

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:

Kim Pate, *Independent Senator for Ontario, Territory of the Algonquin Anishinabeg*

Dr. El Jones

Sherry Pictou, *Mount Saint Vincent University*

Aliyah Campbell, *Association of Black Social Workers*

William Lahey, President and Vice-Chancellor, Professor of Law, *University of King's College*

Marion Brown, PhD, RSW, *Associate Dean Academic Faculty of Health, Dalhousie University*

Judy E. MacDonald, Professor, Director, School of Social Work, Assistant Dean Equity & Inclusion, *Dalhousie University*

Eric Crowell, President, *Benchmark Business Works Inc*

Jeff Moore, MSW, DCL (Hon) LLD (Hon), *Co-Founder, L'Arche Homefires*

Debra Moore, DCL (Hon), LL.D (Hon), *Co-Founder, L'Arche Homefires*

Karen Briand

Brent Cotter

Wendy Panagopoulos

Elaine Eye

Marilyn Manzer

Andrea Lynn

Jami Horne

Lily DeYoung

Marilyn Taylor

Rod and Lyle Hadley

D. Janette Little-Gallian

Kathy Clare

Nicole Anaka

Conar Clory

Kate Awen

Tristan Chaulk

Zachary Weeks

Laura Bain

Daniel MacDonald

Ken Clare

Roger Burrill

Nancy Taylor

Jillian Gillis

Spencer Keddy

Aislinn Perry

Spencer Mackay

Paul Vienneau

Julie Melanson

Jessica Sherman

Ryan Dillahunty

Wayne MacNaughton

David Houston

Jana Henderson

Craig Aucoin

Ian Lawless

Murray Pickering

Georgia McNeil

Dr. Wayne MacKay, C.M., Q.C., Professor Emeritus of Law, *Schulich School of Law, Dalhousie University*

Elaine Gibson, Former Chair, Psychiatric Facilities Review Board, *Schulich School of Law, Dalhousie University*

Michelle Williams, Dalhousie Provost Fellow leading the African Nova Scotian Strategy, chair Equity, Diversity and Inclusion Committee

Adelina Iftene, Health Law Institute, *Schulich School of Law, Dalhousie University*

Leah E. Hutt, Senior Health Law and Policy Analyst, *Schulich School of Law, Dalhousie University*

Sheila Wildeman, Associate Professor, Founding Fellow, MacEachen Institute for Public Policy and Governance, *Schulich School of Law, Dalhousie University*

H. Archibald Kaiser, *Provincial Advisor, People First Nova Scotia, Professor, Schulich School of Law and Department of Psychiatry (Cross-Appointment)*

Naiomi Metallic, Chancellor's Chair in Aboriginal Law and Policy, *Schulich School of Law, Dalhousie University*

Constance MacIntosh, Professor, Health Law Institute, *Schulich School of Law, Dalhousie University*

Richard Devlin, Professor, Fellow of the Royal Society of Canada, *Schulich School of Law, Dalhousie University*

Aldo Chircop, Professor, Canada Research Chair, *Schulich School of Law, Dalhousie University*

Jocelyn Downie, Professor of Law; Pierre Elliott Trudeau Foundation Fellow; Faculties of Law and Medicine; *Schulich School of Law, Dalhousie University*

Dr. Alan Warner, Professor Emeritus, *Department of Community Development, Acadia University*

Catherine Frazee OC, D.Litt., LL.D. (Hon.), Professor Emerita, *(formerly) Ryerson University, School of Disability Studies*

Cynthia Bruce, *Concordia University/Acadia University*

Lynn Aylward, *School of Education, Acadia University*

Brenda Richard, Associate Director, *School of Social Work, Dalhousie University*

Merlinda Weinberg, MSW, PhD, *School of Social Work, Dalhousie University*

Dr. Carolyn Campbell, Adjunct Professor, *School of Social Work, Dalhousie University*

Eli Manning, *School of Social Work, Dalhousie University*

Mariona Brown, *School of Social Work, Dalhousie University*

Sara Abdo, *School of Occupational Therapy, Dalhousie University*

Crystal Dieleman, *School of Occupational Therapy, Dalhousie University*

Shannon Phelan, *School of Occupational Therapy, Dalhousie University*

Carmel O'Keefe, *School of Occupational Therapy, Dalhousie University*

Andrea Chircop, *School of Nursing, Dalhousie University*

Lisa Goldberg, *School of Nursing, Dalhousie University*

Angelika Torres, *School of Nursing, Dalhousie University*

Jean Hughes, *School of Nursing, Dalhousie University*

Megan Aston, *School of Nursing, Dalhousie University*

Bailey Gerrits, PhD, *Brian Mulrone Institute of Government, St. Francis Xavier University*

Dr. Holly Richardson, *St. Francis Xavier University*

Janet Purvis, *St. Francis Xavier University*

Dr. Maureen Moynagh, *Department of English, St. Francis Xavier University*

Dr. Joanne Tompkins, *St. Francis Xavier University*

Charlie ten Brinke, MA, Angus L. MacDonald Library, *St. Francis Xavier University*

Dr. John Colton, Professor, *Head of Community Development, Acadia University*

Dr Gabrielle Donnelly, Associate Professor, *Community Development, Acadia University*

Jeff Torbert, *School of Music, Acadia University*

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

Lindsay Miller, Education and Training Coordinator, *CMHA-NS*

Holly Sanford, Communications & Development Associate, *LakeCity Works*

Pat Hawes, MSW, *Former Director of Mental Health, Hants Regional*

Susan Moore, *Public Health Nurse*

Dr. Nancy Peters, PhD

Jacqueline Barkley, MSW, RSW

Dawn LeBlanc, *Social Worker (Retired)*

Colleen Shepherd, *Social Worker (Retired)*

Lucille Harper, C.M

Thiago Buchert, Associate, *M. Lee Cohen & Associates*

Susanne M. Litke, Q.C. Barrister and Solicitor

Elizabeth Brennan, (retired) MD, Family Practice

Penni Burrell, MSW

Sandra Britten CPA,CMA

Joan Langevin Levack

