**Accessibility Law Seminar Transcription**

**Date: 13/11/2018**

**Location: Blind Foundation Awhina House, Auckland.**

**Keynote Speaker: David Lepofsky**

The following transcript is a replica of the speech given by Mr Lepofsky in written form. The contents of this transcript were taken from the recorded audio on the day of the event.

The transcript is as follows:

**David**

It’s really an honour to be invited as a guest and a volunteer for the Access Alliance and the Blind Foundation who’ve been so wonderfully hosting me and on my second time back. The first time it was a revelational experience to meet all the great folks and make friends. The second time it’s even better because you get to reconnect with them. Among them is my friend Aine, who is a real talent and I predict a real leader for years to come in the disabilities rights movement.

We got a problem folks, you got the problem, I got the problem, we’ve all got this same problem. We live in a society, you do here, I do back home, everybody does in every country, which is designed and operated largely on a ridiculous basis and that is that it’s primarily and exclusively for people without disabilities.

That’s not that anybody sat down rubbing their hands together and said let’s keep them out. They just didn’t sit down and say let’s let them in. Therefore, the buildings where we get together, the public transit that we ride, the schools and universities where we learn, the workplaces where we want to get a job, even the laws that we live under and the courts that enforce them. They’re all designed on this basis. Lately we’ve started to do better but that doesn’t fix the overall problem.

Who suffers from this? Everybody, people with disabilities are the minority of everybody. Everybody either has a disability or gets a disability. So, if anybody doesn’t have one now, it’s just a matter of time and I’d like to say that disability rights are not about what people without disabilities can generously and charitably give us, but it’s about what we can do for them. So, when they get their disabilities, they don’t have to face the barriers we’ve had to live with for so long.

The barriers we face are many in nature. Some are physical barriers in the built environment, some are technology barriers in the design of websites and personal electronics. Some of the barriers are communication barriers like the lack of sign language in places where it’s needed. Some of the barriers we face are bureaucratic, some of them are attitude barriers. But there’s one thing about those barriers they all have in common, they gotta go.

**S**o, we’re presented as a collectivity, all of you, me, whatever be our disability. Whether we’ve already gotten our disability or whether we’re still waiting to take our turn, whatever be our disability.

How do we fix it? Well, people with disabilities I’ve found in my country, in other countries and I believe in your countries. We all go through kind of a learning process. First, we start out by figuring well, if we want to change what people do, let’s educate them, let’s raise awareness, then if we inspire them and convince them they’ll change. We’ve all tried it, doesn’t work. Not because people are bad but because it’s really hard to educate and change everybody. Even if you convince some folks, they don’t necessarily have the power to change things.

So, the next option if that doesn’t work is that there should be a law against discriminating based on disability. You’ve got one, we’ve got one, it’s a great step forward, but there’s a problem, doesn’t work. Not that we shouldn’t have it and not that it’s not important, but there are two problems with most laws that just ban discrimination because of disability.

I’ve been involved in fighting for these laws and using them. I’m a lawyer and a law professor by profession so, I’ve had to live with them. Here are the two problems. The first, they require us to be as individuals with disabilities or as people waiting to get their disability. They require us to fight barriers one at a time. We’re too busy, life’s too short. Most people with disabilities have enough on their plate without fighting battles against every barrier they face.

The other problem is if you’re an organisation out there like a school or city government or whatever and you want to do the right thing, these laws don’t tell you what to do. When they’re rebuilding Christchurch, we don’t have a building code that ensures that buildings that are rebuilt, are rebuilt to be accessible. Christchurch has more of an opportunity to become accessible than almost any community I know of anywhere because they’re rebuilding so much. The horror of the earthquake can be turned into a miracle of accessibility. But anti-discrimination laws just say, don’t discriminate.

That doesn’t tell an architect or an engineer what to do. So, what we need is a law to make accessibility happen that provides the details for people to know what they gotta do. When they design a website or they design a building or they run a school or a college or a university or a hospital. We need a law that will be enforced without us having to be private, individual, accessibility cops.

That’s what we fought for in Ontario and I had the privilege of leading that fight. Now I have the privilege of leading the fight to get the law effectively implemented. That’s what two different Ontario provinces then did, Manitoba and then Nova Scotia and that’s what the parliament of Canada is in the middle of debating. I’m not here as a proud Canadian to say we got it all right and only if you could be as good as we are. We got a number of things wrong and I’ve challenged your minister for people with disabilities. A wonderful woman, Carmel Sepuloni. I challenged her for New Zealand to do better than we did. To learn from what we’ve done well and what the Americans have done well and what the Israelis have done well and what others have done well. But also, figure out what we’ve all done poorly and do better.

So, what does this mean for you? Sounds great, sounds like a good idea I suspect without seeing you that you’d nod your head and go yeah, yeah it does to me. But here’s the thing, what we as people with disabilities have learned around the world is we never get handed these laws, we have to take them. It’s our responsibility to get together, to advocate, to push. I’m a Canadian, we’re supposed to be polite, to push nicely, but hard.

