission](#)

Newfoundland and Labrador

[Human Rights Commission of Newfoundland and Labrador](#)

Yukon

[Yukon Human Rights Commission](#)

Nunavut

[Nunavut Human Rights Tribunal](#)

Northwest Territories

[Northwest Territories Human Rights Commission](#)

Additional Workplace Development Resources

Canadian Human Rights Commission: [Report: Roadblocks on the career path: Challenges faced by persons with disabilities in employment](#)

Canadian Human Rights Commission: [A template for developing a workplace Accommodation Policy.](#)

Canadian Human Rights Commission: [A Place for all: A Guide to Creating an Inclusive Workplace](#)

Canadian Human Rights Commission: [Policy on Environmental Sensitivities](#)

Canadian Human Rights Commission: [Accommodation Works!](#)

Canadian Human Rights Commission: [Impaired at Work - A guide to accommodating substance dependence](#)

The Canadian Centre for Occupational Health and Safety: [Website for employers](#)

The Ontario Human Rights Commission: Disability - [Workplace roles and responsibilities \(fact sheet \)](#)

The Ontario Human Rights Commission: [A policy primer: Guide to developing human rights policies and procedures](#)

The Ontario Human Rights Commission: [Preventing discrimination based on mental health and addiction disabilities: An overview for employers \(brochure\)](#)

Human Resources and Skills Development Canada: [A Way with Words and Images: Suggestions for the portrayal of people with disabilities](#)

Economic and Social Development Canada: [Guide to Planning Inclusive Meetings](#)

New Brunswick Human Rights Commission: [Guideline on Accommodating Physical and Mental Disabilities at Work](#)

Appendix - Footnotes

Baynton, M., Fournier, L., (2017). The evolution of workplace mental health in Canada—Toward a standard for psychological health and safety. The Great-West Life Assurance Company: Friesens

Canadian Human Rights Commission, Policy Template for Accommodation.

Canadian Human Rights Commission. Roadblocks on the career path: Challenges faced by persons with disabilities in employment.

Canada (2015). A profile of persons with disabilities among Canadians aged 15 years or older, 2012, Statistics Canada.

McIntosh, P. (1988). White privilege: Unpacking the invisible knapsack.

Sears v. Honda of Canada Mfg., 2014 HRTO 45 (CanLII) [Sears] at 199.

Stevenson v. Canadian Security Intelligence Service (2001), 41 C.H.R.R. D/433 (C.H.R.T.).

Strudwick v. Applied Consumer & Clinical Evaluations Inc., 2016 ONCA 520 (CanLII).
