From *aspirational* to *practical: leveraging trade agreements for disability-inclusive policy*

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From theoretical acknowledgments to policy solutions

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SECTION 1 OF 6

Barriers in Business & Employment for Persons with Disabilities

Real barriers, a business case, and a quick overview of Canada's domestic policy.

Business Barriers

TAs & Disability-Inclusive Policies

Global Frontrunners

Canada's FTAs

The Big Disconnect

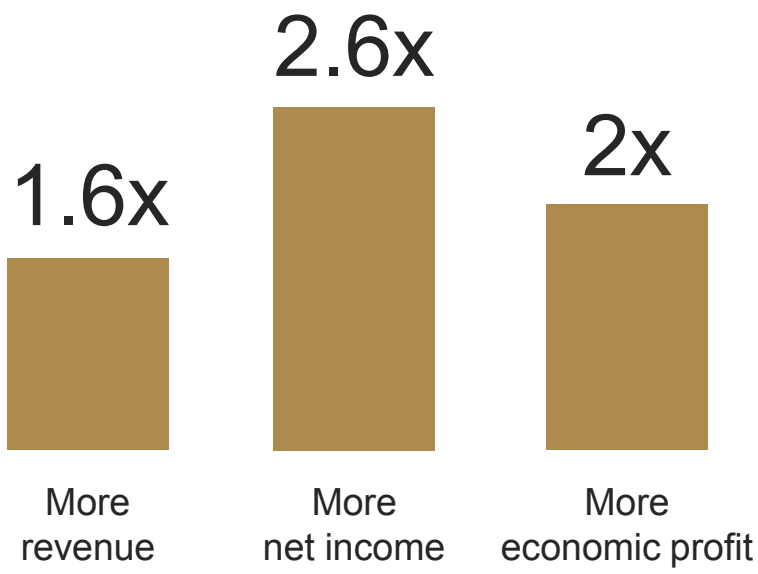
Recommendations



Source: Making Trade Agreements Work for People with Disabilities: What's Been Achieved and What Remains Undone?, (2022), Amrita Bahri.

Beyond Inclusion: It is also a Business Case

Disability-Inclusion Leaders achieve considerable business gains over other participants.



Timeframe: 7-year sample from (2015-2021).

Sample Size: 346 unique companies that participated in the Disability Equality Index survey and had publicly available financial/Glassdoor data (87% US-based, across all major industries).

Disability-Inclusion Leaders: the 103 best-in-class companies for setting next-level practices. These include broadening access to AT, raising awareness, integrating accessibility policy, and ensuring executive accountability by linking executive pay to disability inclusion targets. **These companies** were compared to the 243 non-leader companies, and a peer group of 405 non-participating companies matched via S&P Capital IQ's Algorithm.

Source: The disability inclusion imperative (2023), Accenture.

DOMESTIC POLICY

We know that Canada is acting

1 Tariff Item 9979.00.00 (for AP and AT) & GST/HST Zero-Rating

Duty and tax relief lowers the cost of assistive technology and medical devices. Tariff Item 9979.00.00 provides duty-free treatment for goods specifically designed to alleviate the effects of disability. A broad range of medical and assistive devices, including wheelchairs, prostheses, hearing aids and prescription eyeglasses, are also zero-rated for GST/HST.

2 Effective Employment Strategy for Canadians with Disabilities

Canada's Employment Strategy aims to close the disability employment gap by 2040 through skills training, employment services, inclusive hiring and workplace accessibility. It funds programs such as the Opportunities Fund and Labor Market Agreements, while supporting students with disabilities and employers through training, mentoring, wage and accessibility initiatives

3 Digital Accessibility & ICT Standards

Federal accessibility rules are expanding to cover websites, mobile apps and digital documents, using Accessibility Standards, which incorporate WCAG 2.1 Level AA for web content. Ontario similarly requires accessibility in public-sector digital services.

4 Procurement as an Accessibility Policy

Ontario requires designated public-sector organizations to consider accessibility criteria when purchasing goods, services and facilities. Federally, CAN-ASC-4.1 is being developed to integrate accessibility across the procurement lifecycle: from planning and bidding to contract management and delivery.

5 Signatory of International Disability-Inclusive Policy Commitments

UN Convention on the Rights of Persons with Disabilities (CRPD) (legally binding disability-rights framework), Marrakesh Treaty (requires copyright exceptions facilitating accessible-format books for persons with disabilities), and 2030 Agenda Sustainable Development Goals (SDGs) (incorporates persons with disabilities into targets concerning education, employment, inequality, sustainable cities and communities, and data collection).

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SECTION 2 OF 6

Trade Agreements & Disability-Inclusive Policy

Can trade agreements empower persons with disabilities?



Source: Making Trade Agreements Work for People with Disabilities: What's Been Achieved and What Remains Undone?, (2022), Amrita Bahri.

SO WHAT?

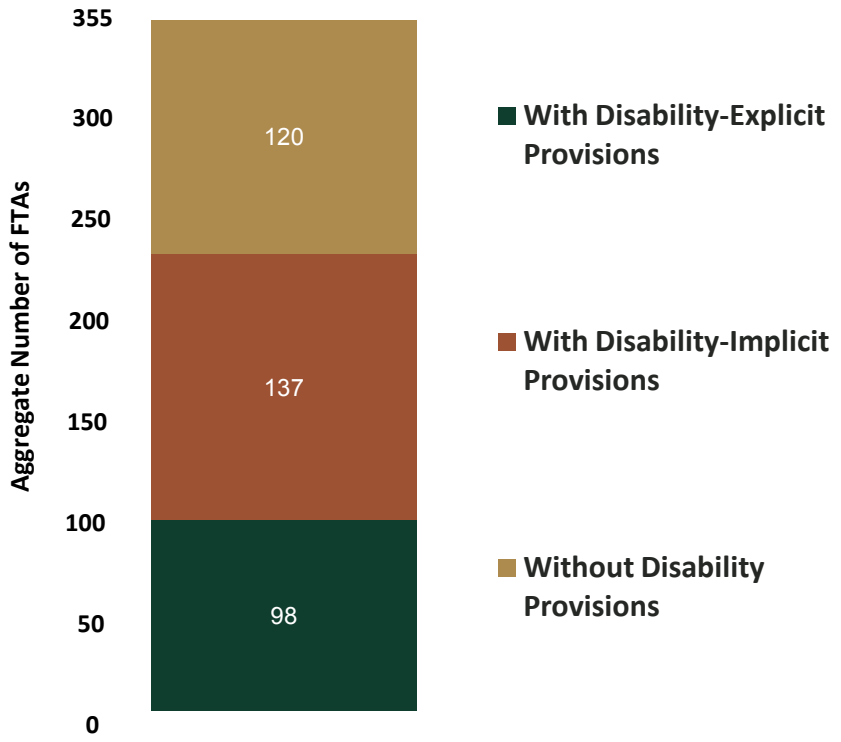
Disability provisions in Free Trade Agreements (FTAs)