So, what do we do? Well, the good news is I’m really excited to tell you this. I came here, I got approached by the Blind Foundation four years ago when they were maybe thinking about doing something like this, could we offer some advice? I gave some tips on the internet and over the phone and they came to visit us to see what we’re doing. Last year, I was invited to come and speak at a number of events during your last election. What an exciting time, you folks are really on the cusp of an amazing moment in history. The stars are lining up in New Zealand because you have a new government. A number of the coalition members have made accessibility commitments to the Access Alliance to support access legislation. You’ve got a new government which, from what I understand, is now actively considering making a decision to bring forward access legislation.

You have a disability community which has banded together through a new coalition called the Access Alliance which, has all the collected ingredients for success. On this trip, I’ve learned that you’ve got between individuals with disabilities and disability organisations and politicians and public service leaders and others in the community. You’ve got all the makings of success. But there’s something that’s gotta happen now. That is, we need the government of New Zealand to just say yes. Yes, we’re going to develop a law. Saying yes doesn’t mean agreeing on what the law will include. Step one is saying yeah, let’s do a law. Step two is holding a broad consultation with people just like you, to figure out what should go in the law, and to have a consultation that also includes business people, and academics, and people from local government, and local authorities, to all put their ideas together on what this law could include.

But I said to the Minister -- and I'm saying to anyone who will give me a microphone while I'm here -- "first let's just say yes and then let's get onto the details". Don't worry about all the details before we get to the "yes".

The last thing I want to talk about is: how do we get the government to just say yes. Let me offer you some ideas. These ideas come from a number of years of experience organising campaigns just like this, back home and learning from others who've done the same. And seeing what works, and seeing what doesn't work.

We've already got the coalition, the Access alliance, it's a coalition of 12 disability organisations which have signed on to advocate for accessibility legislation. That gets the process going. But the foot soldiers in this war, in this battle -- this is a war where no one gets injured and everyone gets helped -- it's the best kind of war there is. It's a war where everybody gets to improve. The best foot soldiers in that combat are folks just like you.

You look at me and you're figuring: "What can I do? I don't know about this legislation stuff, I don't know how you write these things, I'm just learning about it, I'm not even experienced, maybe, as being an organiser or an advocate". Let me tell you, you can do it. Because what we need you to do is to first sign up to get emails from the Access alliance -- David can you work out a way to pass a page around or get someone to go around with a pencil and get people's email addresses so that we can sign people up to get emails from the access alliance? Because they'll give you updates on what's going on and they'll give you tips on what you can do.

The second thing is, we right now really need three things to happen. And I can tell you this from watching, from everybody I've talked to and what I've seen, and what I've learned. And the three things we need to happen, each of you can help with.

We need individuals to contact their members of Parliament and the Disability Minister and tell them "just say yes", "just say yes to accessibility legislation". We need as many embers of Parliament from all the parties to hear it and we need the minister to hear it. It's not just the Minister who need to decide; the Minister has to get her cabinet on side. And that means they need to get the different parties on side. And so every member of Parliament you can phone and email will help. I'm going to gamble the first time you call up, you won't get the Member, you'll get one of their staff. And if you say "we want you to pass accessibility legislation", they're going to say "what's that?"And the access alliance can give you the tools.

But the best way to persuade them is not by using a bunch of access legislation terminology and fancy stuff like that. The best weapon you have in this bloodless war to help people -- where we don't injure anyone we just help them -- the best ammunition you have are your own stories. Tell them stories about barriers you have faced. Tell them stories about barriers you've seen other people face. And the answer is: just say yes to legislation so that these barriers can go away.

The second thing we need, is we need business people to support us. Because some Government officials or some politicians may get all nervous and shaky, thinking that "well if we regulate, businesses may not like it." So the best thing we can do is if you know anybody in business, anybody! They could be employees, they could be managers, get them to write their member of Parliament and get them to write minister Sepuloni, and say "I'm in business, and I want accessibility legislation. Just say yes."

It'd be great if companies do it, but even if we can't get companies to do it -- some will -- but even if we can get individuals in business saying "I work in business", "I work in human resources", "I work in management", whatever it is, "I work in sales. I want accessibility legislation so we can sell to more people!"

Any of you, if you know anyone -- friend, family member, stranger that you pester on the bus -- I don't care who it is. Every bit helps.

The third thing we need is, we want to get local authorities to support this, so if any of you know anybody on any city Council, get them to write the Minister too. If they'll write and say 'I'm a city councillor in Auckland (or wherever) and I support accessibility legislation. Just say yes."

Let me conclude with two quick thoughts, and they are these.

Number one. Accessibility is good for everyone. Everything that becomes more accessible to us helps everyone who will get a disability later.

