



HELP WANTED ENDING SHELTERED WORK IN CANADA

Transitioning to inclusive employment for people intellectual and developmental disabilities

A photograph of a white rectangular sign taped to a window with four black corner mounts. The sign has the words "HELP" and "WANTED" printed in large, bold, black, serif capital letters. The word "WANTED" is underlined with a thick black horizontal line. The background behind the sign is a blurred indoor scene with warm lighting and some red and yellow bokeh lights.

HELP
WANTED

APPENDIX

From IRIS — Institute for Research and Development on Inclusion and Society

Institute for Research and Development on Inclusion and Society (IRIS), Oshawa.

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Informed by the systemic exclusion that people with intellectual disabilities and other marginalized groups face, IRIS's mission is to seed and support transformative social development. Guided by the principles of full inclusion and human rights, we carry out research to identify issues and policy options. We foster social innovation to re-imagine inclusion and design new ways to meet unmet needs. Through capacity building, we strengthen leadership and constituencies for transformative change. For more information, visit us as at <https://irisinstitute.ca> or email contact@irisinstitute.ca.

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Appendix A. A Review of the Literature: Learnings for Organizations Seeking to Transition Away from Sheltered Work Models

A. Scope and Methodology

The primary goal of this literature review is to provide an overview of key challenges and promising practices that disability organizations experience as they undertake transitional processes toward inclusive employment supports for people with intellectual and other developmental disabilities. It also provides a summary of the nature of sheltered work in Canada and highlights some of the main problems associated with sheltered work program models.

1. Methods

Through secondary data collection, this literature review pursued information relevant to the above three objectives. Using secondary research techniques, the review prioritized, first, relevant publications and resources that were developed in Canada, followed by materials from the United States, focusing on the last 16 years (i.e., since 2005). The research used online keyword searches to identify relevant secondary materials from the following sources:

- Intellectual disability organizational reports
- Intellectual disability organization websites
- Disability organizational reports
- Disability organization websites
- Academic studies

B. What Is Sheltered Work and How Does It Operate in Canada?

In Canada, sheltered workshops emerged following World Wars I and II as therapeutic vocational services to enable people living with disabilities to gain employment-related skills.¹

Decades later, during deinstitutionalization, sheltered workshops proliferated and became an important part of the response to providing day services to tens of thousands of people returning to community living from provincial psychiatric institutions.² Because they were seen as being unable to compete in the regular job market, people with intellectual and mental health disabilities were placed into programs that reflected the low expectations society held for them at the time. The role of sheltered work shifted from being seen as therapeutic and rehabilitative to providing a source of skills training for people with intellectual and mental health disabilities.³ The model was

usually “one size fits all,” and some argued that the work was largely “symbolic,” as programs often included make-work tasks and other kinds of supervision that were independent of actual production targets of the workshop.⁴

Because sheltered work has generally been understood to be a transitional support that enables participants to develop skills to ultimately enter the workforce, sheltered workshops are generally exempt from employment regulation. By paying participants a training stipend or allowance, sheltered workshop programs are not required to pay minimum wage or meet other labour market standards.⁵

A 2008 review of sheltered work programs in Canada found that all jurisdictions except Newfoundland offered sheltered work programs; these various programs had similar participant profiles, outcomes, and mandates. However, the study noted wide variation in the “scope, definition, and implementation” of the programs.⁶ The study also noted that all jurisdictions provided services through funding via contracts or grants and that there was a universal trend over time away from centre-based services toward community-based programs, as well as trends toward individually administered funding.⁷ Taken as a whole, the local, provincial, and federal programs for Canadians with disabilities are “a disjointed patchwork of widely varying practices and uneven accessibility, affordability and responsiveness.”⁸

Although there is wide variation in practice, according to Inclusion Canada, “sheltered workshops” are “facility-based program[s] where adults with intellectual and other developmental disabilities perform activity that generates some degree of revenue as an alternative to working in the community as a part of the general labour market.”⁹ More broadly, “sheltered work programs” can be based in workshops or in enclaves that take place in other settings and can be understood as programs that provide work activities for people with an intellectual or other developmental disability that are “sheltered” from the performance and revenue-generating expectations of competitive employment, and therefore exempt from the requirements of employment standards to pay minimum wage, vacation, and public holiday pay. To be defined as “sheltered work,” such programs must meet one or more of the following criteria, based on the definition provided by Ontario’s Ministry of Children, Community and Social Services (2018):

- The activities in which people are involved generate revenue for an agency or business.
- Participants expect to be paid for the work they do.
- Work is being done that in a different setting would be paid at minimum wage or higher.

1. Concerns about sheltered work models

There are two underlying areas of concern about sheltered work models. The first is that sheltered work operates as yet another mechanism that impoverishes people with intellectual and other developmental disabilities and isolates them from the broader society.¹⁰

Despite the model initially being purported to be temporary vocational training intended to enable participants to develop employment-related skills, there is scant evidence to suggest that sheltered work leads to people transitioning into competitive employment.¹¹ Sheltered work is also isolating in that it does not offer meaningful employment outcomes for individuals; for example, research indicates higher job satisfaction among participants of integrated employment.¹² Among the strongest criticisms of sheltered work is that it is exploitative of workers and can leave them vulnerable to neglect and abuse.¹³ Sheltered work models can also lead to negative public perceptions about the ability of people with intellectual and other developmental disabilities to participate in the mainstream labour market, thereby further entrenching their isolation.¹⁴

The second area of concern has to do with the “mission drift” of disability organizations that have adopted sheltered employment programs. For example, organizations have noted that, over time, as sheltered work models became entrenched in their programming (and revenue streams), they began to focus on the business-like elements of their work rather than on their original missions as support agencies for people. There is evidence that some workshops have gone so far as to intentionally retain their most skilled workers who might otherwise do well in the competitive workforce because of their contribution to the productivity and financial success of the workshop.¹⁵ Thus, moving away from sheltered models is needed for communities and organizations to realign their goals and missions away from a focus on business functions and back to human services and advocacy.¹⁶

In summary, the key concerns with sheltered work models are that they:

- Do not provide an adequate income and thus keep people in poverty;
- Serve to segregate and isolate people from their community;
- Do not enable participants to develop skills that could lead to competitive employment;
- Leave people unsatisfied with the work they do;
- Are exploitative of workers;
- Perpetuate negative public perceptions about the ability of people with intellectual and other developmental disabilities to participate in the mainstream labour market;
- Prioritize the business nature of the work over disability agencies’ primary purpose of supporting people to live a more inclusive life; and
- Leave people vulnerable to neglect and abuse.

Therefore, moving away from the sheltered work model is necessary to address the isolation, exploitation, and poverty that people with intellectual and other developmental disabilities experience and to move toward a revisiting of disability employment agencies’ original mission—i.e., to increase people’s job skills, self-esteem, and confidence about securing fair and meaningful employment.

2. Benefits of transitioning away from sheltered work models

Because Canada is a signatory to the UN CRPD, its “labour markets and work environments should be open, inclusive and accessible to persons with disabilities on an equal basis with other people.”¹⁷ Yet people with intellectual and other developmental disabilities in this country face among the highest rates of unemployment of any group, and there is little to no evidence that the sheltered work model has contributed to this group’s employability or economic betterment.¹⁸ In addition to sheltered work not providing economic benefits for people with intellectual and other developmental disabilities, these programs cost significantly more than supported employment models.¹⁹

Since the 1980s, communities across Canada have been advocating that disability organizations move away from sheltered work models and focus instead on supporting people to participate in “competitive employment.”²⁰ However, progress on transitioning away from sheltered workshops has slowed in recent decades, and the model continues to be in use in most Canadian jurisdictions.²¹ As recently as 2014, sheltered work and day programs continued to be the most commonly used source of day support for people with intellectual and other developmental disabilities in Canada.²² In the United States, it has been noted that the result has been “a dual system where integrated employment is offered as an option along with traditional facility-based services rather than replacing them.”²³ This creates problems, as ongoing investment in sheltered models “diverts” investment from more promising and inclusive practices.²⁴

