

Conference Proceedings

**The Accessible British Columbia Act: How Can an Intersectionality
Clause Inform Responsive Implementation of Individualized Funding?**

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Abstract

Individualized Funding (IF) aims to uphold the rights of people with disabilities, providing opportunities for self-determination, choice and control, and inclusion in accessing person-centered support services. However, these promises have been problematized as inequitable when support services and policy do not consider intersectional barriers to funding. A new accessibility law in British Columbia (Canada) could present an opportunity to address intersectional barriers to IF experienced by people with disabilities in British Canada and beyond.

Keywords: accessibility, intersectionality, individualized funding

The Accessible British Columbia Act: How Can an Intersectionality Clause Inform Responsive Implementation of Individualized Funding?

An Individualized Funding (IF) model serves as a mechanism that promotes community participation and independent living, following the principles set out by Independent Living Movements of the 1970s and 1980s (Hutchison et al., 2000; Lord & Hutchison, 2003), the United Nations Convention on the Rights of People with Disabilities (UNCRPD) and the personalization agenda guiding disability policies of the 21st century (Carey et al., 2018; Stancliffe, 2012). In general, IF is funding allocated directly to an individual, their family member, or legal representative and is meant to provide access to the support necessary to meet disability-related needs. Importantly, funding allocation and spending toward support services are determined with direct reference to the specific needs and aspirations of the person with a disability (Stainton et al., 2024).

The international emergence of IF models in disability policy has been extensively followed and researched. A 2023 comprehensive scoping review of the international academic literature charted the facilitators and barriers in the experiences of people with disabilities seeking access to this type of funding in directing their support services (Stainton et al., 2024). The systematic search following PRISMA Scoping Review (PRISMA-ScR) and PRISMA for Searching (PRISMA-S) extensions of eight databases yielded 347 articles (Stainton et al., 2024). The eligibility criteria meant that peer-reviewed primary (quantitative, qualitative, and mixed-methods) and secondary journal articles, published between 2011 and 2023, in English, including all age groups and geographic regions, were used to compare IF models and experiences. It is important to note here that, although extensive, these eligibility criteria and the nature of academic research representation led to the inclusion of articles only from what can be considered the “Global North” (e.g., Meekosha, 2011). While the search

protocol and charted data are discussed elsewhere (Stainton et al., 2024), preliminary findings highlight important facilitators and barriers in the experiences of people with disabilities.

Regarding positive outcomes, research generally showed that IF gave people with disabilities the potential for increased autonomy and decision-making about their care. Important measures addressed in the research were opportunities for choice and control, social inclusion, and economic participation (e.g., Foster et al., 2022; Phuong, 2017). However, certain negative outcomes were also indicated, with research finding that some people with disabilities and their family members and/or carers experienced being worse off with an IF model as compared to previously available block funding (e.g., Mavromaras et al., 2017). Block funding here refers to funding allocations where the government provides funding to service providers directly to provide specific standardized services in a specific region.

Policy-based and community-based analyses included in the international scoping review asserted that negative outcomes of IF models can entrench existing marginalizations. Such marginalizations are often complex and diverse, including inequalities related to one's disability type(s), gender, race, culture, class, sexual orientation, religion, age, ethnicity, and political status. According to some researchers, IF models entrench experiences of disparities among equity-defending groups, further complicating access to services based on geographic, socioeconomic, and housing status (e.g., Carey et al., 2021; Churchill et al., 2017). From an analytical standpoint, these tendencies of policy and practice to further entrench existing marginalizing experiences for people with disabilities points to a complex *intersectional* reality of barriers. The existence of intersecting barriers has been emphasized by various researchers and advocacy initiatives.

Intersectionality Theory

Intersectionality, a term conceptualized by Kimberlé Crenshaw in 1989, provides a foundational framework for understanding how compound marginalizations along multiple axes of identity (e.g., race, class, gender, sexuality, and disability) shape lived experiences in diverse social realities and contexts. Crenshaw's work (2019) addresses the multiple social forces, identities, and ideologies that inform and uphold power and disadvantage. Specifically, intersectionality theory critiques traditional political frameworks that fail to account for the complexities of multiply-marginalized identities.

Within the context of disability, the intersectionality framework is pivotal for recognizing disabled people's experiences and compounded marginalizations. Patricia Hill Collins (2000; 2019) deepens intersectionality's relevance in disability justice by demonstrating the interplay of race, class, and gender in shaping the experiences of disabled individuals. In social action movements and societal systems, impoverished disabled women of color experience distinct forms of oppression. Hill Collins (2019) sees the potential of intersectionality theory as a social justice and action framework that has yet to be fully realized beyond being a metaphor (p. 25). In linking historically dominant body politics and eugenics approaches to ability and disability, Hill Collins shows how evaluative language along an unfit/fit binary (both physical and mental) attached itself to moral discourses of normalcy and deviance as social constructs (p. 259). In turn, such normativity excludes those deemed unfit or deviant from requiring equitable access, inclusion, and choice and control also seen in other axes of identity that socially stratify different expressions of race, gender, class, and sexuality. As Audre Lorde (1984) substantiates, these politics of identity that ignore value-laden categories of difference only serve to further marginalize those kept at the fringes of society.