 I had to fight a case to force the Toronto Transit Commission in Toronto to audibly announce all subway stops, and all bus stops. Of course blind people liked the announcements when I won, but most of the positive feedback I get is from sighted people. Sighted people can't see the street signs when it's snowing out. Sighted people can't see through a crowded bus or dirty bus windows. Sighted people would rather be looking at the book they're reading and then just hear the stop announcements. What helps us helps everyone. Not only everyone in New Zealand, but as I've pointed out to senior officials in your Government, there are upward of a billion people with disabilities around the world. I bet New Zealand would like them to come to this country as tourists and spend their money here. Well, you're going to have to do something about accessibility in the hospitality and tourism business to get there. Accessibility should make New Zealand money. It's good for people, it's good for everyone, it's good for the economy.

The other thing I want to tell you -- and I've seen this from literally everywhere I've had the privilege of speaking, in my country and in some other countries. There is enough talent, and enough energy in this room to make the difference. We don't need thousands or tens of thousands. A few people getting on the phone, sending emails, sending facebook posts, whatever you prefer. I'm big on Twitter (if any of you are on Twitter it's @DavidLepofsky, feel free to follow me).. and we got folks in Canada who tweet about your New Zealand Access Matters campaign. You have people in New Zealand who tweet about our campaign up in Ontario. Let's band together. You can do it.

It may feel like it's impossible, and my environmentalist friends hate when I use this comparison, but winning a good law is like hopping down a tree. If there's a big tall tree in front of you and you put both hands on it and try to push, you can't knock it over; you can't move it at all. If you pick up an axe, and you swing it as hard as you can once, you don't knock it over; you make a little dent. But we know that even though knocking down a tree may seem impossible, that you alone with the axe swinging hard enough, swinging often enough, and aiming properly ... You can chop a tree down. Not only that but if it isn't just you alone and it's two people together with two axes, you can do it twice as fast as long as you're really good at aiming for the tree and not each other. If we work together. And we know that as impossible as it seems, that tree can come down. Well, every time any one of you picks up the phone and calls your MP and says "just say yes", that's a swing of the axe. Every time one of you signs up to get Access Alliance emails, that's a swing of the axe. Every time one of you talks to a friend who's in business and gets them to send an email to Minister Sepuloni saying "just say yes", that is a swing of the axe. Every time any one of you tells a story about a barrier you face to show why we need access legislation in New Zealand, whether you tell it on Twitter, or you post a video on Youtube, or Instagram (I don't know what Instagram is but I'm told it's good), that's another swing of the axe. There are enough people in this room that if you swing those axes, and make sure you're not swinging them at each other, you'll get this Government to say yes. And you will succeed. It's been done in other places and the stars are lined up for it to happen here. So let's work together and let's get success to come from stars that are aligned to stars that shine on a victory.

I thank you all for the chance to speak to you and I would welcome the chance to answer your questions. Kia Ora and thank you very much. [Applause.]

David Lepofsky: Questions and Answers

Shirley: I am a bit of a devil’s advocate. What do you do when people try to cut you off at the knees?

David: I am a lawyer so most of my clients make me a total devil’s advocate. You know what, I don’t stop. If I can’t persuade one person that’s fine. I don’t need to persuade them, I’ll move along. I work on the basis that this is how I think of organising a community organisation. In the disability community we are a high speed train and we know where we are going. We’ve got several choices. You can climb on board and help us move forward, love you to do it. You can climb on board for the ride, we’d love to have you along. You can stand on the side and watch us go by. We’ll wave. The one place you don’t want to be is on the tracks in front of us. My experience is that we should be happy to take our message to people who are prepared to listen and make our presentation. If they agree fine, if they don’t, it’s a democracy, let’s move along. If they don’t agree now they sometimes come back and agree later. I dealt with a government in Ontario about 20 years ago that was not very friendly to our issues. When they were later defeated at the polls and another government was elected that was more responsive to our issues, the unresponsive party voted for access legislation they themselves weren’t prepared to pass. I later had members of the legislature who had been in that not so supportive party when they were no longer in politics say they were scratching their own head trying to figure out why they were so opposed. They came around. You run into someone who doesn’t want to listen to you, then let’s move along to the next person. You are approaching a business person; if they are not prepared to support you, they don’t want to realise they are going to get more customers if they are accessible to people with disabilities. They are going to be able to retain their employees longer if they have an accessible workplace as their workforce ages, if that doesn’t interest them then it’s a democracy. Great, thanks for your time, let’s move along. That’s my best advice to you, and that’s just not devil’s advocacy, its good advocacy. Fantastic question, thank you.