Proponents of sheltered work continue to point to its benefits in offering important opportunities to belong to a community, that it can promote social participation, and that it provides care-taking support for families.²⁵ Other reasons for resistance to transitioning include perceptions of security, stability, and safety for individuals in sheltered work contexts; the social connectivity that sheltered work environments can foster for participants; factors related to the consistency of respite for families and other services, including transportation that sheltered workshops often provide; and the fear of a loss of disability benefits when people enter the competitive labour market.²⁶

Yet research shows that adults with intellectual and other developmental disabilities and their families prefer integrated employment over sheltered work.²⁷ Evidence also shows that with the right supports, working-age adults with intellectual and other developmental disabilities can achieve greater levels of independence, meaningful engagement, and economic benefit by working in inclusive work environments.²⁸ Furthermore, when effective supports are in place, the employment rates of people receiving disability supports in integrated employment can be as high as 87%.²⁹ Unlike sheltered work models, when supports are truly person-centred it means that they can also be inclusive of people with “severe” labels.³⁰

The literature includes a wide range of terms for the kinds of supports and employment outcomes being pursued by shifting away from sheltered models; these include “inclusive employment,” “community-based employment,” “competitive employment,” “integrated employment,” and

“individualized employment supports,” as well as other combinations of these terms. Despite varying terminology, the underlying goal of shifting away from sheltered work models is the full labour market inclusion of people with intellectual and other developmental disabilities.³¹ This kind of integrated employment can be understood as “work in the general labor market where the proportion of workers with disabilities does not exceed the natural proportions in the community and where wages are at or above the minimum wage.”³²

The shift away from sheltered models is also about implementing “person-centred” or “one person at a time” planning and supports, which enable individuals to pursue meaningful work and meaningful relationships, and which are proven to result in improved individual wellbeing overall.³³ As reported by one community living agency, their transition from a sheltered work program to person-centred employment supports “has allowed individuals to show what they are capable of. It went from being a one-sized fits all program – to truly emphasizing the goals and dreams of ... clients.”³⁴ Similarly, another community living agency reported the cascading benefits of working with individuals to try different jobs in different fields, to make choices about their skill sets and interests, and to practise autonomy in their lives.³⁵ In a study that compared the economic benefits of people employed in sheltered versus supported environments, earnings were 250% greater in the supported-employment cohort.³⁶ As well, as staff focus and ways of working shifted from sheltered work to person-centred employment support models, participants achieved more active and inclusive outcomes, as well as stronger relationships with staff.³⁷

At the policy level, “employment first” approaches have proven pivotal in encouraging the transition from sheltered work to labour market inclusion.³⁸ Employment-first policies and practices “focus on integrated, community-based employment earning at or above the minimum wage as the first option for individuals with intellectual and other developmental disabilities.”³⁹

3. Challenges and promising practices during transition

A number of key themes and learnings about factors that contribute to successful transitions away from sheltered work emerge from the available literature. These themes are organized according to the various relationships organizations typically maintain (i.e., an ecological framework) and include learnings for organizations planning for future transition or those already undergoing transition processes. We also provide some key learnings about how policy environments can support successful transitions for organizations.

i. Individuals receiving services and supports

As organizations plan for and begin the transition process, shifting from program delivery models to person-centred supports can be challenging. It is important to ensure that participants of sheltered work programs in transition are involved in the development of new organizational visions and changing values that are inherent to transitions away from sheltered work.⁴⁰

In the context of starting to implement person-centred employment supports, several studies suggest broadening the range of service options available to participants⁴¹ and using creative and discovery-based approaches when determining skills and potential opportunities for service users/participants. One community living provider described creative exploratory processes that include neighbourhood mapping for opportunities close to home and approaching employment opportunities as a way to identify individual skills and gifts.⁴² Another study recommended avoiding assumptions that limit the options available to an individual and instead beginning the job placement search by considering all possibilities as identified by individuals. The same research emphasized the importance of strong community connections to facilitate job search plans, and that creative approaches to new ways of working by staff can lead to unexpected employment opportunities and successes.⁴³

As program models shifted away from sheltered work, many organizations found that developing other kinds of “wrap-around” employment supports for individuals was helpful, including strategies that maintained connections and opportunities for former participants to spend time together.⁴⁴ Examples of other employment supports include soft skills training (resume writing, interview skills, workplace conflict, dress codes, etc.) and on-the-job training that prioritizes long-term career paths.⁴⁵ Fostering positive social environments in integrated employment settings was also found to be important.⁴⁶ In the end, some participants may choose not to participate in community employment, and organizations should be prepared to work with them using person-centred approaches to access other day programming and non-work supports.⁴⁷

It is also recommended that organizations make sure to take the time to recognize and celebrate individual successes⁴⁸ and use challenges and failures as opportunities for consumers to learn about and practise exerting autonomy.⁴⁹

ii. Families and immediate communities

Early and ongoing engagement of parents and families is essential for transition success, and it is recommended that organizations invest in processes to build trust during the initial stages of transition planning and implementation.⁵⁰

In several examples of successful transitions, the value of organizations maintaining some of the social networks of pre-transition programs for both participants and their families was highlighted.⁵¹ For example, ensuring that service users and their families have the opportunity for ongoing relationships with peers can support and be complementary to a smooth transition into community employment.

In some cases, it may be families—as well as staff and other stakeholders—who initially have a harder time with the transition than service users/participants.⁵² Once trust is built and initial individual successes are demonstrated, organizations may want to build family networks to provide opportunities for families to share their experiences and support one another during the transition.⁵³ When families and other stakeholders are engaged, they can become important advocates for

ensuring that meaningful and real, paying employment is the first option for people with intellectual and other developmental disabilities.⁵⁴

iii. Staff and organizational leadership

Within the context of staff teams that are planning for and working through transitions, it is important that the organization demonstrate clarity about its values and goals⁵⁵ and acknowledge and allow time for the complexity of working through organization-wide paradigm shifts; transitioning from sheltered work models involves transformation at all levels of an organization, including “all fiscal, material, and staff resources.”⁵⁶ Implementing a strategic plan that includes clear timelines for the transition process can be helpful.⁵⁷

The empowerment of staff members and teams is also an important factor. The research included strategies such as:

- Involving staff in the planning and decision-making processes;
- Supporting job growth and change for team members;
- Supporting the creative responses of team members at all levels of the organization; and
- Encouraging ongoing development and learning opportunities.⁵⁸

It is also important to explicitly acknowledge that the good work done in the past and the decision to move away from sheltered models does not reflect negatively on staff—i.e., to ensure that staff members feel valued for their past contributions, even in the context of moving toward new visions and ways of working.⁵⁹

Organizations should establish clarity early in their transition process about how operational and structural changes will translate into new job descriptions and roles for staff, and how these operational changes align with new funding structures. For example, as employees begin working for individuals and not for programs, funding rates need to be adjusted to allow for one-to-one supports.⁶⁰ There was no single solution to navigating changes to funding structures, but clarity of timelines, collaborating with funding providers to establish plans, diversifying funding streams, and incremental approaches were all recommended.⁶¹ In the context of new operational and funding models, organizations should establish and implement innovative tools for monitoring outcomes based in their new visions.⁶²

Many successfully transitioned organizations noted the importance of adopting attitudinal changes, including embracing change and the unknown, focusing on entrepreneurialism, and adopting organizational tolerance for risk.⁶³

Leadership is also integral to the success of transition processes. Some organizations referred to the importance of executive leadership and single champions, while others relied on leadership from numerous sources, including, e.g., staff from various levels of the organization or external advisors/

experts. In either case, alignment between leadership and vision is important both within the organization and with communities and stakeholders.⁶⁴

Several learnings emerged about transition timelines. Some organizations recommend allowing the pace of change to be set whenever possible by the people the organization is supporting, and it can be helpful to embrace a “work-in-progress” attitude.⁶⁵ Both gradual and fast transition timelines can lead to successful outcomes,⁶⁶ but it is important that once a timeline is set, an organization stick to it to avoid indefinite extensions that conflict with new visions for the organization.⁶⁷