THE INSIGHT

Out of 355 currently-enforced FTAs globally, 27% have disability-explicit provisions

- ➢ 66% have disability-explicit and/or disability-implicit provisions
- ➢ 34% still lack any disability-inclusive provisions
- ▪ List of explicit keywords: disabled, disability, disabilities, differently-abled, handicapped, invalidity, PWD

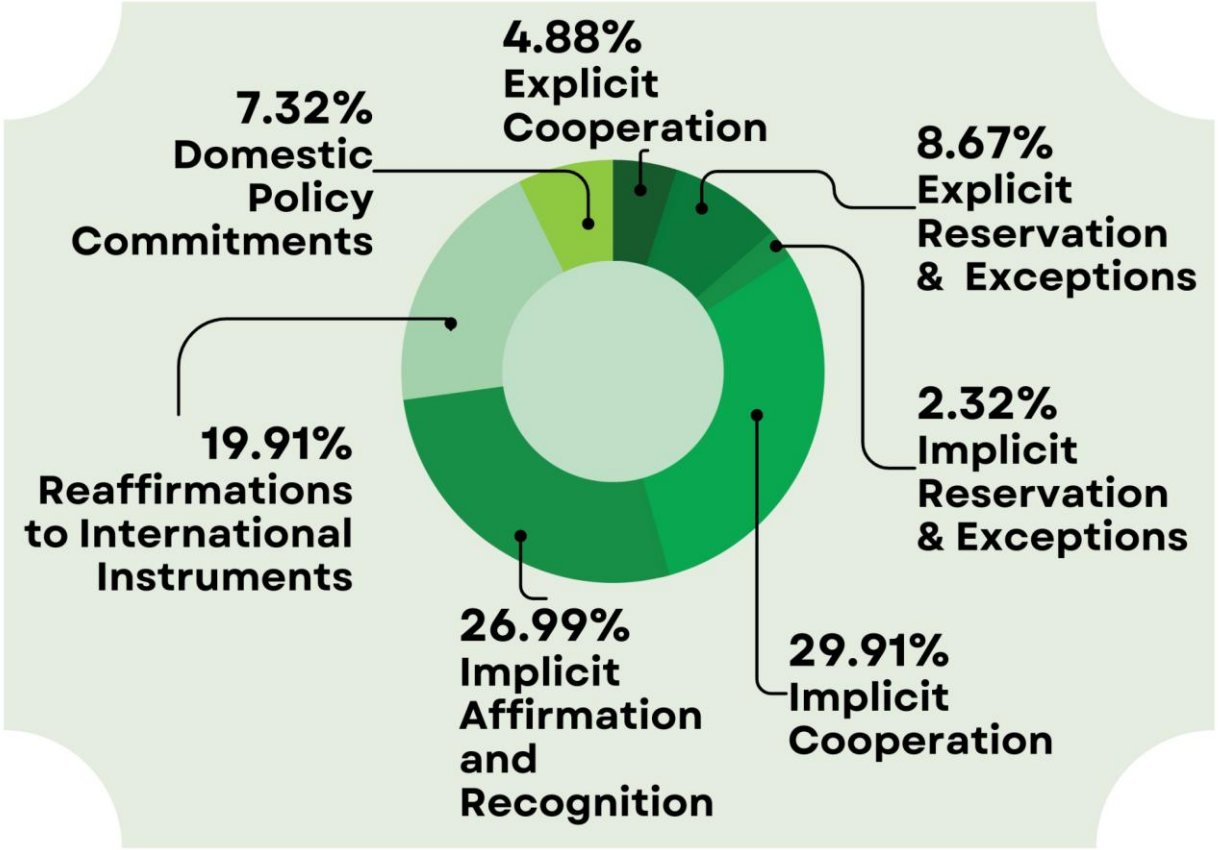
DISABILITY PROVISIONS ON FTAS



Source: Making Trade Agreements Work for People with Disabilities: What's Been Achieved and What Remains Undone?, (2022), Amrita Bahri.

THE NEXUS

Different types of provisions for different outcomes



Source: Trade Agreements and Disability Inclusion: Demystifying the Disconnect Between Barriers and Policy Solutions, (2024), Amrita Bahri.

1

Explicit Cooperation

Explicit cooperation is a positive affirmation to cooperate nationally and/or internationally on various issues that directly refer to or mention terms relating to disability in a clear and explicit manner.

2

Implicit Cooperation

Implicit cooperation is a positive affirmation to cooperate nationally and/or internationally on various issues which address the disability concerns without explicitly including an explicit expression or word relating to disability.

3

Explicit Reservations & Exceptions

Reservations are the act of keeping back, withholding, or setting apart a right or making an exception or qualification.

Exceptions are express exclusion of something from operation of the agreement.

4

Implicit Reservations & Exceptions

Those reservations and exceptions are implicit which address the issues of disability in an indirect and implicit manner through other areas such as, but not limited to the following:

human rights, vulnerable groups focus, disadvantged communities, labor discrimination, corporate social responsibility, intellectual property rights, and small and medium enterprises.

5

Reaffirmations to International Instruments

Reaffirmation is the reiteration of a previously stated affirmation. A country may refer back to a previously stated international law document, convention, treaty or declarations where they expressed their will, support or intention in favor of something.

International instrument is a treaty, convention or agreement between subjects or actors of international law.

6

Domestic Policy Commitments

With policy commitments, countries attempt to approximate their laws or policies with other parties and assume commitments relating to their domestic laws, rules, regulations, policies or practices.