Rachael: I am speaking to you through a NZ sign language interpreter. I have many roles within my community, I am a psychotherapist so I do psychotherapy with people. There are many, many barriers for the community that I work with, in educational society and also in the rest of society. Your presentation today was so beautifully visual for us deaf people in the way you presented it. The analogy of the tree was so beautifully put to us so thank you so much for that. It was put in a way that we could understand. In terms of service providers, they represent us at the DPO’s, they just follow the (indecipherable) so the government organisations listen to them. So sometimes we have barriers in terms of representing ourselves, so is there any way to get past those service providers. They are protecting their business interests at times. Sometimes the tree might have small shrubs surrounding it but you can’t get to the tree. You can’t get past the shrubs that are blocking the tree.

DL: That is a fantastic question. I am going to suggest to you two thoughts – the first thought, if my message to government is just say yes, my message to the disability community, and this is a blind guy talking, keep your eye on the ball. And the ball right now is convincing the government so if service providers are advocating that is great, if DPO’s are advocating for access legislation that’s great; if individuals want to advocate but feel that they don’t like the way either the DPO or the other service providers are advocating get on your computer, send your emails, set up a meeting, meet your member of parliament, convey the message through your stories. I think that we are strongest when what government sees coming at them in this peaceful non-bloody war, we help, we don’t hurt, we see there’s organisations with big names and DPO’s with big names, and a whole lot of people with disabilities with individual names because the big magic letters, you know the letters PWD, People with Disabilities. I use the letters VWD, voters with disabilities. Organisations don’t vote, we do. In my experience Rachel when I go to standing committees and I meet politicians or I talk to reporters, I talk about policy but do you know what they really sit forward and listen to – stories, actual barriers. Real live situations, and that is where we are strongest. My advice, we keep our eye on the ball, on the target, by bringing our own message forward. We will never all be unanimous, I never aim for unanimity in the disability community, I aim for harmony. As long as we swing the axe at the tree and not at each other we are making progress. Other people may use different axes and some people may be more demanding, some people may use stronger language, that’s democracy, that’s fine. The other thing I want to tell you Rachel is this; I found since starting about 20 years ago that one of the most powerful ways to convey our message to the government and the media is if we get you, and me, and someone in a wheelchair, and someone with an intellectual disability, together to speak. The way we advocate is like this; you Rachel advocate for Braille, I advocate for ramps, the person in the wheelchair advocates for plain language, and the person with an intellectual disability advocates for sign language. I don’t need ramps and I don’t need plain language, and I don’t need sign language. You don’t need Braille. But if you are arguing for Braille and I am arguing for sign language, the message for Government is that we are in this together. We will not be divided and what we are all asking for is actually the same thing. So we won’t be divided or played off against each other so we are a united front. And by the way there is nothing freakier than a talking guy who can hear arguing for sign language and a deaf person who can read print arguing for Braille. They don’t know what to do with us. So those are my two suggestions for how we do it. I think there are times I’ve met with politicians in my country and I try to come up with, because I lead a coalition, with a consensus position to recommend to the government. But there are some officials and organisations who think we should be asking for more. I don’t go to those people and say be quiet, we have a consensus and please don’t interrupt. I say to them, talk louder because for one thing it makes our position quite reasonable, and I tell the government I think you want to do what we want to do because there are a whole lot of people out there who think you should be doing a whole lot more. I will talk to my colleagues who are asking for more, and are asking in a more assertive way, and I don’t say quiet down, I say speak up! It helps the cause. Those are just a few strategy thoughts that might help you.

Chantelle Griffiths: You have touched on us as a community advocating to government organisations, local body councils and similar, my question relates to how do you engender that confidence or the ability to be comfortable sharing your stories within the disability community itself. I see a really big gap between its great that we are sharing our stories, but how do we, as people in this room who are able to do it, encourage those around us to do it who may not be in the position to.

DL: That is a spectacular question, here are some ideas. I like the idea of finding a buddy and teaming up so if we are going to call a politician or meet with a politician lets team up. One of us may be a little more confident and used to it like me because I’ve been doing this for decades and as a lawyer I am trained to be a big mouth. By the way I am involved in an organisation of blind lawyers so what do you call it, an organisation with no eyes but a lot of mouth. We go meet and we say there’s going to be two of us, and I will work with the other person and ask them to tell their story. If they need help I will suggest a question and answer rather than you make a speech. Tell me your name, where you go to school, what’s it like going to school, what disability do you have, have you faced any barriers, what did you ask for, what did they say, how did you feel. I know, it sounds like a lawyer but it’s like questioning a witness. Not in an antagonistic way, but in a friendly way. They are viewing it like a reporter does, bring out their story. Before you do it in their office do it here. We did an activity you might want to do where we brought a group like this together about 25 years ago as a political action laboratory. We got people to sit around in circles and pretend they were with a politician. In fact we got a couple of retired politicians to come in and do a role play in front of the meeting. Just go through it because it becomes a lot easier once you have done it once even if you are practicing. One thing we are all good at is telling our own stories. All this other stuff is more technical things and that’s not unimportant. I believe in crowd sourcing the technical stuff too, I think our strongest weapon in persuasion is our stories. If I call a reporter and give them a big story I am asked can you get someone that happened to. Does that help?