Focusing on the goal—not the closure of the existing program but person-centred and inclusive employment—is also a useful strategy for organizational leaders and teams.⁶⁸

iv. Broader communities

Ongoing communication with stakeholders and maintaining strong, diverse networks were key to the successes reported in numerous studies and accounts.⁶⁹ In particular, there is tremendous value in communicating successes to the community.⁷⁰

Organizations should leverage their relationships to share knowledge and participate in demonstration projects (i.e., collaborative research projects) where possible. This can include learning from and convening with other organizations that have undergone or are undergoing transition processes.⁷¹ Several cases also cited the benefits of developing or deepening partnerships with learning institutions and other technical experts for support with transition planning, implementation, and monitoring.⁷²

Another important factor is engaging employers and businesses as “champions of employment,” wherein they can raise awareness in their networks about the benefits of hiring people with intellectual and other developmental disabilities. Disability organizations can support champions of employment by providing assistance with job-accommodation processes, accessibility audits, and re-designs, and supporting network development among employers in a given region.⁷³ One study also found that people with intellectual and other developmental disabilities had experienced more workplace integration and better income outcomes when their new supervisors and co-workers were involved directly in the orientation of the new team member and received training specific to working with people with intellectual and other developmental disabilities.⁷⁴

v. Policy

Organizational transitions can be supported by enabling factors in the policy environment, including:

- A policy recognition that sheltered work is a human rights violation.
- A clear and firm policy commitment that sheltered work will no longer be a program option available for public funding.⁷⁵
- Policy taking a staged or transitional approach, to avoid pulling the rug out from under organizations.⁷⁶

- Well-planned data collection and monitoring systems, which should be in place to help track progress in the transition.⁷⁷
- A redesigned program-funding framework that provides flexible funding options and timelines for organizations undergoing transition.⁷⁸
- Ongoing opportunities for staff retraining within the new policy context.⁷⁹

Appendix B. Sheltered Work in Canada: The Legal and Policy Context in Five Provinces and Territories

A. Ontario

In Ontario, the law in relation to sheltered work and underpaid work activities for people with developmental disabilities is in a state of transition. Legislation, case law, and policy are all unsettled, leaving people with disabilities, employers, and service providers with an unclear understanding of what their rights and obligations are

1. Legislation

- The *Employment Standards Act, 2000* (ESA) provides that people who receive compensation in return for work or services, or who receive training from an employer that is related to the work activities of an employee, are considered employees, and are entitled to all the benefits of the ESA, including the minimum wage, vacation pay, public holiday pay, etc.
- The ESA contains an exception that is commonly relied on by sheltered work program operators. Specifically, section 3(5) paragraph 6 provides that the ESA does not apply to people who “perform work in a simulated job or working environment if the primary purpose in placing the individual in the job or environment is his or her rehabilitation.” The Liberal government sought to eliminate this exemption in 2017–18; however, following the provincial election in 2018, the incoming Conservative government delayed the elimination of the exemption, perhaps permanently. The exemption will therefore remain in place until the government declares otherwise.
- The *Human Rights Code* also includes special rules for affirmative action programs and other “special employment programs” designed to ameliorate disadvantages faced by certain groups. There is no indication in the law that these exemptions would act to exempt people with disabilities from the entitlements under the ESA, although some defendants have raised this as a defence in human rights proceedings.

2. Case law

- Case law in Ontario has historically provided that people who are performing work in a sheltered work environment are not employees.
- In 2014, a human rights tribunal decision found that people treated as “trainees” in a sheltered environment were nonetheless employees because they were performing substantially similar work to workers who were treated as employees and were therefore entitled to all the ESA entitlements, plus damages for breach of the *Human Rights Code*, for a total of \$180,000.

3. Policy

- Between 2016 and 2018, the provincial government provided clear policy directives pushing disability services providers to transition away from sheltered work arrangements, including traditional workshops, unpaid or underpaid work placements, non-traditional volunteer arrangements, and unpaid training requirements.
- Since that time, the current Conservative government has been silent about transition obligations and does not appear to be enforcing the previous governments' transition guidelines and directives.

B. British Columbia

At present, sheltered work is only permitted as part of certain government programs for persons with disabilities and only if they meet a set of criteria that ensures that they are time limited and rehabilitative. This new regime replaces an old system in which sheltered work was permitted as long as it was rehabilitative in nature.

1. Legislation

- Prior to the 1990s, the BC *Employment Standards Act* (BCESA) exempted certain sheltered work participants from sheltered work if it was rehabilitative in nature, non-exploitative, and generated no real economic benefit for the employer.
- After the 1990s, the BC government amended the BCESA to remove the prior exemption for sheltered workshops. Now, there is a much narrower exemption in the *Employment Standards Regulation*, BC Reg 396/95, section 32(3) under the BCESA: “The Act does not apply to a person receiving... (b) disability assistance or supplements under the Employment and Assistance for Persons with Disabilities Act,... while the person is participating in a time-limited government program that provides on-site training or work experience and is operated under an Act referred to in paragraph... (b).”
- The BCESA classifies volunteers who perform work that would otherwise be performed by paid employees as employees protected by the BCESA (including the minimum wage).
- The BC *Human Rights Code* (BCHRC) includes anti-discrimination provisions respecting conditions of employment. Thus, it is possible that sheltered work for less than minimum wage is contrary to the BCHRC (similar to Ontario).
- Purely rehabilitative sheltered work programs might still be saved by the BCHRC's affirmative action programs clause. However, this would be a difficult argument to make, as it would involve disadvantaging persons supported with respect to wages.

2. Case law

- The repealed BCESA exemption was interpreted by *Fenton v British Columbia (Forensic Psychiatric Services Commission)*, 82 DLR (4th) 27 (1991) (BCCA). *Fenton* held that the BCESA permitted sheltered work for less than minimum wage where the work generated no real economic benefit to the “employer” and work conditions were rehabilitative, not exploitative. There has not yet been human rights treatment of the current legislative framework in BC.
- Despite the classification of “volunteers” who perform work otherwise performed by employees as “employees” under the BCESA, the BC Employment Standards Tribunal has held that volunteers who clearly understand that they will not be paid and that their services are purely voluntary are not employees. There are no publicly available cases involving “volunteers” whose capacity to understand the distinction between “volunteering” and “employment” is in question.

3. Policy and interpretation manuals

- The *BC Guide to the Employment Standards Act and Regulation*⁸⁰ provides that sheltered work for less than minimum wage is now only permitted by the BCESA where strict criteria are met. Such a program must meet government-approved training standards, assign an onsite trainer who uses approved training methodologies, provide placement services, and provide retention services.

C. Nova Scotia

Nova Scotia does not have detailed case law, statutory, or policy guidance on the legality of sheltered work or placements/programs where people with disabilities earn less than minimum wage.

1. Legislation

- The Nova Scotia *Labour Standards Code (NSLSC)*⁸¹ provides for a minimum wage but exempts employees who are “receiving training under government-sponsored and government-approved plans.” This mechanism could be used to exempt sheltered work from the minimum wage so long as it is under a program that is government sponsored or approved and is for the purpose of training.
- The definition of “employee” under the NSLSC is narrow and is defined as only being persons “employed to do work.” In contrast, Ontario and British Columbia define employment more expansively for the purpose of their employment standards laws, providing that the list of relationships that constitute employment is open-ended.

It is therefore possible that a court or tribunal in Nova Scotia will find that a sheltered workshop that is rehabilitative and not employment in nature is not covered by the NSLSC (similar to what certain judges and tribunals have found in Ontario and British Columbia).

As well, this definition of employment makes it more likely that voluntary and unpaid sheltered work is not covered by the NSLSC or the minimum wage.

- The Nova Scotia *Human Rights Act* (NSHRA) includes anti-discrimination provisions respecting conditions of employment. Thus, it is possible that sheltered work for less than minimum wage is contrary to the NSESA (similar to Ontario), if a person engaging in sheltered work were found to be an employee.
- Purely rehabilitative sheltered work programs might still be saved by the NSESA's affirmative action programs clause. However, this would be a difficult argument to make, as it would involve disadvantaging persons supported with respect to wages.

2. Case law

- There has not yet been human rights or employment law treatment of sheltered work in Nova Scotia.

3. Policy

- No Nova Scotia policies respecting sheltered work were publicly available.