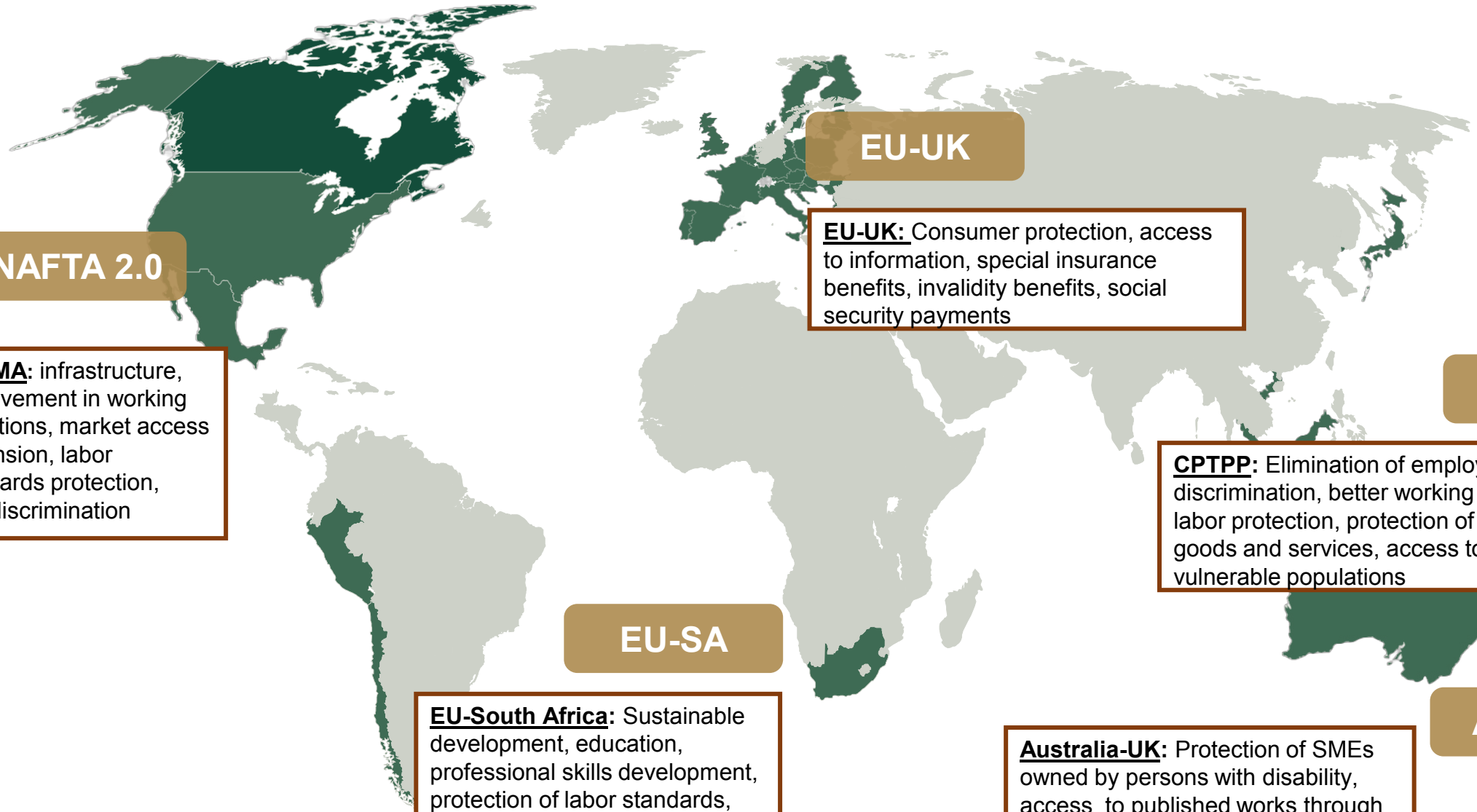
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SECTION 3 OF 6

The Global Frontrunners in Disability-Inclusive Trade Provisions

How the world is innovating with disability-inclusive trade provisions



NAFTA 2.0

CUSMA: infrastructure, improvement in working conditions, market access expansion, labor standards protection, non-discrimination

EU-UK

EU-UK: Consumer protection, access to information, special insurance benefits, invalidity benefits, social security payments

CPTPP

CPTPP: Elimination of employment discrimination, better working conditions, labor protection, protection of specialized goods and services, access to finance for vulnerable populations

EU-SA

EU-South Africa: Sustainable development, education, professional skills development, protection of labor standards, vulnerable groups protection

AUS-UK

Australia-UK: Protection of SMEs owned by persons with disability, access to published works through assistive devices, better working conditions, labor protection