Can’t hear name: There is an organisation in New Zealand called Healthline that works with all DHB’s, I have been offered an internship. The woman I spoke to said yes to accessible legislation and she has asked me to potentially work on a big project where they start to integrate to more accessible options, developing more accessible portals for patients, and staff, especially as we get an older generation working and otherwise. My question is, where are the resources I could potentially draw on or suggest for that project, it will happen regardless.

DL: Do you mean resources that you can use to make health care more accessible? I will give you a couple of suggestions – My coalition got the government to agree, it took years, to develop a health accessibility standard or Disabilities Act. That work is now on hold, the government freezing things. We did a brief on what are the barriers in health care. I wrote this over two years ago. We can give you that. If you search on accessible health care services on the internet you will find there is a lot of work. I believe that the access board in the United States has developed recommendations for standards, I believe they have developed a standard for accessible diagnostic equipment. I think if you do a search in the United States you can find on online some best practices. You might check the American Hospital Association, the Medical Association, sub governing professions may have done that. We are in the middle of doing a scan that is working on this now and if you would like to sign up to get our updates, and I can tell you how to get them from Ontario, you will eventually see that we will start putting out some work but it’s in an early stage. I was at a conference in California a couple of years ago. There are companies there that are working with the hospital sector to remediate their websites. Increasingly in some medical offices you go in and fill out a form of your medical history. They are now doing it on tablets. Some of these companies are consulting to make sure those are accessible. There is work being done and it’s findable, but it just takes some online research.

Question: I am asking because I am visually impaired

DL: It’s just constructing the right google search and you’ll find stuff. I gave a lecture at my law school on accessible health care, what we need, a few months ago. If you reach out through Dianne she will be able to get you a link to the audio.

Nicola: It’s a privilege today to be sitting behind a big group of deaf people. It made me reflect that soon after I arrived in New Zealand a lot of these people had been heavily involved in campaigning for the New Zealand sign language legislation, for sign language to be an official language. One of the things that struck me about that campaign was the power of the people involved, particularly a lot of young women and the impact that campaign seemed to have on them, not just as individuals, but as a community. People were successful in that campaign. They seemed to grow in confidence then went off and did all sorts of other marvellous things as a result of campaigning together. I have been a long term activist and campaigner in lots of community campaigns and it strikes me that one of the really important things about this campaign is it is not just about the law, but about the way that we transform our communities through the campaigning that we do. I was wondering what your experience was David, what you can share with us. I also think one thing is to go back and talk to our deaf community here in New Zealand about what they did to get the legislation, but I am really keen to hear your experience about how to involve all disabled people at the grassroots. Not just in telling their stories, but about being actively involved in the campaigning and controlling the campaign from the grassroots. We need to have that long term impact on our communities so that we are networking in a different way, we are doing the things you talked about so deaf people, blind people, people in wheelchairs getting together in a new kind of way to recognise our interests, to campaign for them. In the process of that transforming we can learn how our community operates at the grassroots.