D. The Northwest Territories

The law of the Northwest Territories relating to sheltered work is not well developed. Thus, it is uncertain whether sheltered work for less than minimum wage will be permissible if challenged. However, there is no explicit prohibition on the practice.

1. Legislation

- The NWT *Employment Standards Act* (NWTESA) provides minimum-wage entitlements for employees but does not directly address the status or rights of people performing “simulated work,” “trainees,” “volunteers,” or other arrangements in which people with disabilities have historically performed work activities for less than the minimum wage.
- The NWTESA defines “employee” in a narrow manner as:
 - “a person employed to do skilled or unskilled manual, clerical, technical, operational or administrative work” (section 1)
- This increases the ability of a tribunal in the NWT to determine that people with disabilities engaged in sheltered work activities are not employees (should they wish to do

so). This stands in contrast to the broader and more inclusive definitions of “employee” in Ontario and BC employment standards legislation.

- The NWT *Human Rights Act* (NWT HRA) prohibits discrimination in the terms of employment on the basis of disability and specifically prohibits providing less-than-equal pay for the same work performed where the reason for the difference in pay is a prohibited ground of discrimination, such as disability. However, the NWT HRA also provides that it is not contrary to the law to provide differential pay to employees performing the same work if that differential is attributable to “the existence of a temporary rehabilitation or training program.” This language may be interpreted to exempt programs that involve work activities paid at less than the minimum wage where it is “rehabilitation or training” and is “temporary.”

2. Case law

- There has not yet been human rights or employment law treatment of sheltered work in the NWT.

3. Policy

- No NWT policies respecting sheltered work are currently publicly available.

E. Quebec

Quebec allows sheltered workshops that provide less than minimum wage or no wage at all, but such workshops must receive approval for an exemption from the Government of Quebec or the local health and social services agency.

1. Legislation

- The *Quebec Act respecting labour standards* (QCARLS) exempts trainees in vocational integration programs established under the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school, and workplace integration (CQLR c E-20.1) from the application of the minimum wage. However, the relevant provision of CQLR c E-20.1 establishing such programs is no longer in force. Based on the foregoing, it appears that the explicit exemption under the QCARLS is not in effect.
- At present, the definition of employee in the QCARLS is slightly broader in scope than in either the NWT or Nova Scotia, but less broad than in Ontario or BC. A narrower scope makes it more likely that a sheltered workshop participant would be found not to be an employee if the work were determined to be rehabilitative, a “life skills” program, or voluntary.

- Sheltered work can be exempted from the QCARLS minimum wage by the operation of the *Quebec Individual and family assistance act* (QCIFAA). The QCIFAA allows the Quebec government to approve or create employment programs for persons with disabilities and provide funding for their employment (and wages). The *Individual and Family Assistance Regulation*, CQLR c A-13.1.1, r 1, exempts such programs from the QCARLS's entitlements (including minimum wage). Such a provision may be used to allow sheltered work for less than minimum wage, or no wage at all. However, such exemptions require government approval. On inquiry, the Quebec Labour Commission stated that it applies this exemption on a case-by-case basis where it considers it to be appropriate (although the commission did not state the specific factors it considers). This leads some sheltered work programs to be exempted but not others.
- The QCIFAA permits the government to provide funding for wage subsidies for persons with disabilities.
- The Quebec *Charter of human rights and freedoms* (QCHRF) contains prohibitions on discrimination on the conditions of employment on the basis of disability. The QCIFAA does not exempt government-approved programs from the QCHRF (unlike the exemption for QCARLS). Thus, it is possible that sheltered work for less than minimum wage is contrary to the QCHRF's prohibition on disability-related discrimination in employment (similar to Ontario).
- Purely rehabilitative sheltered work programs may be exempt under the QCHRF's affirmative action programs clause. To date, no cases have been identified in which this clause has been used to exempt a sheltered work program.

2. Case law

- No case law (human rights or employment law) treatment of sheltered work in Quebec was identified.

3. Policy

- Under QCIFAA authority, the Government of Quebec provides funding for wage subsidies for persons with disabilities. Such programs are outlined in government policy guides and offer subsidies that can equal 85% of a participant's wage. This offers a potential alternative in Quebec to sheltered workshops paying less than minimum wage.
- There were no publicly available policies outlining the factors the government will consider when determining whether to exempt a program from the QCARL.

Appendix C. Case Studies

A. Case Study One: Community Living Algoma and Soogoma Industries, Sault Ste. Marie, Ontario

Soogoma Industries began as a sheltered workshop program in the 1960s. Through the 1970s and 1980s, various service providers and programs in the Algoma region began adopting “the philosophy of integration, normalization and inclusion”⁸²; however, services remained program-oriented rather than individualized or person-centred. After deinstitutionalization, there were trends toward the amalgamation of services across the region, and Community Living Algoma took on its current role in the region in 1994. Soogoma Industries reached the height of its participation levels during this same era, with nearly 130 participants through the 1990s. Beginning in 2006–07, Community Living Algoma stopped admissions to their sheltered work programs.

In 2014, the closure of the Soogoma program was hastened by the Human Rights Tribunal case of Terri-Lynn Garrie. In May of that year, Community Living Algoma developed an implementation plan to close the Soogoma program and transition toward supported employment. When the implementation plan began, Soogoma program participants were working at multiple locations, including:

- 47 people in its sheltered workshop;
- 15 people working in high school cafeterias;
- 7 people working at its recycling depot; and
- 28 people being supported in other enclave or community-based workplaces.

At the beginning of the implementation plan, none of these participants were earning a competitive wage. Within one year of initiating the transition process, 27 people had secured competitive-wage employment.

An important part of the implementation strategy was a summer employment initiative for high school youth, which meant that young people would be introduced to their first employment experiences in the community, just like other young people entering the workforce.

In March 2017, Community Living Algoma closed its Soogoma Industries’ Wilson Street recycling facility, which had provided processing and sorting services to the city of Sault Ste. Marie. Interestingly, the four individuals still working at the Wilson Street facility had begun earning minimum wage as early as 2014. Two of them were reported to have become employed by the company that took over the city’s recycling contract in 2017.

At another Soogoma site, participants’ jobs included kitchen catering, print-shop production, wood-working, and basic manufacturing and assembly services.

According to Community Living Algoma, the organization continues to shift its services and supports in response to individual choices. Some people are “choosing to work in community settings, some are even choosing to own and run their own small businesses, while others have chosen to remain in a more supported environment.” According to the executive director, “We’re not in the business of operating businesses; our business is helping people find jobs in the community at competitive wages.”

B. Case Study Two: Key Industries, New Brunswick

“Conversations are different now. People have a sense of equality through their contributions.”

Key Industries (originally called the Saint John Centre for Services to Handicapped Inc.) incorporated in 1968, with its first facility opening in 1974. Its original mandate was to provide industrial work programs focused on “upgrading functional behaviour” of participants through a variety of program streams, including a day school and various workstations within a sheltered workshop.

Key Industries began the work of transitioning away from its sheltered workshop model in 2002. The transition process has taken 18 years, but the organization does not consider its transition to be complete, as its approaches and models are still evolving today.

The decision to shift away from sheltered work and congregate programs was heavily influenced by learnings from Vermont; leadership from Key Industries was closely watching the “conversion” processes that were underway at many agencies in the United States. Most other agencies in New Brunswick did not begin exploring alternatives to sheltered work until after 2010.

Today, with over 172 staff, Key Industries is the largest of the 38 employment support services agencies operating in New Brunswick. Its employment programs support more than 500 individuals involved in pre-employment and working in the community. Launched in 2010, Key Industries’ Elite Services program provides intensive supports to 40 individuals with complex needs. (These tailored supports were not possible under previous service models, because supports were not individualized.) Other day programs continue to provide on-site services to approximately 70 participants annually. Some of these participants access social day programs and volunteer opportunities, attend community events, and explore personal interests, while others are engaged in paid work through on-site jobs. For example, Key Industries’ packaging business, which began as a flagship sheltered workshop program, today operates as a business that pays workers competitive wages in accordance with the *Employment Standards Act*.