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GLOBAL FRONTRUNNERS

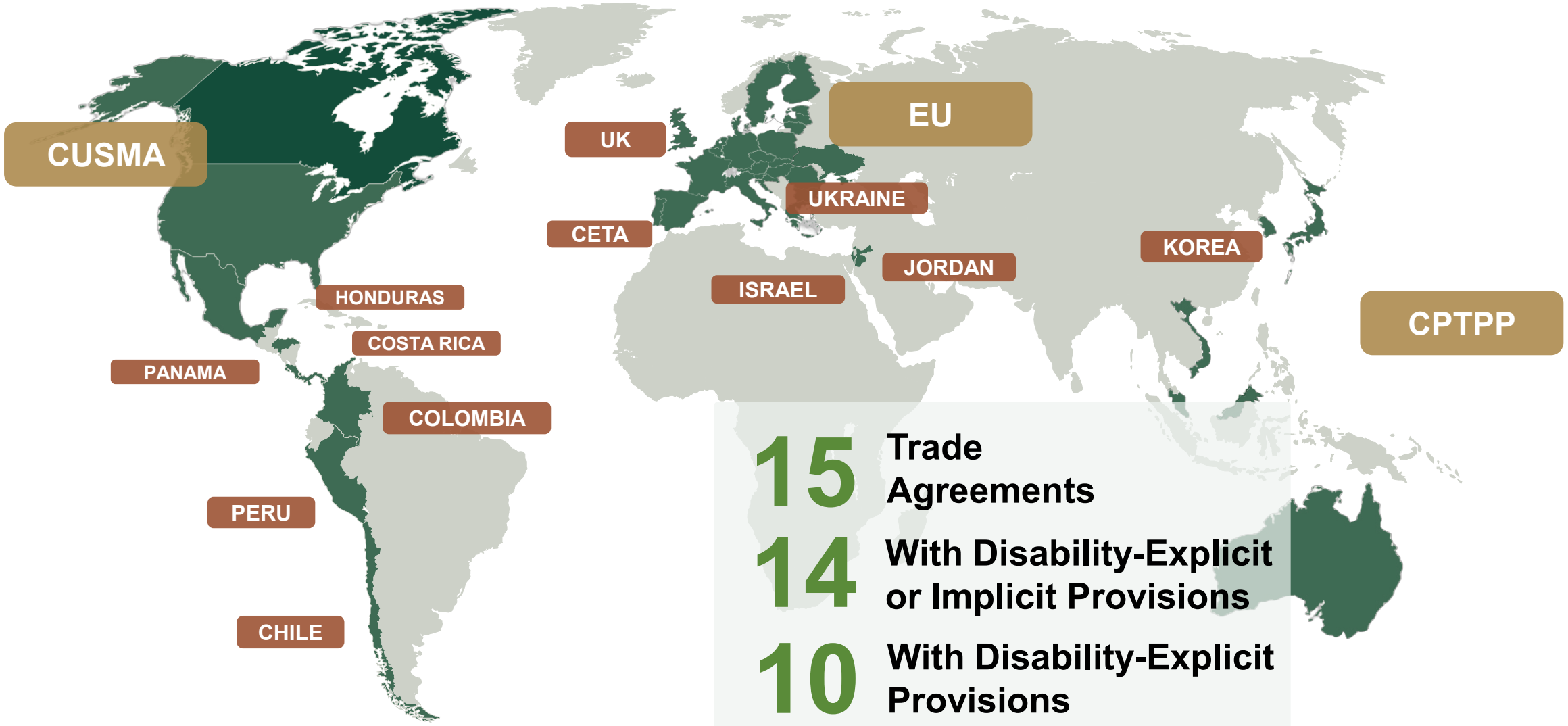
5 innovative agreements

NAME OF AGREEMENT	PARTIES FOCUS ON	
EU – UK	▪ Protection of consumers with disability and reduced mobility in air transport ▪ Access to information for persons with disabilities ▪ Special insurance benefits & invalidity benefits ▪ Social security payments	▪ Corporate social responsibility ▪ Sustainable development ▪ Non-discrimination
USMCA	▪ Corporate social responsibility ▪ Exception relating to good or service of persons with disabilities in the Government Procurement Chapter ▪ Sustainable development	▪ Labor rights and standards under ILO Conventions ▪ Enforcement mechanisms in labour chapter
EU – South Africa	▪ Attention to circumstances of the most vulnerable groups ▪ Equitable & sustainable development ▪ Dialogue on social cooperation and social problems re poverty alleviation, unemployment, public health	▪ Protection of labour standards ▪ Capacity building & human resources & professional skills development ▪ Human rights
Australia-UK	▪ Appropriate balance in its copyright system to facilitate access to published works for persons with disabilities ▪ Protection of SMEs owned by persons with disabilities ▪ Corporate social responsibility ▪ Protection of personal information	▪ Elimination of employment discrimination ▪ Sustainable development ▪ Exception relating to good or service of persons with disabilities in the Government Procurement Chapter
CPTPP	▪ Promotion of equality & elimination of employment discrimination for PWD ▪ Corporate social responsibility ▪ Promotion of labour standards under ILO Conventions	▪ Exception relating to good or service of persons with disabilities in the Government Procurement Chapter ▪ Improving trading conditions and access to finance for vulnerable populations