DL: Another excellent question. I will give you a few ideas. First, I believe that to be effective this campaigning has to be fun. I don’t actually do protests, I am not against them, I just don’t do them because when we get together we are suddenly told we have to be angry for a few minutes. It looks silly, and I don’t know that anybody has ever been persuaded by it. If you are lying in bed at 10 at night watching the news and they film a bunch of people looking angry, that doesn’t tell me anything. I like coming up with events where we are smiling and having fun but we are still making our point and it can be clever. I like doing events where we work together, cross disability strategies. On the other hand some folks want to do it some other way. I have no trouble with that. If accessibility laws are done right you are going to be in a permanent campaign because here is how it goes – phase one, the just say yes campaign to get the government to come forward and say we are going to do accessibility legislation. That itself is a campaign with a simple answer, yes or no. Once they say yes the next phase is the government consulting on what the law should include. That requires us each to come forward and advocate for the kind of barriers that need to be fixed, the kind of features we need in the law to make it good. Now drawing on our experience back home I can tell you something. We can sometimes be elitist and think that we know everything and those who aren’t lawyers should just leave it to us, I don’t believe in that. I‘ve been reaffirmed in my belief because my coalition will put out a proposed brief or a proposed discussion paper and they will hear back from people. People without disabilities will read it and my belief, and I am not the lawyer to my coalition, I am the chair, but I believe we have to put out information about our options and people have to listen to them, read them, learn about them, explain them clearly, and those people can come forward with their views. With the bill that is before the House of Commons in Canada right now there are a number of deficiencies, We put out a paper identifying them, a couple of other organisations read them and there has been a substantial consensus when the government held public hearings. We are not controlling what everybody says. Everybody says what they want to say, but you know what, it all sounded very similar because we did our job of identifying good points and other people did their job of looking at them and finding if they were persuasive or not. Do you follow me? So that will be the next phase and there will not be unity. If the government says yes we will do it there will not be unanimity among people with disabilities on what the law should include, nor do I think there should be, nor do I think it matters. I like a place where people can share their own opinions and they may not agree but as long as we are working together in harmony, not swinging the axe at each other but swinging it at the tree. When the government comes forward with the bill the next stage will be to go to the public with hearings before a select committee to focus on the priorities that need to be fixed. Sometimes a disability group will focus on a need that is specific to their disability, that’s fine, there’s nothing wrong with that, but sometimes we will all speak together about common concerns. Is the enforcement good enough, are the timelines good enough, and so on. Then after the law passes there is going to be a process under the law, where if they design the law properly the government will have to develop regulations called access standards where they say what public transit has to provide or what schools have to provide, or what hospitals and health care have to provide to be accessible. We are going to have to come forward again to have our input there, that’s not bad, that’s fantastic, and those consultation processes draw us together. They bring us in. The coalition I led from 1994 to 2005, we didn’t create the impetus for the law. A friend of mine, Gary Malkowski, he was the first deaf member of a legislature in our western democracy in 1994. He introduced a private member’s bill in the Ontario legislature and his bill brought us together. And our coalition formed because he introduced the bill and we all came one day to a public hearing in a legislative committee. Then we walked down the hall, Gary booked a room, and we formed our movement. That’s how it started. We didn’t create the bill, the bill created us. And then we moved forward from there. You folks need to get out there and take the actions I am talking about today. If you do, once the government says yes the momentum for what you are talking to me about is going to happen. And believe it or not it will be induced by the government, by parliament, followed by the legislative process. You come forward and give them more ideas. And keep advocating.

Can’t hear name, Indian accent: I am a social worker advocating in a community for human rights and injustice and so on, can you comment on this one. (Indecipherable) There is no constitution in New Zealand (indistinct). When I ask I am told we don’t pass legislation in the way that (indecipherable) It just evolves or something.

DL: I can’t comment on New Zealand because I’m not trained in and I have not researched New Zealand law but I understand you have an anti-discrimination human rights law and it includes disability discrimination as something that is forbidden. An accessibility law would be designed to just make that right and become a reality. And yes we have a (bill?) of rights in Canada, its part of our constitution. That only governs what governments do, and those who provide government related programmes. It does not provide for what a private business does if they are not providing a public sector programme. When they originally proposed our constitution back in 1980, it included equality but not for people with disabilities. I am privileged, among many others, to fight to get that amended. We did, but I can tell you we have never brought a disability constitution thing of right, I might, but I haven’t until now. I’ve used the human rights code, the anti-discrimination law in my battle against the Toronto transit commission, it’s helpful when you have them but you can move forward using other laws. Our aim here is to come up with an accessibility law which helps to move things forward without us having to be the private accessibility cop.

Juliana: Looking very positively towards creating legislation and having a disability law in New Zealand, but that won’t change much regarding access to work. If you still have attitudinal negativity towards disability. So my question is what is your opinion on having a quota system to secure employment for people with disabilities?