The ways in which Key Industries talks about its mission and services have changed dramatically over the last two decades, and thinking within the team is different, too. Today, staff are focused on possibilities. Unlike in the past, when supporting an individual started with an assessment of which group activities they would fit in to, today, supports start with an in-depth individualized

employment support plan (IESP), which, together with input from families, establishes a road map for achieving individualized goals.

The COVID-19 pandemic has provided unexpected opportunities for more change at Key Industries. The team has identified alternative ways to offer services, including remote services and engagement. Most significant are the changes Key Industries introduced during the pandemic to address the challenge of how to finally eliminate stipends.

Key Industries identified the need to eliminate stipends from their programming many years ago, and the new provincial standards in New Brunswick require the elimination of stipends within two years. Committing to real pay for real work has been somewhat hindered by the ongoing expectation from families and individuals for stipends.

Resolved to fully step into its vision that all work will receive real pay, Key Industries sent out communications to all participants, families, and the wider community, giving three months' notice that upon return to physical programming, stipends will no longer be provided by Key Industries. Everyone engaged in work—whether in the community or on-site—would finally receive minimum wage or better for any real work performed.

Families expressed a lot of concern about what impacts removing stipends would have on participants, including concerns about how it would affect access to health care (there have been no impacts on access to health care). Interestingly, however, despite initial negative responses from parents and families, when individuals returned to the facility after lockdown measures were lifted, they were less concerned with the removal of their stipends. (In the case of a small number of individuals where stipends were deemed to have very significant benefits on individual quality of life, the team undertook additional communications and planning with families and other support networks to address these risks.)

The full elimination of stipends at Key Industries in 2020 marks a significant step in the organization's ongoing transition process. While the loss of the stipend does affect the organization's budget, Key Industries felt that it was a priority to do what they needed to do to achieve their vision. For Key Industries, their growth since 2002 has resulted in funding flexibility and the ability to make decisions based on strategic vision and longer-term goals.

For smaller agencies in the province, funding models that lag behind new standards can create major barriers to transition processes. Key Industries stays connected in developing new provincial funding models that are compatible with provincial standards that aim to support agencies in phasing out sheltered workshop models.

Key takeaways for organizations undertaking the transition process include the following:

- Strong leadership, clear internal communications, and ongoing training are essential to ensure team members understand long-term goals and are invested in the change process.

- It is important to identify leaders within an organization who understand the importance of the employment-first philosophy and are motivated to change. Pair them with staff that are more resistant.
- Provide new job descriptions and provide new orientations.
- Listen to staff and new ideas. Provide necessary tools for change.
- Centre the goals of individuals. Using employment-first language and introducing IESPs as a formal tool helped Key Industries solidify much-needed shifts in thinking and operating.
- Be flexible with the timeline for change, while remaining focused on the goal. It can be helpful to think incrementally and imagine different stages of transitional models.
- Location matters. In 2008, Key Industries purchased a new building and moved from a residential location to a central uptown community.
- Internal community connections still matter. After initiating the transition process, some individuals working in the community quit their jobs because they missed their friends at Key Industries. The organization is currently working on developing a social hub model to keep people engaged with the Key Industries community, while also supporting them in their independent work lives.
- Never give up and do not ever think you're done.

C. Case Study Three: Rotary Employment Partnership, a Program of Inclusion Alberta

Since the early 2000s, the Inclusion Alberta/Rotary partnership has created more than 500 meaningful jobs that pay more than \$15 an hour for people with intellectual and other developmental disabilities in Alberta.

The partnership succeeds at offering a wide range of options for job seekers. Worksite sizes range from small businesses with one or two staff to large international firms, and partnerships include a wide range of sectors, including office jobs, services such as restaurants and stores, and the technology and manufacturing sectors.

Through the partnership, rotary clubs—or, in some cases, their members—work closely with Inclusion Alberta and the Government of Alberta's Persons with Developmental Disabilities (PDD) program to develop new jobs for people with developmental and intellectual and other developmental disabilities. It is up to Rotary Club partners to identify how many job opportunities and placements they aim to create. One participating Rotary Club, the Lloydminster Rotary Club, has created 84 jobs since joining the program in 2004.

The role of Inclusion Alberta is to:

- Play a liaison role, linking employers with job seekers.
- Work with the provincial PDD program to provide supports, including resources, training, and on-site assistance to support successful job placements.

Employers receive information and resources as they learn how to facilitate and support the successful inclusion of workers with disabilities.

The program recently received international recognition for its innovative approach at the Zero Conference in Vienna.

The partnership between Rotary Clubs and Inclusion Alberta is a successful example of:

- Leveraging strong networks with and between potential employers; and
- The value of having a strong communication strategy to build awareness of the successes and benefits of supported employment for people with intellectual and other developmental disabilities and employers.

D. Case Study Four: Community Enterprises, Northampton, Massachusetts

Community Enterprises opened in 1972 and was originally based at a state hospital, where the agency offered employment services for people with psychiatric disabilities. Shortly thereafter, it broadened its mandate to serve people with different disabilities, and opened workshops at two locations in 1976.

New leadership introduced the goal of ending sheltered work environments in 1980. The workshop locations were in disrepair, and although there were plans to find new workshop locations, the agency decided not to pursue new spaces out of concerns that re-opening sites would delay the closure of the workshop model over the long term.

Initial planning to close the workshops focused on a developmental model of services: the agency developed a framework of five tiers of employment supports that would be available to participants, ranging from highly supported special work enclaves to independent job placements. The assumption was that participants would transition through the tiers over time as their need for supports diminished and their work experience grew. The support levels offered were:

- Workshop settings
- Enclaves where workers participate in the work of the host business
- Two or three workers supervised by a staff person

- Integrated job with coaching and supports as needed
- Job placement with no supports

This assumption that participants would move through different tiers in a linear way was eventually abandoned, replaced by giving participants the opportunity to choose the level of supports they wanted.

In 1983, Community Enterprises made an official commitment to close their three remaining sheltered settings, which together served 100 people. The organization determined that it would need five years to accomplish the closures. The plan's strategy focused on moving participants to the second-tier enclaves with community business partners. It was understood that this transition would be more feasible for participants and staff, as this approach enabled people to remain working with their peers, and Community Enterprise staff roles stayed relatively stable.

In 1993, a second conversion process to transition away from enclaves and achieve integrated employment began. In the immediate term following this second transition, several enclave sites continued, because some service users expressed a desire for group work settings.

The organization set an internal standard that “all consumers obtain individual jobs,” and if they didn't, then “staff [needed] to justify why that has not occurred.” According to the organization, this approach enabled individual consumers to make choices for themselves.

E. Case Study Five: Canadian Mental Health Association (CMHA), Vancouver/Burnaby, BC

Although CMHA is a mental health service provider, it offers a useful illustration of a successful transition timeline away from sheltered work models.

The organization has provided vocational services in the Burnaby/Vancouver region since the late 1980s. Its process of transitioning away from facility-based sheltered employment took more than 15 years and has been described as occurring in four main phases.

Phase 1: Facility-based sheltered employment (1980s to the early 1990s)

- Services for clients with severe mental illness.
- Staff: three vocational counsellors, one business representative, and one coordinator.
- Participants were involved in packing and light assembly work.
- Clients earned \$100 per month for 1-2 days per week of work.
- Very few workers moved into competitive employment.

Phase 2: Addition of pre-vocational component to sheltered work model (early 1990s)

- Employment preparation classes were introduced, including computer training and other life skills training. Training programs were self-paced.
- Staff: no new staff were allocated to the new pre-vocational programs.
- There was no significant change to the rate of transition to competitive employment, although client behaviour changes were noted.

Phase 3: Introduction of brokered supported employment services (1995–2000)

- During this period, the focus of CMHA services became supported employment.
- Staff: two job marketers, vocational counsellors who now provided support for clients in competitive jobs, program coordinator.
- Employment preparation classes continued, usually for six-week intervals.
- Success was relatively low: fewer than 25% of clients achieved competitive employment.
- There were long wait times for would-be participants, resulting in high dropout rates during the intake processes.

Phase 4: Individual placement and support model (2000 onward)

- A key part of the final transition process was the relocation of vocational supports from a central location so that employment counsellors were located across various teams.
- A pilot study was conducted, which saw complete conversion to individual placement and support model.