SECTION 4 OF 6

An Overview of Canada's Trade Agreements

A look at its currently enforced FTAs, and some of their trends

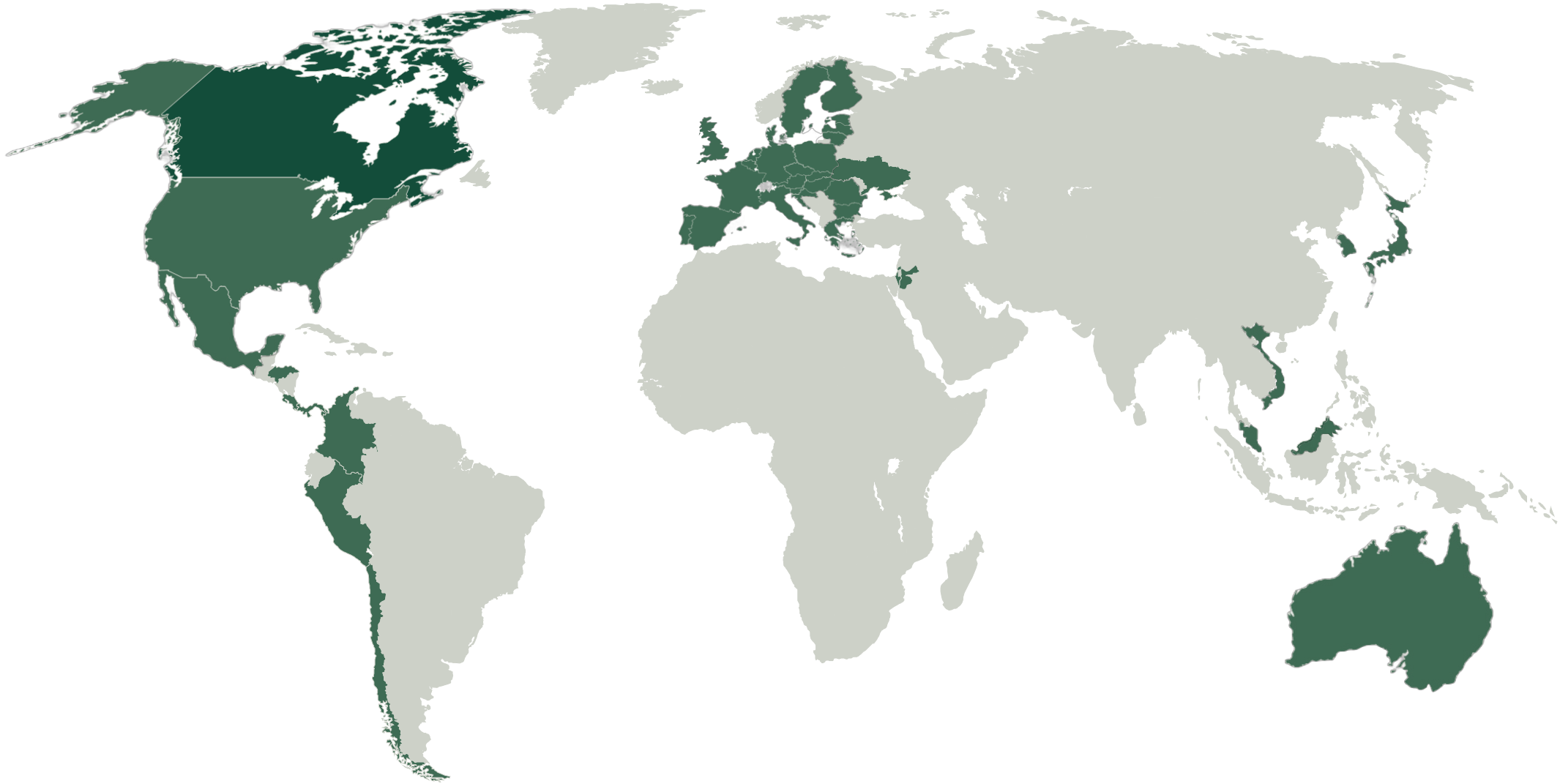


15 Trade Agreements

14 With Disability-Explicit or Implicit Provisions

10 With Disability-Explicit Provisions

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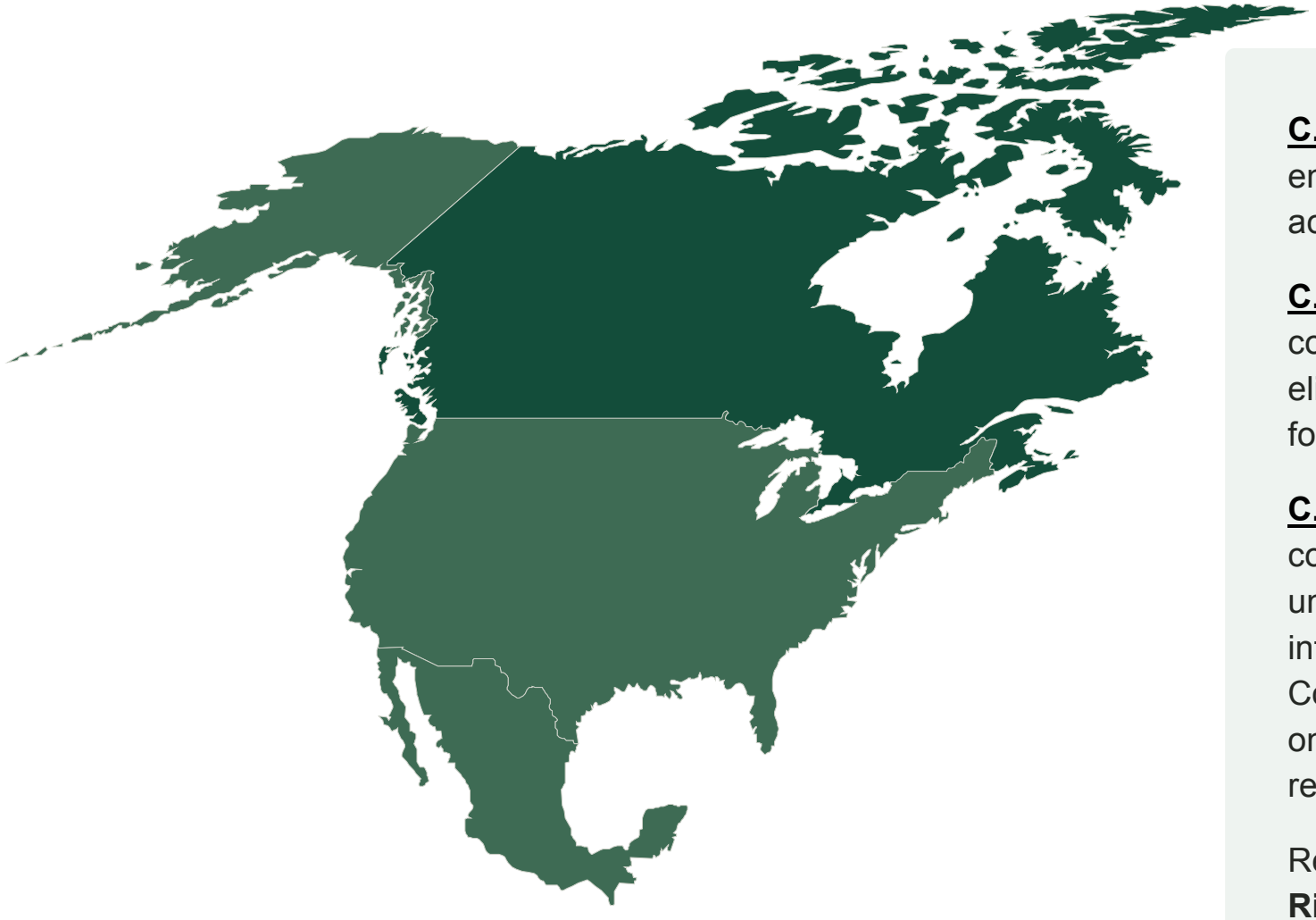


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NORTH AMERICA

North American Free Trade Agreement (NAFTA) 2.0



C. 19 (Digital Trade), Art. 19.14: Explicit encouragement of cooperation in the promotion of access to ICTs for persons with disabilities.

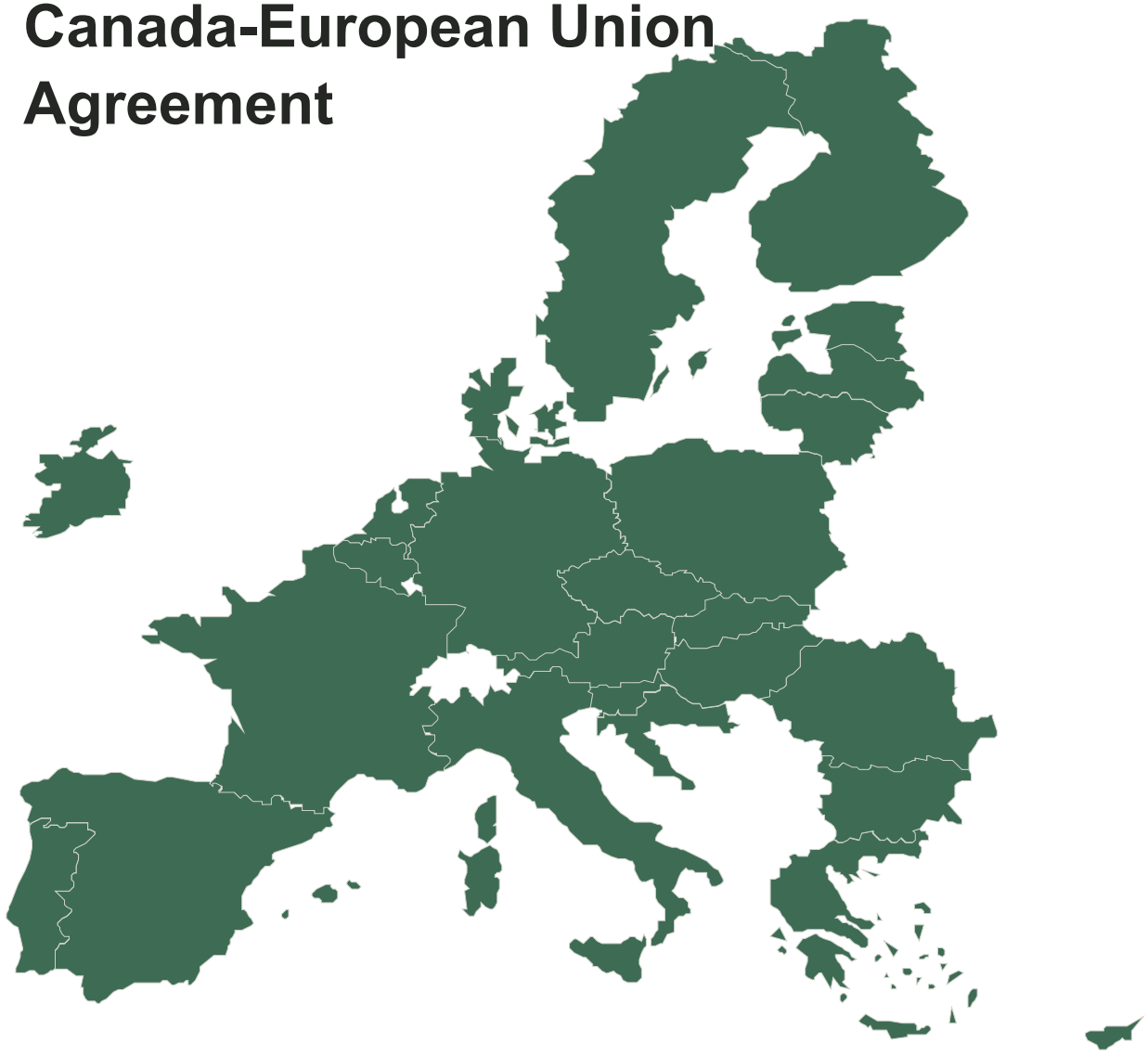
C. 23 (Labor), Art. 23.12: Explicit encouragement of cooperation in the promotion of equality and elimination of employment discrimination, including for persons with disabilities.

