

Transcript – Getting Rights, Right!

[00:00:01.360] - Branden

Good day everyone! If you're tuning into today's eLearning, we'll be covering a brief introduction to getting rights, right. Let's get started. So, if we are going to get rights, right, we need to start with some foundational knowledge and belief. We need to remain grounded in the foundational belief that all people have rights and that really there is no such thing as disability rights, but rather they're all just human rights. And simply because someone may need support or assistance in order to know and to exercise their rights, this does not mean that people have fewer, lesser or different rights from others. And so while there isn't disability rights, there are certain protections that were put in place to protect the rights of people with disabilities. And while many of us in Canada take our rights for granted, due to centuries of historical discrimination and poor treatment of people with disabilities, it is critical that we proactively, promote and protect the rights of people we provide services to. And this history, and perhaps unfortunately, the presence of rights violations, well-meaning professionals routinely make decisions for people without consulting them. And so well meaning, people such as professionals, staff and family members protect people from harm, but also shield them from the opportunity to exercise control over their lives.

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And so again, all of this means is that we must actively and proactively protect and promote people's rights. We cannot sit back. Our support must be active and robust. At times, it can be confusing or overwhelming to explain what rights are. However, rights are really about the freedom to

make decisions and to make choices. When conducting Personal Outcome Measures, interviews, we often ask people to identify the rights that are most important to them. And the vast majority of responses is that right to choose, to choose what to eat, to choose where to work, what time to go to bed, what kind of shampoo to buy, how much coffee to drink, whether to shower or to bathe, and so on. Most of us take these day to day choices for granted. However, decision making legislation and receiving services often means that sometimes the power to choose is interfered with. Just because someone may need support to make decisions and may even have a substitute decision maker, this doesn't mean that their rights are taken away. Your legal capacity to your rights are guaranteed to all citizens and it is retained. It just means that you have formal assistance to exercise your rights.

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So for example, if people have a substitute decision maker, they still have the right to vote. Really, rights are not something you earn, you're not allowed or you don't have to pass a competency test. For we are all granted these rights under the eyes of the law. And so what do we really know about the human rights law that governs and grants us our rights? And so we want to be sure that we're all starting from the same place. Therefore, I'm going to provide a brief overview of the types and laws and statutes that guarantees our rights in Manitoba, in Canada and indeed globally. So that first landmark rights legislation was back in 1948. It was the Universal Declaration of Human Rights, which was drafted by citizens of countries throughout the world following the horrors and atrocities of the Second World War. The Declaration was a first of its kind and it stated that rights should be universally protected. And specifically to our country, we have the Canadian Human Rights Act of 1977 and this protects people in

Canada from discrimination. People can turn to the Canadian Human Rights Acts to protect themselves against harassment or discrimination when based on one or more grounds of discrimination.

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So we have race, age, gender, sexual orientation and disability was not mentioned at first, but it was folded in at a later date. So next we have the Canadian Charter of Rights and Freedoms of 1982 and this is embedded as part of Canada's Constitution. The Charter protects every Canadian's right to be equal under the law. And so the Charter guarantees broad equality rights and other fundamental rights, such as the freedom of expression, freedom of assembly and freedom of religion. So those big type, more broad rights that we all get to experience. And so closer to home, we also have the Manitoba Human Rights Code of 1987, which is similar to the Canadian Human Rights Act. It gives protection to Manitobans who may be discriminated or harassed based on certain personal characteristics such as race, nationality, age, gender, disability, etc. But interestingly, the Manitoba Code also includes such things as social disadvantage, source of income, political belief or political activity. While the Canadian Human Rights Act does not specifically spell that out. So I find that kind of interesting. So next came the United Nations Convention on the Rights of Persons with Disabilities, often called the CRPD.