This case points to several factors contributing to this successful change process:

1. There was a strong commitment to quality improvement using both process and outcome data to guide decisions.
2. The agency was guided/inspired by evidence-based best practices from previous research.
3. Local health authorities provided strong leadership and financial support.
4. The agency accessed support from external experts.
5. Time was dedicated to consensus building and training in advance of implementing changes.

F. Case Study Six: Pleins Rayons, in Cowansville, Quebec

Pleins Rayons welcomed its first apprentices in February 2016. Its first program taught participants to restore used bicycles, and today, Pleins Rayons offers 14 different projects under one roof.

Examples of current programs offered by Pleins Rayons include the following:

- A birdhouse project, which is recognized by the Ministry of Education for its beneficial educational impacts. Apprentices build and install birdhouses and then monitor the environmental impacts the birdhouses have for farmers and growers. The project is one of several learning workstations that are available for apprentices to try. With all of its workstations, Pleins Rayons is intentional in avoiding situations where apprentices stay in one station for extended periods.
- The Helping Brigade program places apprentices with elderly community members to assist them with daily tasks, such as yard maintenance. (Since the pandemic, however, the project has shifted to focus solely on outdoor tasks that are fully physically distanced.)

All of the projects that apprentices participate in through Pleins Rayons create opportunities for active social roles and interactions that connect people within society. The projects also have direct and measurable positive impacts within the community. None of the projects involve any form of diversion or “make work” activities.

Another focus of Pleins Rayons is on the self-esteem of apprentices, which it achieves through building community and a sense of belonging. Pleins Rayons is unique in its program delivery model because it accepts people as they are and makes adaptations to the programs based on the needs and interests of apprentices. Pleins Rayons undertakes individual evaluations of new apprentices and, based on their input about the apprentices’ goals, the team works to find engaging roles within the community, striving to support the apprentices in inclusive employment at some point in their lives.

This approach differs from other government-funded programs in the province that are often only accessible to a small segment of the population, specifically those that are well suited to the parameters or requirements of a structured program.

Pleins Rayons also differs from conventional, government-funded adapted enterprise programs in other key ways:

- It does not receive any government funding, which creates challenges but also opportunities for innovation.
- Where conventional programs might place an individual into a day program, Pleins Rayons integrates them into the community. Apprentices with moderate or severe intellectual and other developmental disabilities are fully included, and the focus is on building community,

even if participants do not attain employment in the community. Apprentices who may not end up in conventional workplaces still have opportunities to build skills and potentially gain part-time employment that aligns with their interests.

- Where adapted enterprise models are often unintentionally incentivized to keep participants engaged in day program activities over the long term, Pleins Rayons works to find all individuals an inclusive role that is based on their interests and goals.
- In Quebec, unlike conventional service models, Pleins Rayons' model cuts across the conventional silos of education, work/employment, and social services.

Pleins Rayons believes that employers can and should adapt their workplaces to include people wherever they are at in terms of skills and interests, and they also model this through their programs.

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Appendix D. Survey Results: Full Findings

A. Responses Overview

IRIS and Chronicle Analytics conducted a law, policy, and practice review, as well as a preliminary national survey of volunteer, training, and employment support programs (a total of 51 programs were surveyed).

Of these:

- More than one-third (19) were delivering sheltered work;
- Most were delivered in regular workplaces;
- The picture of sheltered work has changed (shifting from facility based); and
- There were major data gaps (so we were unable to get a full picture).

Due to the limited number of replies to the survey and usable data, we do not think it is possible to have a full picture of the situation of sheltered work in the country. Instead, the data presented should be interpreted as indicative of what might be happening in the provinces and territories.

To give a full picture of the survey data collected, we included the qualitative data points. A large percentage of agencies provided us with comments in the survey and these comments can help gain a better understanding of the issues at hand and of agencies' needs in transitioning from sheltered work to full inclusive employment.

B. Quantitative Results

1. Number of respondents

Of 90 surveys begun, 57 were completed and submitted and 33 were abandoned before the survey was completed. Seven survey respondents did not have any program in employment and were therefore not considered in the sample. The 50 remaining completed surveys were validated and qualify for analysis.

2. Sheltered work distribution

Of the 50 surveys analyzed, 19 indicated the provision of sheltered work programs. Quebec had the largest proportion of sheltered work in programs surveyed (62.5% versus 25.7% for the rest of Canada). We do not know if the difference is generalizable or if this is a sample bias.

Some organizations surveyed provided both sheltered work and non-sheltered programs.

It is to be noted that many respondents in the rest of Canada simply stopped completing the survey when they were asked about their programs. It may be that several organizations providing sheltered work programs did not want to complete the survey.

However, due to the relatively small size of the sample and the extreme variations between provinces, these data are not considered reliable. The only thing that can be interpreted from the data is that sheltered work programs still exist in Canada and that several organizations have made a transition to inclusive employment and/or to support inclusive employment.

3. Geographical distribution of survey responses

The geographical distribution of survey replies indicates that out of the 38 programs analyzed in Canada (except for Quebec), more than half were in Ontario and none were in Prince Edward Island, Nova Scotia, New Brunswick, the Northwest Territories, or Alberta. There is no clear answer as to why no agencies in these provinces or territories responded to the survey.

Quebec had 19 responses entered and validated.

Almost half of the agencies (49%) were in small urban centres, while only 7% of the agencies were in rural settings. The rest of the agencies (45%) were in either medium-sized or large urban centres.

Contrary to popular belief, sheltered work programs were mostly located in small (1,000–30 000 people [50%]), medium-sized (30,000 to 100,000 [18%]), or large urban centres (100,000 and over [27%]). Only 5% of these programs were in a rural environment.

4. Overview of findings

As noted above, due to the relatively small size of the sample, it is important to remember that these results do not necessarily represent the full picture of sheltered work in all of Canada.

i. Programs offered by the agencies

The programs offered by the agencies are mostly linked to work placement (23%), mentoring individuals (15%), training programs (18%), and volunteer placement (21%). Sheltered work programs represented 100% of the programs “producing goods or services sold to others,” 100% of programs that are “social enterprises developed with or for participants,” and 67% of programs that are “producing goods or services for the agency.”

A limited number of respondents operate programs to produce goods or services for the agency (6%) or to sell to others (6%). Six percent of the respondents were operating social enterprises developed with or for the participants.

ii. Agency/respondent profiles

Forty-five percent of the agencies had part-time staff for their programs, while 55% had full-time staff. The average number of full-time employees in the agencies was seven. The average number of part-time employees was 7.8 part-time employees per agency. The numbers are equivalent for both sheltered and non-sheltered work programs.

Sixty-one percent of the agencies' funding comes from provincial sources, while 2% comes from federal sources and 3.45% from municipal sources.

However, these data only give us a partial portrait of the situation. To take into account extremes, the median values were also calculated. This gives a wholly different portrait. When using the median, 100% of the agencies' funding comes from the provincial or territorial government, whereas the other sources were representing 0%. This means that some agencies with little or no funding from provincial or territorial governments are effectively lowering the average numbers, hiding the fact that this type of funding is still overwhelmingly important for agencies. These results are valid for both all programs surveyed and for sheltered programs specifically.

Fifty-four percent of the agencies surveyed also operate other day program services, in addition to the employment programs.

iii. Paid jobs versus revenue stream for the agency

Although 19% of the agencies say that the programs they operate generate revenues either for the agency itself or for third parties, 24% of participants do not receive any form of remuneration and 29% of participants receive some form of remuneration that does not amount to the minimum wage.

Interestingly, sheltered work programs appear to differ slightly from the average overall data, as 24% of these programs note that they give “participation allowances,” 21% give “transportation allowances,” 21% give “wages,” and only 14% give no payment at all. However, 31% of the sheltered work programs “generate revenue for the Agency or third parties.” For this category, sheltered work programs represent 79% of respondents saying that their programs generate revenue for the agency or third parties. Moreover, only 45% of the sheltered work programs estimate that “if the work was performed in a different setting, it would be treated as paid employment.” This seems to suggest that most sheltered work programs are not work programs *per se*, but mostly day activities programs.