C. 25 (SMEs), Art. 25.2: Explicit encouragement of cooperation in the promotion of SMEs owned by under-represented groups, and their participation in international trade. **Art. 25.4:** Establishment of SME Committee to facilitate the exchange of information on entrepreneurship education programs for under-represented groups.

Reaffirms **CSR** (C14) and the **ILO Declaration on Rights at Work** (C23).

EUROPE

Canada-European Union Agreement



C. 19 (Government Procurement), Art. 19.3: Explicit reservation to impose or enforce measures “relating to goods or services of persons with disabilities.”

C. 28 (Exceptions), Art. 28.7: Explicit reservation to impose a taxation measure that provides an advantage for the deferral of, or exemption from, tax for pension, retirement, savings, education, health, disability, or other similar purposes.

Reaffirms **SDGs**, and the **OECD Guidelines for Multinational Enterprises** (Preamble), **CSR**, and the **ILO Declaration on Rights at Work** (C. 22).

EUROPE

Canada-United Kingdom Trade Continuity Agreement



C. 19 (Government Procurement), Art. 19.3: Explicit reservation to impose or enforce measures “relating to goods or services of persons with disabilities.”

C. 28 (Exceptions), Art. 28.7 Explicit reservation to impose a taxation measure that provides an advantage for the deferral of, or exemption from, tax for pension, retirement, savings, education, health, disability, or other similar purposes.

Reaffirms **SDGs**, and the **OECD Guidelines for Multinational Enterprises** (Preamble), **CSR**, and the **ILO Declaration on Rights at Work** (C. 22).



THE PACIFIC

Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)

C. 15 (Government Procurement), Art. 19.3: Explicit reservation to adopt or maintain measures “relating to goods or services of persons with disabilities.”

C. 19 (Labor), Art. 23.12: Explicit encouragement of cooperation in the promotion of equality and elimination of employment discrimination, including for persons with disabilities.

C. 21 (Cooperation and Capacity Building), Art. 25.4: Establishment of Committee on Cooperation and Capacity Building to support the development and implementation of cooperation and capacity building activities.

C. 23 (Development), Art. 23.3: Explicit promotion of policies that take advantage of trade and investment opportunities to contribute to sustainable development, improving trading conditions and access to finance for vulnerable areas or populations, and SMEs.

Reaffirms **CSR** (C9 and C19) and the **ILO Declaration on Rights at Work** (C19).

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INTERNATIONAL FRAMEWORKS

The most-reaffirmed frameworks in Canada's trade agreements

OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

SUSTAINABLE DEVELOPMENT GOALS

CSR

International Labour Organization

OECD Guidelines for Multinational Enterprises

Mandates Human Rights Due Diligence (HRDD) across a business's own operations and broader supply chains, explicitly requiring enterprises to pay special attention to vulnerable and at-risk groups.

Paragraph 1(e) of Chapter V obligates enterprises to be guided by the principle of equality of opportunity and treatment in employment and to **eliminate discrimination against workers**.
The OECD National Contact Point (NCP) is the non-judicial grievance mechanism to file complaints and resolve related disputes.

Sustainable Development Goals (SDGs)

Aiming to end poverty and inequality globally through actionable 2030 targets.

Goal 4: equal and accessible education by providing the needed assistance for persons with disabilities.
Goal 8: full and productive employment and decent work for all, including for persons with disabilities.
Goal 10: emphasize the social, economic, and political inclusion of persons with disabilities.
Goal 11: providing universal access to safe, affordable, accessible, and sustainable transport and public spaces for persons with disabilities.
Goal 17: importance of data collection, with an emphasis on disability disaggregated data.

Corporate Social Responsibility (CSR)

Frameworks for organizations to operate ethically; emphasizing Accountability, Transparency, and Respect for Stakeholder Interests.

Recommends specific measures to prevent discrimination and ensure equal opportunities, explicitly naming persons with disabilities as a group requiring proactive protection.

Advises organizations to ensure that products, services, and environments are universally accessible to consumers with physical or sensory limitations.

ILO Declaration on Rights at Work

Realizing freedom of association, elimination of forced labor, abolition of child labor, occupational safety/health, and the elimination of discrimination in employment and occupation.

Discrimination (Convention No. 111): any distinction, exclusion, or preference that impairs equality of opportunity or treatment in employment.

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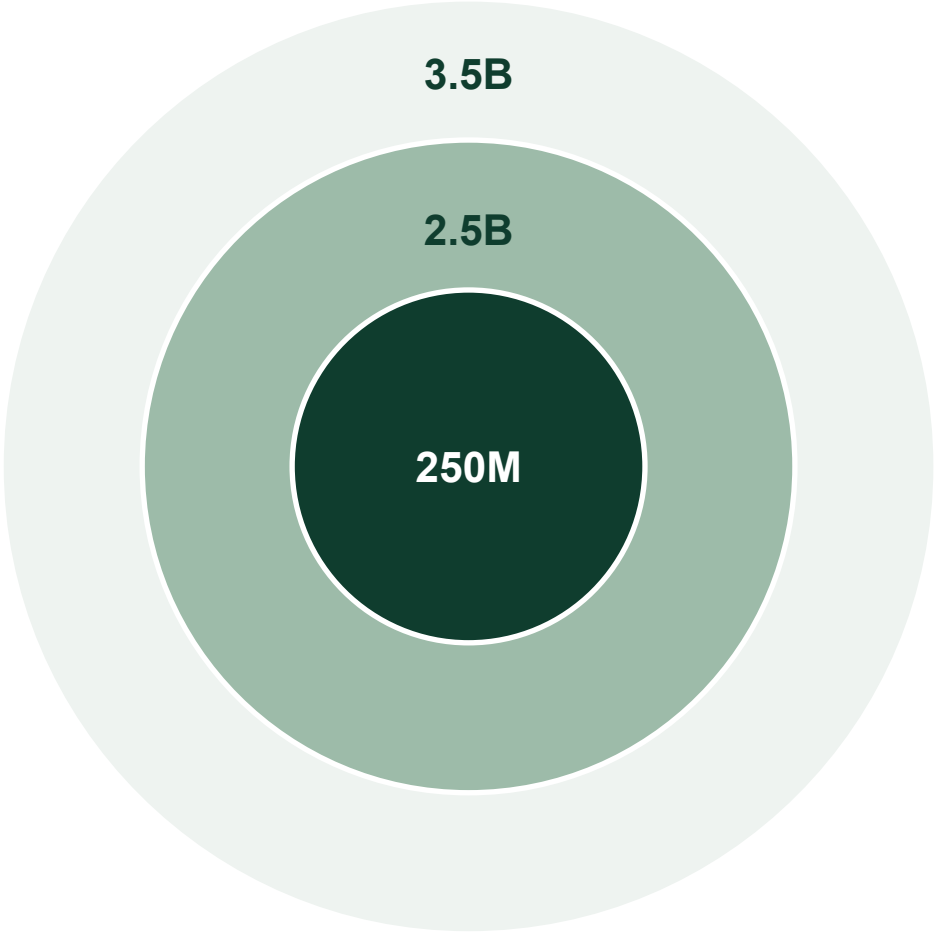
SECTION 5 OF 6

The Deep Disconnect: Where are we on inclusive trade policy?

