

December 8, 2020

Hon. Adrian Dix  
Minister of Health  
PO Box 9050, Stn Prov Govt  
Victoria, BC V8W 9E2  
[HLTH.Minister@gov.bc.ca](mailto:HLTH.Minister@gov.bc.ca)

Dear Minister Dix,

Disability Alliance BC (DABC) would like to extend our congratulations on your re-appointment as Minister of Health. Our organization has a long established and positive working relationship with the Ministry, including most recently in May this year when the Ministry considered our request to make Covid-19 policy explicit in granting entitlement for people with disabilities to have essential support persons present in health care settings. We have appreciated the Ministry's quick response to health policy during Covid-19 and look forward to continual engagement between us as we work to address the issues facing people with disabilities in BC.

DABC would also like to take this opportunity to outline the current, pressing issues we wish to see reflected in policy change:

### **1. Long Term Care**

DABC requests that the Ministry commits to improving long term care (LTC) services in the province which reflect the voices of people with disabilities. We note that your mandate letter makes several commitments for improving LTC, but which is aimed at seniors, who are not the only demographic which uses this service. Working-aged adults with disabilities who have no other care option than to live in long term care facilities are faced with care that is designed for seniors, and simply does not meet their needs. As the province looks to "build back better," the voices and needs of these people with disabilities must be considered.

## **2. Mask Accommodations for People with Disabilities**

DABC requests that the Ministry, in collaboration with Dr. Henry, BC's Provincial Health Officer, provides stronger, clearer direction to businesses operating in public spaces when interacting with people with disabilities who are unable to wear masks. DABC is concerned that this group is being excluded from certain spaces or being otherwise stigmatized for not wearing masks. Some people with disabilities cannot physically put on a mask or cannot wear one due to breathing issues or mental health issues. Many people who wear hearing aids have expressed concern that putting the elastic around their ears affects the volume or causes the hearing aids to come out. We are also hearing from people who are Deaf or hard of hearing who rely on lipreading. Since the recent Public Health Order which obligated the wearing of masks in all public spaces, DABC believes it is the responsibility of the Provincial Government to issue direction to businesses on providing accommodations to people who cannot wear a mask due to their disabilities.

## **3. Independent Mental Health Advocacy Services for Mental Health Detainees**

DABC requests that the Ministry, in collaboration with the Attorney General, create a legal aid service which provides independent legal advice and advocacy to people who are detained under the Mental Health Act. In March 2019 the BC Ombudsperson made this recommendation<sup>1</sup> and the BC Attorney General committed to seeking the appropriate funds to establish it; however, the service has not yet been created.

In connection to the above request, DABC also requests that the Provincial Government does not move forward in re-introducing Bill 22 to the Legislature without prior, comprehensive stakeholder consultation. Our organization is concerned that the amendments to the *Mental Health Act* that were proposed in Bill 22 may result in detention of young persons without due process. DABC hopes that the establishment of the above aforementioned legal aid service will be included in any future proposed amendments to the *Act*.

## **4. Covid 19 Triage Protocol**

DABC requests a copy of BC's Covid 19 triage protocol, to ensure that people with disabilities are not discriminated against receiving care in event of a surge of COVID-19 cases. We are concerned that if a surge results in a shortage of resources, the protocol may result in some people being excluded from receiving potentially life-saving care based on their disabilities. We are aware of the government's Ethical Decision-Making Framework for COVID-19,<sup>2</sup> but it does not provide any detail about who may be excluded from care if there is a surge of COVID-19 cases.

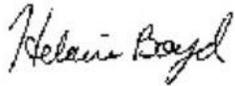
---

<sup>1</sup> BC Ombudsperson's Special Report No. 42, *Committed to Change: Protecting the Rights of Involuntary Patients under the Mental Health Act*, March 2019.

<sup>2</sup> [https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/ethics\\_framework\\_for\\_covid\\_march\\_28\\_2020.pdf](https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/ethics_framework_for_covid_march_28_2020.pdf)

Thank you again for your consideration of these issues. We welcome further dialogue to engage with yourself and the Ministry on ways to positively impact the lives of people with disabilities.

Sincerely,

A handwritten signature in black ink that reads "Helaine Boyd".

Helaine Boyd  
Executive Director, Programs and Policy  
Disability Alliance BC

A handwritten signature in blue ink that reads "A.M. Robb".

Andrew Robb  
Staff Lawyer  
Disability Alliance BC

CC: John Horgan, Premier  
Stephen Brown, Deputy Minister  
Mable Elmore, Parliamentary Secretary – Seniors' Services and Long-Term Care