

Open Letter to the Honourable Tim Houston, Premier

February 14, 2022

The Honourable Tim Houston, Premier of Nova Scotia
Office of the Premier
premier@novascotia.ca

Dear Premier Houston:

Re: Addressing systemic discrimination against hundreds of people with disabilities.

On October 6, 2021, the [Nova Scotia Court of Appeal ruled](#) that the Province systemically discriminates against people with disabilities in 4 fundamental ways:

1. The system has **forced people with disabilities to live in institutions in order to access social assistance.**
2. There are **indefinite and years long delays in providing people with disabilities with access to social assistance** – contrary to the government’s obligation to provide social assistance on an *immediate* basis.
3. The system forces people with disabilities **to relocate** to another community in order to access social assistance,
4. Finally, the Province is **failing to respect the law** and its legislative obligation to provide social assistance to eligible persons with disabilities under the Disability Support Program –assistance required for the supports and services to live in community.

The Court found that the Province is failing to respect its legislative obligation to provide social assistance and discriminating against people with disabilities. This Court of Appeal decision comes after 7 long years in which the Province has fought people with disabilities every step of the way in a Human Rights case, begun in 2014, by Beth MacLean, Sheila Livingstone, Joseph Delaney, and the Disability Rights Coalition.

When you spoke to the media about the Court of Appeal’s decision, you committed to “do the right thing”. You said that you heard the Court of Appeal’s ruling “loud and clear” and would “work with the community to make sure the supports are in place”. You said you would not appeal the ruling, and that people with disabilities should not need to fight their government for their rights in court. When we heard you, we and thousands of Nova Scotians were profoundly relieved, hopeful and, frankly, impressed.

And yet two months later, when your Minister of Community Services, Ms. Karla MacFarlane, announced a total reversal of your position and an appeal of the ruling to the Supreme Court of Canada, we can’t say we were at all surprised. Delay, resistance, and empty talk of change have

been the Department of Community Services' response toward the rights of Nova Scotians with disabilities for decades. For two short months, we had reason to hope that you would break the pattern.

The reasons given by the Department of Community Services for this appeal are bizarrely vague. Minister MacFarlane said, "there were many significant questions". What are those questions? This is the same old playbook: the Department of Community Services once again choosing to fight people with disabilities in Court rather than work with them to end the decades of brutal and systemic discrimination.

The ruling of the NS Court of Appeal was detailed, thorough and crystal clear. Where the government is ignoring its legislative obligations and discriminating against people with disabilities, it violates their human rights.

Nova Scotia is the last province in Canada and one of the last jurisdictions in all the OECD to continue to practice mass institutionalization of persons with disabilities. Most provinces and most countries deinstitutionalized decades ago. We urge you to recognize the terrible daily and life-long suffering. This human rights emergency was *created by the policies and practices of the Department of Community Services* and is contrary to the Province's own *Social Assistance Act* and *Human Rights Act*.

We know you have received many letters and emails from Nova Scotians outraged over your government's decision to appeal this ruling, who recognize that the segregation of people with disabilities will be a lasting stain on Nova Scotia's history. And you have received many letters from people with disabilities and their families, detailing the ongoing, systemic discrimination that they continue to face on a daily basis and asking you to put this right.

Everyday, DCS continues to deny people with disabilities their basic human rights to social assistance. **You must recognize that there was nothing unique in the treatment of Joseph Delaney, Beth MacLean, and Sheila Livingstone.** Their discriminatory treatment by the Department of Community Services is the result of Departmental policy and practices, which the Court of Appeal has said are contrary to the Department's legislative obligations.

Premier, the signatories of this open letter urge you to keep your promise to people with disabilities. We call on you to:

1. **Discontinue the application for leave to appeal to the Supreme Court of Canada.**
2. Take immediate steps to implement a **systemic human rights remedy** to stop the harm and ensure meaningful access to social assistance with accommodative supports and service to live in community for people with disabilities.
3. **Remove the cap** on funding/living situations for social assistance for people with disabilities to ensure meaningful access to social assistance: "scrap the cap."