Barriers vs. Policy Solutions in Trade Agreements

THE DEEP DISCONNECT

Only 10% of people in need of Assistive Devices have access to them: No Trade Agreement addresses this issue



PROJECTED MARKET (2050) — 3.5B persons

Number of persons worldwide estimated to need assistive products (AP) and assistive technologies (AT) by 2050.

REAL MARKET (2022) — 2.5B persons

Number of persons worldwide who needed a range of products such as wheelchairs, glasses, prosthetic limbs, white canes, hearings aids, speech recognition or time management software and captioning.

ADDRESSED MARKET (2022) — 250M persons

Only about 10% of persons in need of assistive products (AP) and assistive technologies (AT) worldwide have access to them.

Source: Global Report on Assistive Technology (2022), World Health Organization & UNICEF

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THE DEEP DISCONNECT

Trade agreements are not addressing the barriers

1

High tariff barriers imposed on import and sale of AD

Import duties and domestic taxes on assistive products remain high, especially in developing nations where 80% of persons with disabilities live. Furthermore, tariff code systems lack specific categories for over half of all assistive products, excluding them from tax reductions.

2

Strengthened Intellectual Property Rights Protection

Trade agreements strengthen patent protections to incentivize innovation, granting private developers' exclusive ownership over assistive devices, medicines, and book titles. This prevents competitive pricing, generic production, and accessible formats, driving up costs and making APs unaffordable.

3

Lack of Innovation – Copy and Paste Provisions

Negotiators repeatedly copy and paste outdated, minimal exceptions into trade agreements rather than creating tailored, actionable policies, such as targeted duty waivers or IP relaxations, that address the evolving needs of persons with disabilities.

Source: Trade Agreements and Disability Inclusion: Demystifying the Disconnect Between Barriers and Policy Solutions (2024), Amrita Bahri.

SECTION 6 OF 6

Recommendations: Leveraging Trade Agreements for Domestic Policy

From aspirational policies to measurable outcomes

RECOMMENDATIONS

Some policy reccommendations

1

Consider Binding & Enforceable Obligations

Transition from soft commitments and voluntary compliance, to binding obligations. Include trade provisions on domestic policy.

2

Define “Disability”

Defining “disability” is essential to ensure objective policy action and avoid voluntary compliance.

3

Reaffirm commitments to CRPD

The CRPD is a strong framework that focuses exclusively on the rights and provisions for persons with disabilities.

4

Collect Data

Collect data for evidence: costs and benefits, industry-specific, and price and availability of AD and AT.

5

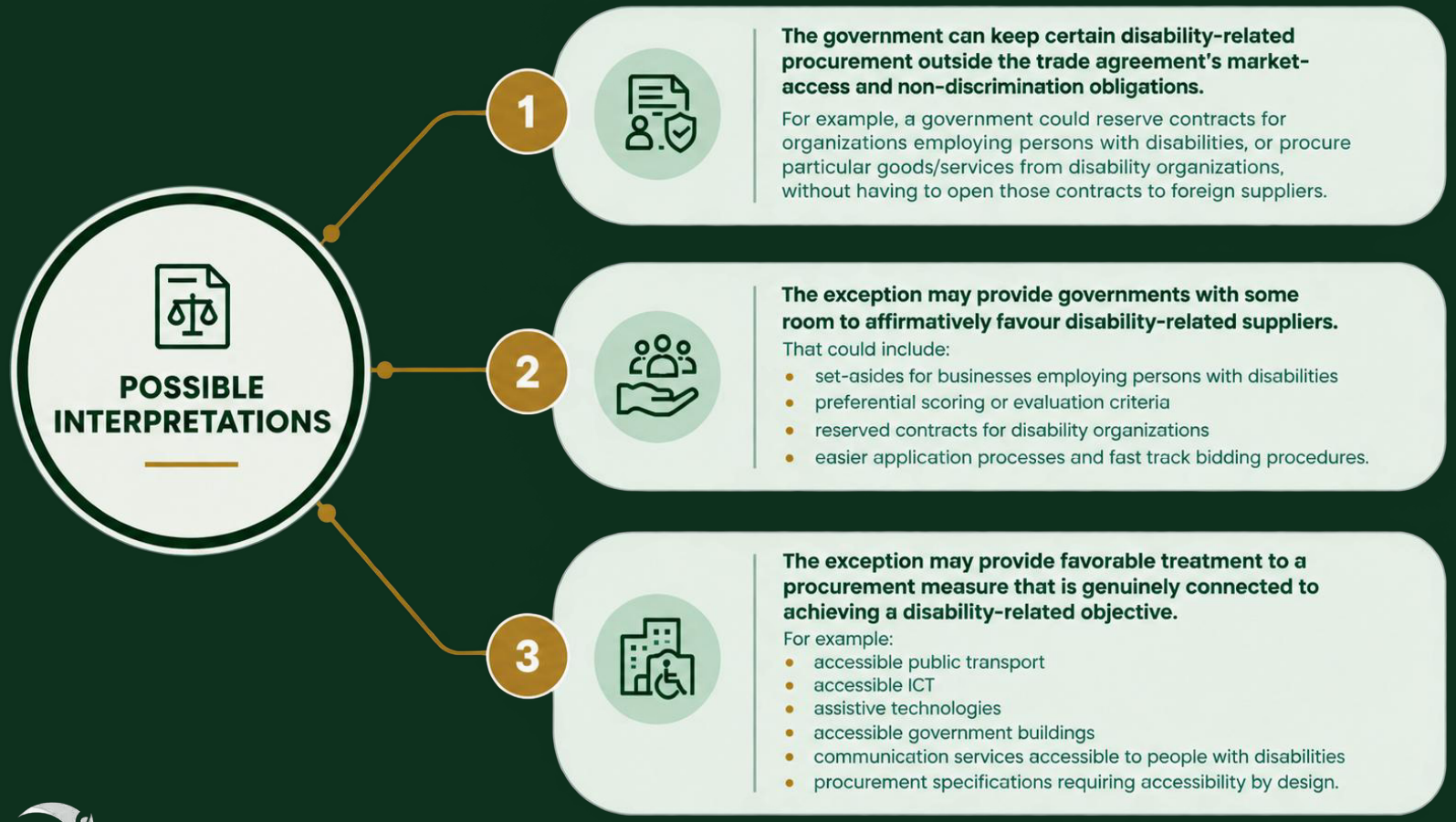
Leverage existing reservation on Government Procurement

Leveraging procurement exceptions turns existing trade-policy flexibility into a practical tool for disability inclusion, using government purchasing power to expand opportunities for disability-inclusive businesses, accessibility innovation, and inclusive employment.