In total, 61% of the participants receive either no remuneration or remuneration that is less than the minimum wage. This number rises to 68% for sheltered work programs.

Only 34% of the participants receive remuneration that is at least equal to the minimum wage and receive vacation pay for which remittances are made to the Canada Revenue Agency.

This is a grim picture of inclusive employment, as most people do not receive minimum wage and standard vacation pay for which remittances are made to the Canada Revenue Agency.

iv. Number of participants

Almost half of the agencies (43%) operate relatively small programs with 0–25 participants. Thirty-nine percent operate programs with either 25–50 participants (25%) or 50–100 participants (14%). These numbers are similar for both sheltered and non-sheltered work programs. Only one agency operates a program with more than 300 participants.

Overall, 57% of the participants were identified by the responding agency as male, 41% as female, 1% as non-binary and 1% as other. In sheltered work programs, 63% of the participants identified themselves as male, 36% as female, and 1% as non-binary.

v. Titles used for participants in the programs

Twenty-nine percent of participants in the programs are designated as “participants,” whereas 18% are “employees” and 10% are “clients.” Twenty-nine percent are designated in another way: “by their name,” as “team members,” “person supported,” “by their job title,” “self-advocates,” “members,” “apprentices,” or “students.”

vi. Average duration of participation in the program

A significant portion of participants in the programs were involved for a very long period of time:

- In 31% of the programs, participants stayed for 2–5 years.
- In 24%, participants stayed for 5–10 years,
- In 12%, participants stayed for 10–20 years.
- In 4%, participants stayed for more than 20 years.

In total, 71% of participants stayed for at least two years in the programs and 40% of the participants stayed for at least five years. This long-term participation is remarkable, as it is doubtful that it leads to inclusive employment. Agencies also reported that for 22% of participants, the longest time someone was in the program was more than 20 years.

As expected, participants in sheltered work programs stay for a longer time than participants in non-sheltered work programs. Thirty-seven percent of participants stay between 2 and 5 years in these programs, whereas 26% and 21% stay between 5 and 10 years and between 10 and 20 years, respectively.

vii. Transitioning from sheltered work to inclusive employment

Fifty percent of the agencies said they had no plans to transition from sheltered work to inclusive employment. The other 50% said that they did have plans to do so. It is important to note that within the 50% that responded negatively, five organizations out of 15 have already transitioned to inclusive employment.

Fifty-eight percent of the sheltered work programs specifically said they have no plans to make changes to their programs to improve employment outcomes for participants. This is coherent with the general perception by these programs that the work accomplished by participants would not be treated as paid employment if done in a different setting.

Out of all the agencies that also operate day program services, only 50% were considering transitioning these services to fully inclusive employment programs.

viii. Impact of the COVID-19 pandemic on the agencies

The impact of the pandemic was felt across the country and agencies. Forty percent of the agencies said that they were operating their programs as usual, 42% said that they were operating differently because of the pandemic (mostly online), and 16% of agencies closed their programs temporarily. Two percent of the agencies closed their programs and did not expect them to reopen. The numbers are comparable between sheltered and non-sheltered work programs.

ix. Enhancing capacities and improving inclusive employment

Twenty-three percent of the respondents said awareness training is necessary for family members and 21% said that financial support to transition existing programs to inclusive employment is needed, whereas 22% think funding for individual employment-related supports is required.

Here, the results for sheltered work programs differ significantly from the overall results, as 58% of sheltered work programs said they would benefit from awareness raising for participants and family members to support a transition to employment. Fifty-three percent of these programs also say that they need “mentoring and coaching for program staff in transitioning to a mainstream employment focus,” and 68% need “financial support to help transition existing programs to ones more focused on employment opportunity and outcomes.”

Finally, 58% of these programs say that they need “funding for individual employment-related supports.” These numbers are very different from the average numbers and might suggest that there is a desire for change in the leadership, but that this desire for change might find some resistance from participants and families and also be slowed by the lack of funding. These findings support the general recommendation of diverting funding for provincial or territorial sheltered work programs to inclusive employment programs in the long term.

C. Qualitative Results

Several questions in the survey had fields in which people could reply to open-ended questions. These qualitative data are a significant source of information and feedback about the agencies' programs and ideas to improve inclusive employment.

This dataset should be used to document certain specific areas of the survey. However, this is not in any way meant to be generalized to the situation across the country, as this type of data is more anecdotal by nature.

For each question, we analyzed the comments provided by respondents and coded them into broader categories. The frequency of the comments for each category is indicated and some examples are provided to illustrate the comments. Some comments covered more than one subject and have been split accordingly.

1. Increasing inclusive employment for people with intellectual and other developmental disabilities

a. How to increase inclusive employment for people with intellectual and other developmental disabilities

Question: Do you have any suggestions to improve inclusive employment outcomes for people with developmental disabilities in your province or territory?

Analysis: A large number of agencies indicated that awareness campaigns for employers are needed and that these employers need help and resources to fully include people with intellectual and other developmental disabilities in their workforce. The importance of a school-to-work transition was also highlighted (see table D1).

Table D1. Increasing the inclusive employment outcomes for people with developmental disabilities: Frequency of comments by area of intervention

Area of intervention	Number of comments	Examples of comments
School-to-work transition	7	“Schools play an integral part in how people see themselves in the future and they don’t have to be pigeon-holed into a day service automatically, just because they have a diagnosis of a developmental delay.”
Community awareness	4	“Promote social awareness within the community about the benefits of employing people with disabilities and the positive impact it can have, e.g., speaking engagements at the local Chamber of Commerce.”
Family awareness	3	“Start talking with families at the natural age when people start thinking about future employment.”
Employer awareness	8	“Education for employers/municipalities. Partnerships with business bureaus/businesses for awareness.”
Support for employers who hire individuals with a disability	9	“Financial support or grants to employers who hire individuals with a developmental disability”
Adapting interventions based on the person’s needs	5	“Approach job recruitment in a person-centred way and individualize the supports for successful employment and retention.”
Support for non-profit organizations	4	“More funding and resources”
Welfare program reform	4	“People who stop receiving welfare shouldn’t have their case closed. They should have their case put on hold so they can come back if work doesn’t work for them.”
Transportation and accessibility	1	“Transportation options for people as it is a significant barrier in rural communities”
Other	1	“Fine big corporations that do not hire people with disabilities and use the money to create awareness campaigns and tools for inclusive employment.”

Note: The number of comments for all subsections may be higher than the total number of comments, as some comments are related to several subjects.

b. Plans to improve employment outcomes for participants

Question: Does your agency have any plans to make changes to this program to improve employment outcomes for participants? No: 29; yes: 25

Analysis: Most agencies that have plans to improve employment outcomes for participants want to do so by increasing the reach and capabilities of the programs (see Table D2). This is interesting, as the needs are not perceived to be at the individual level of people with intellectual and other developmental disabilities, but more at the agency organization level. This understanding of the needs of people with intellectual and other developmental disabilities is important, as it shifts the focus of the perceived disability and the need for change from the individual to the collective. This is very positive.

Table D2. Improving employment outcomes for participants: Frequency of comments by area of intervention

Area of intervention	Number of comments	Examples of comments
Transition to community-based services	2	“Move to full community-based options.”
Increase the reach and capabilities of the programs	18	“Plans to make this program regional so accessible by more people, access to more jobs than in a small community and one person’s focus.”
Increasing people’s capabilities	4	“More training to those in the program to increase their employment skills.”
Monetization of the program	2	“We will offer employment supports on a fee-for-service and/or utilizing passport.”

Note: The number of comments for all subsections may be higher than the total number of comments, as some comments are related to several subjects.

c. How to help agencies enhance their capacities to improve employment outcomes for people with intellectual and other developmental disabilities

Question: What kinds of resources and support would your agency benefit from to enhance your capacities to improve employment outcomes for people with a developmental disability?

Analysis: Most agencies want to have help in designing better programs that will respond to people’s needs (see Table D3). This is, again, a positive way to enhance employment outcomes, as it shifts the responsibility from the person to the agency and the community. It is important to note that most agencies indicated that they need more funding for individual employment supports. Initiatives such as Ready, Willing & Able are good trials to try these new alternatives.

