
INCOME TAX, CUSTOMS DUTIES, AND POSTAGE RULES

The issue: There are inequities in income tax, customs duties, and postage rules which discriminate against and/or impose hardships upon Deaf Canadians.

The CAD's position: The special needs of Deaf people, such as expensive assistive devices, should be recognized by the Canada Customs and Revenue Agency, by the Ministry of Finance, and by Canada Post, who should all then take steps to ensure that Deaf Canadians do not suffer financially because of their deafness.

The Canadian Association of the Deaf was one of the disabled consumers organizations that led the successful fight to extend the disability deduction from income tax beginning with the 1986 taxation year. The deduction was subsequently changed to a non-refundable tax credit. We believe this change is a mistake and that the credit should be made refundable. It is a mistake because a huge percentage of Deaf and disabled people are unemployed and have incomes below the poverty line -- thus, they cannot claim the credit on their income tax.

The Canadian Association of the Deaf reminds the Canada Customs and Revenue Agency, the federal and provincial Ministries of Finance, and other disability groups that the rationale for expanding the original disability deduction was **not** in order to compensate for the additional living expenses incurred by persons with a disability — that is what the *medical expenses credit* is for. The disability deduction, on the other hand, was established to recognize the fact that disabled individuals do not have full access to quality education and employment ; that many government services are not accessible or are accessible only if the disabled individual assumes the burden of extra expenses and/or efforts; and that there is a consequential loss of opportunities for people who have a disability. This rationale provides all the more reason to make the credit refundable.

The Canadian Association of the Deaf rejects the requirement of a medical certificate in order to qualify for the disability credit. The CCRA's own records show that only 10 percent of disabled Canadians applied for the credit. The fear of mass claims for the credit which led the government to insist on the certificate requirement is thus clearly unfounded.

No certification is needed for several of the other deductions and credits such as the child credit; it is thus discrimination on the basis of disability to require this certification from disabled people.

The CAD particularly opposes the requirement of an audiogram for Deaf applicants. This is clearly a disability-specific discrimination, since persons who have other kinds of disabilities are not required to furnish equivalent "proof". Moreover, even the relevant government departments (including Health Canada) have admitted that audiograms are not accurate measurements of either hearing loss or of restrictions on daily living.

If certification of some kind is to be required, then associations of the Deaf (including the CAD),

school principals, church ministers, and others should be allowed to issue the certificates, rather than only doctors. Medical personnel may not be suitable for certifying eligibility for a variety of reasons, including the fact that their involvement constitutes a medicalization of a non-medical condition, and the fact that they themselves seldom have a disability such as deafness and are therefore incompetent to judge its effects except medically.

The criteria used for determining eligibility for benefits/credits as a person who is deaf or hard of hearing are based on the assumption that such individuals are "functionally limited" if they "cannot hear, so as to understand, a conversation in a quiet setting with a person who is familiar to them". This is utterly absurd. No one spends their daily lives in quiet settings with familiar persons; even the home is not a quiet setting. Time spent in a quiet setting with a familiar person has nothing to do with the "functional limitations" that Deaf people face 24 hours a day in a society built upon sound. It does not reflect the fact that society erects "sound barriers" to our participation.

The medical expense credit from income tax is intended to compensate Deaf and disabled individuals for the extra expenses incurred as a result of their disability. It has failed to do so, mainly because of the "percentage" limit imposed against claims and because of the non-refundable nature of the credit. People with disabilities have an employment and income level much lower than the average, and they have a medical expense level higher than the average; the credit as it is currently applied fails to take these inequities into account.

In addition, low-income Deaf consumers in some provinces find themselves forced to turn to welfare in order to obtain needed devices and services. This has the effect of encouraging dependency upon welfare; thus, the short-term reductions in health expenses to the government actually become long-term increases in welfare expenses.

Many of the devices required by Deaf people are imported from or purchased in the United States: these include caption decoders, TTYs, and visual alarms. The CAD urges that the medical necessity of these devices should be recognized by the removal of all customs duties and federal and provincial sales taxes which are currently being applied against them.

Materials for blind people which are sent through the mails are postage-free. We maintain that this is discriminatory against Deaf people in that Canada Post has recognized only the special communication barriers facing blind people and has ignored or denied those of Deaf people. Audiotapes and braille transcripts for the blind are no different from videotapes and Sign language materials for the Deaf; both should be granted postage-free status.

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