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LEVERAGING TRADE AGREEMENTS

8 of Canada's trade agreements have a government procurement reservation



EXAMPLE TAKEN FROM CPTPP

"Subject to the requirement that the measure is not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between Parties where the same conditions prevail, or a disguised restriction on international trade between the Parties, nothing in this Chapter shall be construed to prevent a Party, including its procuring entities, from adopting or maintaining a measure:

(d) relating to the good or service of a person with disabilities, of philanthropic or not-for-profit institutions, or of prison labour."

WHAT DOES THIS MEAN?

A negotiated recognition to ensure that ordinary procurement disciplines should not prevent governments from pursuing particular disability-related objectives. But the exceptions are generally not unlimited.

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8 of Canada's trade agreements have a government procurement reservation

KEY LEGAL CONSIDERATIONS

These interpretations are subject to many legal considerations, such as:

1. Text of the exception
2. Scope of the procurement chapter
3. Agreement's general exceptions
4. Schedules/annexes and reservations
5. Limitations and qualifications: measure must not be applied in a way constituting arbitrary or unjustifiable discrimination, or a disguised restriction on international trade.

POSSIBLE MEASURES

Possible measures that may be justified under this exception:

1. **Set-asides**
   Reserve a percentage of government contracts for enterprises employing persons with disabilities.
2. **Reserved supplier lists**
   Create a pool of qualified disability enterprises from which certain contracts must be purchased.
3. **Price preferences**
   Give a disability enterprise, for example, a 5%–10% evaluation advantage.
4. **Bid preferences**
   Award additional points to suppliers that employ a specified proportion of persons with disabilities.
5. **Tie-break rules**
   Where bids are otherwise equivalent, give the contract to a qualifying disability enterprise.
6. **Preferential access for social enterprises**
   Reserve certain procurement opportunities for enterprises whose primary mission includes employment of persons with disabilities or in which persons with disabilities have majority ownership or control.
7. **Universal design requirements as CSR**
   Require government purchases to comply with universal-design principles.
8. **SME Committee prioritization**
   Prioritization of companies by the SME Committee designed to facilitate the exchange of information on entrepreneurship education programs for under-represented groups.

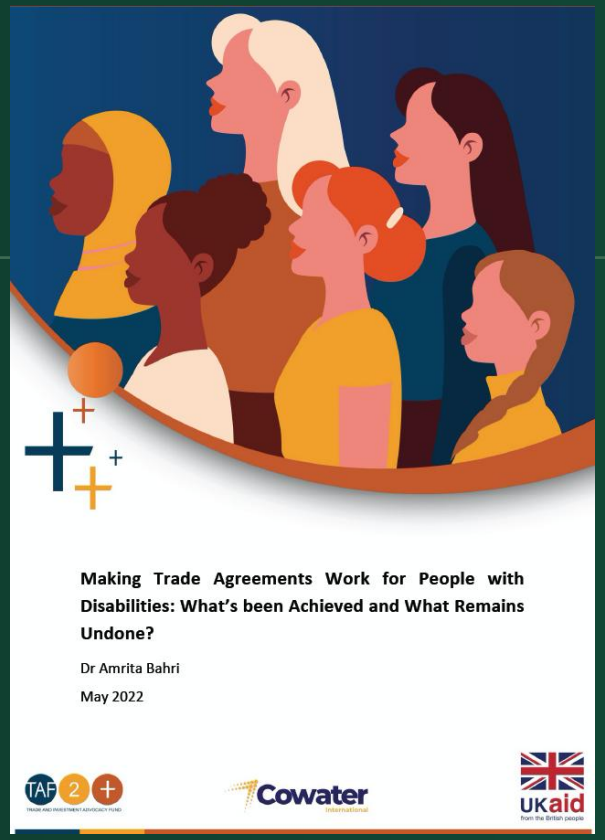
Barrier	Leveraging Trade Agreements and Policy
Access to assistive and medical products	1. The EU guide on social considerations in public procurement: benefits companies with persons with disabilities. 2. Kenya's Access to Government Procurement Opportunities program: reserves 30% of government procurement opportunities for enterprises owned by women, youth, and persons with disabilities. 3. Revise patent laws: how long do companies *need* to recover their investment? 4. Exchange AT development with trade partners. 5. Center to provide support, information, and training for the use and maintenance of AT.
Access to educational and skill development opportunities.	1. Integrate the Marrakesh Treaty into domestic policy and trade agreements. 2. Reaffirm commitments to the CRPD. 3. Explore opportunities to leverage VR and AI for persons with disabilities. 4. Exempt patent laws for the publishing sector.
Cultural and social stereotypes	1. Reaffirm commitments to the CRPD, SDGs, and collaborate to economically empower persons with disabilities.
Access to digital learning and infrastructure	1. Integrate the Marrakesh Treaty into domestic policy and trade agreements. 2. Promote a training center for persons with disabilities to learn to use digital tools and media. 3. Reaffirm commitments to the CRPD and follow the WCA6 framework.

Barrier	Leveraging Trade Agreements and Policy
Discrimination and biases in the workplace	1. Integrate commitments on the ILO Declaration to domestic policy.
Reasonable accommodations in the workplace	1. Include lack of reasonable accommodation as “discrimination”. 2. Integrate commitments in the ILO Declaration to domestic policy. 3. Incentivize companies to provide AT, preferential parking, presentation and training materials in accessible format, flexible work schedules, and competitive insurance to persons with disabilities.
Access to decent employment, low wages, and working conditions	1. Prioritize companies with persons with disabilities in their supply chain. 2. Increase trade flows and employment opportunities. 3. Promote well-renumerated jobs in higher value-added segments. 4. Promote access of persons with disabilities to export-oriented sectors such as ICT, green industries, and tourism. 5. Build stronger national employment policy frameworks. 6. Support SMEs of persons with disabilities.
Access to professional and business networks	1. The UKs Global Disability Innovation Hub as a specialized business network. 2. Reaffirm commitments to the CRPD. 3. Aid micro entrepreneurship and small producers.
Access to finance	1. Leverage reservations to support economically disadvantaged groups (for example, in taxes). 2. Collect data and proof that concerns on repayment capacity and higher risk are unfounded.

Thank You

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