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So it came into force in 2008 and Canada signed this in 2010. And so this document is particularly inspiring and powerful because it's written by people with disabilities, for people with disabilities, and it describes the world in which we all want. And so if you have not yet read the document, I

highly encourage you to take a glance. And so finally, I also want to mention that we do have provincial laws that more specifically address folks with disabilities, such as the Vulnerable Persons Act, which I hope everyone watching this has heard about. And additionally, the Accessibility for Manitoban's Act, which was passed in 2013 and is still in the process of being implemented. So this is another really important landmark legislation that will hopefully remove barriers as we move forward towards a more accessible Manitoba for all people. Something that I would like to highlight and something that is embedded in almost all of the legislation and is reinforced in many charter challenges and is something that will help ground us in this topic today is the idea of intent versus effect. And so the law says that it doesn't really matter what the intent of the law is.

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It doesn't really matter what the intent of the person is. But what does really matter is the impact on people. So, you can have the best intentions but still have the effect of restricting someone's rights. And as we move ahead with this work, we need to acknowledge that our intent is not enough, and we need to evaluate the effect and pivot accordingly. Before we trek along, we are going to take a look at a video that walks us through the highlights of the Convention on the Rights of People with Disabilities. So as mentioned, the Convention on the Rights of People with Disabilities is a particularly thorough and inspirational depiction of what we want people with disabilities to experience. So again, I encourage you to look at the CRPD documents and consider using it as your guide as you continue this work. Let's take a watch.

[00:07:36.940] - Speaker 2

We are all equal before the law.

[00:07:42.710] - Speaker 3

Women and girls with disabilities should have the full rights and freedoms enjoyed by everyone in the community.

[00:07:50.440] - Speaker 4

As children with disabilities, we have the right to express our views on matters that affect us.

[00:07:58.090] - Speaker 5

We are capable and contributing members of society.

[00:08:03.940] - Speaker 2

We have the right to physical access and information access.

[00:08:13.840] - Speaker 4

We have that right to life.

[00:08:17.290] - Speaker 5

We have the right to be rescued,

[00:08:18.960] - Speaker 5

In times of disaster.

[00:08:21.190] - Speaker 5

We have the right to equal recognition before the law.

[00:08:26.890] - Speaker 2

We have the right to justice. We have the right to live freely in the community, to live independently and be included.

[00:08:38.440] - Speaker 5

We must not be tortured, exploited or abused.

[00:08:44.060] - Speaker 6

We have the same rights as others, to choose where we live and where we travel.

[00:08:50.890] - Speaker 2

We have the right to access information and to express opinions.

[00:08:56.290] - Speaker 3

We have the right to privacy and have intimate relationships.

[00:09:06.260] - Speaker 2

Our children cannot be taken away just because of our disability.

[00:09:12.560] - Speaker 4

We have the right to education, jobs and healthcare.

[00:09:18.640] - Speaker 6

We have the right to participate in cultural and public life.

[00:09:38.640] - Branden

All right, some powerful stuff. We're going to switch gears a bit now because getting rights, one-time right can get a little bit tricky. And really protecting and promoting people's rights are not a one-time event. It's not something we can simply check off our to-do list. We can't say that we supported Joe to vote and say that Joe now exercises his rights. We know that this work is intentional and it's ongoing. If we are not proactive about this work, we run the risk of becoming complacent and repeating the history of rights violations and discrimination. So we need to revisit this topic frequently and it requires perseverance to teach people what their rights are and how to exercise them. It's not good enough to say that Joe knows he can go into the fridge anytime he wants. If Joe does not know he can independently grab food without permission, then there is still more conversations to be had. We need to be active in our supports so Joe can learn how to flex this muscle of decision making. And so we need to think critically. Why is it different for Joe than it is for you and I, and how do we advocate for this change?

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And we also need to have dedication to recognize the lapses and to help everyone get back on track. We need a way to revisit situations, have fair due processes, and have a plan to restore a right that has been limited or restricted. So now that we have this foundational knowledge, we can start to uncover the rights restrictions that some of the people we support may experience. And in order to learn more about rights restrictions, please tune into the eLearning on Rights Restrictions 101. So thank you for signing on and we'll see you soon.