DL: Your questions are fabulous. I need to answer that in two parts. First, I am not a proponent for hiring quotas. I don’t think they work. I think they have some downsides. They create a cloud over someone with a disability as they got hired not because they can do the job but because they have a disability. I do believe in employment equity, a concept that was developed in Canada. New Zealand passed legislation a few governments ago I think, may have been watered down or repealed, I don’t know. That’s where we require employers to increase representation but not using a quota system. It’s a longer conversation. But there are other ways I think you get to equal employment opportunity through legislation. The former lieutenant governor of Ontario who himself has a disability said a few years ago, and I have quoted him about a million times, that the unemployment rate facing people with a disability in Canada is not only a national crisis but it’s a national shame. What do we do about it? Well there are several things. With accessibility legislation you can enact an accessible employment regulation. Ontario did but it’s a weak one. We have actually put forward detailed proposals on how to strengthen it, so far our Government has not listened to us. I believe that the workplace of five years from now, or seven years from now, can and will look very different from the workplace of today. The same way as the workplace of today looks very different from the workplace of 10, 15 or 30 years ago. We are using different technology, our jobs are somewhat different, we are not using the same secretarial support we used to. We work in different places, we work from home, or from an airplane or wherever we are using our mobile devices. Work has changed and the technology we will use in the workplace five or seven years from now, it has not been purchased yet. It’s not been ordered yet, it’s not even been designed yet. I believe that managers and those who operate in places of employment in the public and private sector, if they were to decide now that their workplace of 5-7 years from now will be a barrier free workplace they could do it. And I don’t think it’s going to cost much at all. I think it’s going to be a money maker. But we need an accessibility regulation that requires that and says what they are going to do. So that’s one part. The next thing is, we cannot think of disability employment in a vacuum. You can’t get a good job if you can’t get a good education. Therefore we need strong accessibility legislation that tears down the many barriers that face students with disabilities in schools, colleges and universities. You can’t get a good job if you can’t get to work. We need strong accessibility regulations to tear down the barriers in public transit. It’s not a bunch of silos, they are all connected. Canada’s national minister for accessibility, for people with disabilities, Carla Qualtrough, she is a visually impaired lawyer, with a human rights background. I hadn’t met her before she took office but get it, lawyer, visually impaired, human rights background, sound familiar. As soon as we met it’s like we had a lot in common. She said that in her design for Canada’s new promised accessibility legislation, she wanted employment to be a centrepiece of it. But not by thinking of these things in silos. When an employer tears down accessibility barriers that impede their customers, these same barriers impede their employees. If you go to a hospital and you can’t find an accessible washroom, and you need an accessible washroom, that hurts doctors, nurses, hospital staff with disabilities, patients, family members, everybody else with disabilities. We all use the same washroom, or would like to. But the other thing is I also believe you need a pro-active employment strategy. Our government in Ontario said they were going to but most of what they did turned out to take years to do, to get started, and was quite weak. Here’s one strategy I believe in. This is something I can’t give you any data on, but I can tell you I think it makes sense. When a person with a disability goes to a workplace and applies for a job, I suspect that at least some employers will think to themselves should I take the risk. Now I don’t like thinking of us as a risk, I like thinking of us as an opportunity. But’s that the world out there for some employers. To answer the question for the employer, who are the employers most likely to listen to? The answer is other employers. If you could walk in with a job reference, a letter of reference, you are in a way better position. If another employer can say I didn’t want to take a risk but I did, I don’t like this risk language, but I am using it. If another employer says I took a risk, and I was sceptical, but this person turned out to be great, I think you should consider them too. That’s who the employer is going to be most effectively persuaded by. If you are a young person with a disability you have got a problem. Until you get that first reference you are going to have trouble getting a job. But you need that first job to get that first reference. So what do you do? About 2-3 years ago the government of Ontario announced from a speech from the throne, that they were going to have, this is not a disability announcement, to ensure in our schools every student somewhere between kindergarten and grade 12 got an experiential learning opportunity. That’s work, learning on the job, Getting placed with some kind of employer getting some kind of work. I thought it was a great idea but for us it won’t happen unless they get out there and provide support to ensure that students with disabilities get the chance too. Employers won’t take a risk if we don’t cost anything. It was my view as a result of this that I decided to advocate, and my coalition has asked that a key component of an employment strategy for young people with disabilities is mandatory, learning on the job experiential learning for students with disabilities. Because if we can get in there, not as free charity but as a part of a broader government programme, work placement, and we can have the school board provide the appropriate support so it is a success, as you can’t just leave it to the individual employer to figure it out, so we make it a success and then we get the letter of reference. And that letter of reference is like a piece of shining gold to get into the first competitive job. So I think that’s an important part of a new employment strategy. Is anybody listening to me, no not yet. Will this stop me, nope.

Josh: I would like to ask you, money aside, no barriers, if you could develop some sort of way where, because the overarching thing is what employers, as the ones who depend on photons as you describe to us, if you could develop three pieces of technology that would be used for infrastructural issues and advocacy to ensure that all bus stops and train stations are read out, to solve infrastructural issues such as walking across a road with a dead light not working. That’s hard enough for people in cars, for us to figure out when to go if it’s not beeping or only goes green. What sort of aids can we put in place, your dream three.

DL: You are asking what changes to the built environment would I want. Or what would I use to persuade people without disabilities?

Josh: What three pieces of technology would you create to give them that perspective?