Table D3. Helping agencies enhance their capacities to improve employment outcomes: Frequency of comments by type of resource needed

Type of resource	Total
Awareness raising for participants and family members to support a transition to employment	10
Awareness raising and leadership development among the board, management, and staff of the agency	22
Mentoring and coaching for program staff in transitioning to a mainstream employment focus	21
Training and information resources on how to design and manage effective employment support programs	29
Financial support to help transition existing programs to ones more focused on employment opportunity and outcomes	31
Funding for individual employment-related supports.	36

2. Impact of the COVID-19 pandemic on agencies' capacity to deliver a program

Question: How is the COVID-19 pandemic affecting your agency's capacity to deliver this program?

Analysis: The COVID-19 pandemic has greatly curtailed the activities of the agencies and has forced them to innovate, mostly in transferring services to the internet (see Table D4). This is an area of concern, as many people with intellectual and other developmental disabilities do not have easy access to technology and/or broadband internet connections. There is a significant risk that many people with moderate or more severe intellectual and other developmental disabilities will be excluded from these new services.

Table D4. Impact of the COVID-19 pandemic on agencies' capacity to deliver their programs

How is the COVID-19 pandemic affecting your agency's capacity to deliver this program?	Results	Examples of comments
Running as normal/with additional safety measures	16	"We continue to support people with employment while taking all safety precautions into consideration."
The program is currently closed because of the pandemic and we do not anticipate re-opening this program	1	N/A
The program is currently closed because of the pandemic and we anticipate re-opening this program once physical distancing requirements are relaxed	6	N/A
We anticipate maintaining this program but re-designing it because of the pandemic—i.e., more individualized support.	19	"Current supports are done virtually over phone or video messaging as businesses are not allowing in-person check-ins by support agency."

3. Transitioning from day activities to inclusive employment

As noted above, 26 agencies have day program services in addition to the employment services programs for which they replied. About half of these programs should be transferred to inclusive employment programs in the future.

Of the 15 agencies that have no intention of transitioning to inclusive employment, five said that this was because they already have made that transition.

a. Services already transitioned or fading out

Analysis: A number of organizations have already transitioned from sheltered work to inclusive employment (see Table D5). These success stories may be helpful to other agencies, as a large number of them have declared needing help to transition and plan accordingly. A collaboration platform might be a good way to put all these agencies in touch with each other and further the transition from sheltered work to inclusive employment in Canada.

Table D5. Frequency of sheltered work programs transitioned or transitioning to inclusive employment

Services already transitioned or fading out	Frequency	Example of comments
Transition to employment programs	4	“We transition people from our skills program to supported employment programs after some initial assessment and work experience.”
Programs are near closing due to the prior transition to inclusive employment	1	“Very few people attend as we have worked on the transition of these services over the past 10 years.”

b. Services that agencies want to develop

Analysis: Most agencies that declared wanting to develop new services want to do so by creating new programs based on the individual needs of people with intellectual and other developmental disabilities, and in preparing them for the job market (see Table D6).

Table D6. Services that agencies want to develop

Services that agencies want to develop	Frequency	Example of comments
Employment readiness and training	2	“Employment readiness training to participants in the day program and volunteer program”
Develop new individual programs	1	“Individually based on a person’s goals and abilities”
Closure of segregated services	1	“Closure of congregate setting-based day support, move toward community-based options”
Developing and finding new job opportunities	2	“We are continuously trying to find ways of supporting people working in the community whether through volunteering or paid employment but always keeping it person-centred and driven.”

4. General comments about the survey/inclusive employment

Question: Please provide any comments on the design of this survey, and add any relevant information about your volunteer, training, and employment programs that was not covered by the survey questions.

Some comments have been integrated into the previous sections, as they were linked to subjects already covered.

a. The role of social enterprises

One respondent details the importance of social enterprises (text edited for clarity):

Our restaurant is closed due to COVID, but our store is still operational.

The number of people that train at the social enterprises varies but is accounted for in our previous survey under the Skills Division program [note: between 25 and 50 persons].

Our social enterprise has paid people minimum wage or higher once they are fully trained, but due to limited hours, they are encouraged to find work in other businesses.

The utilization of social enterprises for training has increased our number of people moving from the program to supported employment over the last 7 years. Social enterprise operation has also increased the business community's awareness of people's capacity as they can see the people doing the work for themselves. It also has opened many employers' doors that had previously not been open to working with us.

Some people who take a longer time to learn a skill have a safe place to do this whereas in supported employment the employer expects speed and accuracy quickly which can result in failure.

People have a chance to build confidence in dealing with the general public and dealing with an employment environment and are more successful in maintaining employment once they leave.

Table D7. Other comments

Topic	Frequency	Examples of comments
COVID made inclusive employment a lot harder	1	“Inclusive employment was already difficult before the pandemic, but now it is almost impossible to achieve. Some people need more help and time in the context, and employers don’t seem to understand that.”
One-size-fits-all policies do not work for all	1	“We need to find a balance between sheltered workshops and inclusive employment. Some people drop from internships to be in sheltered workshops because it’s better for them.”
People should have the chance to try different options and fail if needed	1	“People should be able to try to work and see if they like it or not.”
The survey is too complicated or was not practical to use (2 entries)	2	“Survey needs a simpler way to deal with multiple programs. We have 16 different streams of volunteer and job support for participants and I cannot repeat and respond. I will also not share client demographics. The survey definitions need improvements.”
Do not have a link to employment	1	“We don’t have a link with employment [only offers day services].”

D. Conclusion/Key Findings

1. General key findings

Even if the data collected in the survey are limited and should not be used for generalizing the situation of sheltered work in Canada, it is nonetheless clear that:

- Sheltered work still exists in Canada, sometimes in organizations providing both sheltered work and inclusive employment programs.
- Most of the sheltered work programs are funded by provincial grants (61% of the sample).
- A number of organizations are considering transitioning their day services programs to inclusive employment (50% of people who responded to this question [15/30]).
- Most people with intellectual and other developmental disabilities still do not receive equal treatment when it comes to work:
 - 61% of participants in the programs receive either no remuneration or remuneration that is less than the minimum wage.

- Only 34% of participants receive at least minimum wage and vacation pay for which remittances are made to the Canada Revenue Agency.
- This is reflected in the fact that in only 18% of programs are participants referred to as “employees.”
- A large proportion of people with intellectual and other developmental disabilities stay in these programs for a long time:
 - 71% of participants stayed for at least two years in the programs.
 - 40% stayed for at least five years.
 - 22% of the agencies indicated that the longest time someone had been in the program was more than 20 years.

2. Key findings on surveyed agencies

- Most of the agencies operate small to medium-sized programs:
 - Almost half of the agencies (43%) operate relatively small programs, with 0–25 participants.
 - 39% of the agencies operate programs with either 25–50 participants (25%) or 50–100 participants (14%).
 - Only one agency operates a program with more than 300 participants.
- 54% of the agencies surveyed also operate a day services program in addition to the employment programs.
- The majority of the agencies that replied to the survey operate either work placement (23%), mentoring individuals (15%), training programs (18%), or volunteer placement (21%).
- Most organizations surveyed do not seem to profit from the work of people with intellectual and other developmental disabilities in their programs.

3. Key findings on how to improve outcomes for people with intellectual and other developmental disabilities

- 23% of the agencies reported that they would benefit from awareness-raising for participants and their family to enhance their capacities to improve employment outcomes for people with an intellectual or developmental disability.
- 21% of the agencies indicated that financial support to transition existing programs to inclusive employment is needed, whereas 22% think funding for individual employment-related supports is required.

- Paradoxically, only 5% of the agencies think they would benefit from awareness raising and leadership development among the board, management, and staff of the agency. This is remarkable when juxtaposed with the numbers detailing the employment status of people with intellectual and other developmental disabilities in the programs managed by agencies. In other words, agencies do not think they should adjust their views of people with intellectual and other developmental disabilities, even if these people are not being equally recognized for their work.
- 14% of the agencies think that mentoring and coaching for program staff in transitioning to a mainstream employment focus would help.

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