Vicky Levack

Disability Rights Coalition of NS

Signatories to the Open Letter:

Organisations:

People First Canada

People First NS (contact Charlie Lemon, President, Cyndi Carruthers, Executive Director)

People First Annapolis chapter (contact Donnie Maclean, President)

People First Yarmouth chapter (contact Donna Cox, President)

People First Pictou chapter (contact Tim Ferris, President)

People First Truro chapter (contact Meagan Negus, President)

People First Kings chapter (contact Amy Rodrigues- President)

Club Inclusion (contact Jackie Rivers)

Valley Youth Project (contact Krista MacDonald, Organizer)

Outside the Box Skills Program Society (contact Sandra Hirtle, President)

My Home My Rights Action Research Team

Global Afrikan Congress-Nova Scotia Chapter (contact Dr Lynn Jones-Chair)

Youth Project for Unama'ki (C.B.) (contact Madonna Doucette, Coordinator)

Prescott Group (contact Alice Evans, Executive Director)

Yarmouth Association for Community Residential Options

CUPE NS (contact Nan McFadgen President, and CUPE NS Executive)

Nova Scotia Federation of Labour (contact Danny Cavanagh, President)

Public Service Alliance of Canada (PSAC) (contact Colleen Coffey, Regional VP Atlantic)

Unifor Local 2289 (contact Cullen Bolger, President, and Executive Board)

Halifax Dartmouth and District Labour Council

Health Law Institute, Dalhousie University (contact Matthew Herder, Director)

Wellness Within: An Organization for Health and Justice (contact Martha Paynter)

Nova Scotia Health Coalition (contact Kathleen Flanagan, Chair)

The Youth Project (NS) (contact Carmel Farahbakhsh)

Nova Scotia Rainbow Action Project Society

AIDS Coalition of NS (contact Chris Aucoin, Executive Director)

Canadian Centre for Policy Alternatives-Nova Scotia (contact Christine Saulnier)

Nova Scotia College of Social Workers (contact Alec Stratford, Registrar/Executive Director)

Elizabeth Fry Society of Mainland NS (contact Emma Halpern, Executive Director)

Inclusion Canada (contact Krista Carr, Executive Director)

Inclusion Alberta (contact Bruce Uditsky, Chief Executive Officer Emeritus)

Inclusion NS (contact Patricia Neves, Executive Director)

Community Homes Action Group (contact Wendy Lill)

Huntington Society (contact Barb Horner, Executive Director)

Nova Scotia League for Equal Opportunities (contact Sherry Costa-Lorenz)

East Coast Prison Justice Society (contact Sheila Wildeman, Co-Chair)

Independent Living Canada (contact Kathleen Odell, Chair, Anne MacRae, National ED)

Independent Living NS (contact Carrie Ernst, Executive Director)

Canadian Mental Health Association - Colchester East Hants Branch (contact Susan Henderson, Executive Director)

Canadian Mental Health Association, Nova Scotia Division (contact Karn Nichols, Executive Director)

Canadian Mental Health Association, Halifax Dartmouth Branch (contact Marg Murray and Bev Cadham, co-Executive Directors)

Brain Injury Association of Nova Scotia (contact Jennifer Myers, Executive Director)

St James United Church's Social Justice Committee, Antigonish NS (contact Michèle Ashby)

St. Andrew's United Church

St. Matthew's United Church

Antigonish Poverty Reduction Coalition (contact Sue Adams)

Nova Scotia Action Coalition for Community Wellbeing (NSACCW) (contact Colleen Cameron)

Housing Working Group of NSACCW

Adsum for Women & Children

P.A.D.S Community Network

Halifax Refugee Clinic

Educators for Social Justice

Women's Centre Connect

Second Story Women's Centre, Lunenburg

Equity Watch

Dalhousie Student Union

Mount Saint Vincent Student Union

Dalhousie Student Accessibility Services

Face of Poverty Consultation: A Multifaith Coalition Working to Eliminate Poverty

Reachability Association NS

Halifax Association for Community Living (HACL)

Affordable Energy Coalition (NS)

Community Society to End Poverty

Nova Scotia NDP Caucus

Disability Justice Network of Ontario (contact Megan Linton)

Individual Signatories:

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Dulcie McCallum, LL.B., Member of Canada's Delegation to the UN to negotiate the *Convention on the Rights of Persons with Disabilities*

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