DL: To get them to understand? I don’t need three, I need one. It’s called You Tube. Go to You Tube and search on Lepofsky and accessibility problems. You are going to see that my coalition made 3 videos. I love being the videographer, ok, I didn’t shoot the videos, it was on my phone but I had a person helping. We picked 3 different things, in two of them we went into buildings, brand new buildings, and the third we went into a bunch of transit stations. Brand new or recently renovated. We exploded the mythology that old buildings might have accessibility problems but new buildings we know better. I walked around and we shot examples of barriers, we then wrote a script I narrated. The videos are in multiple lengths, there are 30 minute versions for the architects, 12 minute version for someone who wants something briefer, in a couple of cases we do a 4 minute version for people who really just want to see a little bit. In all these cases it just showed what they did right, what they did wrong. These videos, our first one came out 3 years ago this month, second one came out a year ago, and the third one came out right in the middle of our election campaign, the transit one. They have all got thousands of views, they have been picked up by the media, I mean, one of my videos got on radio. How does a video get on radio? I narrated the captions, I narrated in a way that provides you with sufficient information so that a blind person can follow it too. The first video I didn’t and I realised I only know what’s in there because I was there. The first one we shot on the spot, we didn’t even plan a video until we got there. These become very powerful tools. I have shown one of them in a couple of talks I have given here. I can just feel how the audience is convinced. Sighted people are persuaded by what they see. What’s also great is they provided my coalition with a platform to show the built environment is not just about wheelchairs, although there are wheelchair issues, we could show how barriers relate to all of us. On one of them, for our colleagues here from the deaf community, there is a problem in one of them which I picked up is also a deafness barrier. I got an email after we tweeted this video out from someone in the United States deaf community who said that really stinks for us too and that’s a great point, we missed that. It helps build. I will give you an example, this is one I don’t have in the videos but just to give you an example, they are designing and planning to build a huge new courthouse in downtown Toronto, criminal courthouse, and they weren’t going to consult people with disabilities until we made a fair amount of noise. And then far into the design process consulted us. One of the features in the building is the first three stories are an atrium. There will be some courts on some of the floors but you know, railings and a big open area so a number of us pointed out how this becomes an accessibility problem for so many different people with disabilities. There is an elevator so there is level access to each floor, fine, and there are no steps to get in, but there was a big flight of steps going up with open risers, which is a tripping hazard for blind people and other people who aren’t looking, that’s everybody, there were floor to ceiling windows for three stories. That’s a horrible glare problem for people with low vision. The open atrium has an echo problem which is horrible if you are using sound to navigate, it’s horrible for people who are hard of hearing. It’s also horrible, we found out, for people with autism. Between the light and the echoey sound it can be sensory overload. We tell the architects about this, and they are looking at us like, this is part of the plan of the building. We said, no it shouldn’t be. And then we added one more layer. We said this is a criminal courthouse, so on the third floor are going to be people in a courtroom in a criminal case testifying about awful things they are accusing people of. It may come as a surprise to some of these architects, but not to me as a former crown, that some people in criminal cases have anger management problems. When they leave that courtroom and see a witness that just testified against them standing by the railing behind which there is a three story drop, this is not just an accessibility problem, this is remarkably stupid design. Well the architects told us openness is an expression of the grandeur of our justice system. And I said not if you can’t navigate it and you can’t survive it. Why do I tell you about this, because it brings it all together. Accessibility in buildings, steps and ramps are important. Here the problem is for people with low vision, or no vison, or hard of hearing, or autism, or mental health issues. We brought it all together, not just me, a bunch of us around the table. That’s the story of our lives. I said to them, do you want this building in our video if you build it. Here’s what they said and what we did. So my answer to your technology is You Tube is a place where you can pick up a smartphone, record a video, and Twitter is a place where you can take pictures and tweet them. We actually have a campaign going. I will tell you about this. If you are not on Twitter there is some fully accessible twitter apps for blind people. Totally screen reader friendly. I love Twitter. Our law in Ontario is called the AODA. Stands for Accessibility for Ontarians with Disabilities Act. We came up with a Twitter campaign called AODA fail. You search on Twitter for the hashtag AODA fail and you will find a crowd sourced collection over two and a half years of accessibility screw ups. That really has brought a lot of attention to it.

I will conclude by telling you a story of how we got the AODA fail campaign started. I love this story. I was in Las Vegas, not gambling, speaking at a conference of the American Council of the Blind. Before I gave my speech we had a gathering of people who wanted to talk strategy, for advocacy. A woman from Hawaii said there’s a restaurant she likes to go to. But they keep refusing to allow her in with her guide dog. What can she do? She tells them it’s illegal, she calls the police, she keeps having these fights. This is where I got the idea. I said to her, do you have an iPhone. She said yes, I said do you know how to turn on the camera. She said yes. I said you set it to video, and you are standing at the restaurant and you hold up and you say I am standing at the Lepofsky restaurant in Honolulu and its November 13th 2018 and I’m talking to, excuse me sir, what’s your name, I am videoing you. You own the place or you are just the manager. Can you tell me because I am blind, do I have it aimed right at you because I want I to get a good video that I am going to send to the newspapers and television stations. Now did you tell me you won’t let me in because I have a guide dog? And I told you it’s illegal, right, you remember I said that, now is my camera still aiming at you. Now what’s going to happen? For one thing the poor person is going to freak out because a blind person is filming them, but secondly either they are going to say come on in and you win, or you have got a great piece of video to post on You Tube and I think that’s a guaranteed TV story. I got a call one day from a reporter who said we’ve got a story about someone parking in a disability parking spot. Now the media never covers all that because it happens all the time. If I called the media and said there is someone parking in a disability spot they would laugh and hang up. Someone took a picture and sent it to the newspaper. It was a police car. In front of a doughnut store. All you need is a smartphone, email and Twitter and you can accomplish a great deal. Thank you all very much, it’s wonderful to meet you all and best of luck with the campaign.