As such, the identification of these intersecting barriers might not come as a surprise. Yet, research regarding IF models showing how such models further entrench these realities, or even increase already disparate experiences related to people with disabilities' access to services, is cause for concern.

Accessible British Columbia Act

The Accessible British Columbia Act (2021) establishes that barriers can be caused by environments, practices, and policies and it explicitly acknowledges that barriers can be created by intersecting forms of discrimination. The Act defines disability in a way that is inclusive of a wide scope of experiences and recognizes the disabling impacts of barriers. The Act applies to public sector organizations in British Columbia (BC) and by extension, BC's IF model, which is delivered through a provincial Crown corporation. This means that such corporations are required to address the intersectional barriers people may experience in their policies and programs.

Consultations with disabled people and disability communities in BC ensured that intersectionality theory is positioned in the Act where it is directly relevant to the purpose of the law: to identify, remove, and prevent barriers. It was significant that the Act involved wide consultation in its development and, specifically, consultation with disabled people and disability communities (Jacobs, 2016; Jacobs et al., 2016). Although there are a few examples of Canadian federal/provincial legislation references to intersectionality in preambles or principles (e.g., Jacobs et al., 2021) the Accessible British Columbia Act is unique for the more operational and binding integration of intersectionality theory. This is an opportunity where British Columbia can show leadership in this important dimension. For example, an analysis of the ambitions and achievements for antidiscrimination and citizen participation under the Accessibility for Manitobans Act, Jacobs et al. (2016), argued for

“more significant scope for the statute to address intersectionality within disability discrimination” (p. 1).

Methods

Given the inclusion of intersectionality theory in the new Accessible British Columbia Act, this exploratory case study applies an intersectionality theory lens to IF to understand the positive, neutral, and negative outcomes of IF models, and to identify insights that can be applied to the implementation of IF in BC, Canada. The authors’ conference proposal and proceedings invited a closer look at intersecting barriers in people’s experiences with IF, and conversation about the potential that legislation and/or policy attention to intersecting forms of discrimination can promote improved responsiveness of the funding model to dynamic, varied, and overlooked support needs and challenges. We apply an intersectionality theory lens to review the IF model generally and review specific publicly accessible BC government IF policy documents. This exploration of policy and law in BC can provide important considerations for other IF models and policies to address the experiences of people with disabilities and the intersectional barriers to accessing support services.

Results and Discussion

Findings presented at the conference were tentative as analysis is not yet complete. Initial analysis suggests an intersectionality theory lens provides an important analytical tool for the review of IF programs because it allows for the complexity of intersectional experiences to question the standard application of IF models.

At present, intersectionality theory is not widely taken up and, as a concept, is not well known to people designing, implementing, and delivering support services connected to IF models. In the prevailing volatile climate for equity and inclusion initiatives, it is especially significant that the BC government created a stand-alone accessibility law that

directly references intersectionality. This law, then, affirms a commitment to addressing intersecting forms of discrimination and establishes an orientation for public sector organizations towards intersectional analyses in programming and services.

An intersectionality theory lens promotes more responsive implementation of IF by compelling funders and service providers to re-think the disadvantages that can accrue for certain communities, families, and individuals. Illustrative examples of compounding disadvantages (intersecting forms of discrimination) can include diminished service provider options in remote northern communities after switching from block funding. Whereas contract terms for block funding could require services to be provided in remote regions, IF models promote market-based service options. Service providers may reduce or eliminate service provision in remote regions because the profit margin can be thinner. This has critical implications for northern First Nations communities. Service providers may also relocate based on economic arguments, preferring to provide services in urban centers where incomes are higher and service charges can therefore be higher. Such economic arguments have direct implications for lower-income communities, where households are more likely to include, for example, lone-parent families, racialized communities, and older adults on fixed incomes. Moreover, the market for services produced by IF can lead to greater variation and volatility in pricing and quality of services, and these instabilities are most difficult to withstand for multiply marginalized people and families.

The Accessible British Columbia Act has taken an important step by explicitly citing intersectionality theory in its legal definition of accessibility barriers—a first in Canadian accessibility laws. Its mere existence can guide changes needed to address the reported negative experiences with IF models and other public policies. Following this law, or creating ones like it, can mean real programmatic change, including but not limited to disability

community leadership in inclusive policy design, disaggregated data collection, intersectional program evaluations, and mechanisms of accountability that go beyond aspiration.

Applying intersectionality theory to mechanisms of monitoring, evaluation, accountability, and learning for policymakers, public agencies, researchers, and disability services could mean:

- Embedding intersectionality principles into every stage of (IF) program development and review.
- Listening to and co-designing with people most excluded from mainstream disability support.
- Ensuring that accessibility law leads to enforceable and measurable change, not just symbolic recognition.
- Creating space for disabled people's organizations to lead educational activities that build awareness about intersectionality in theory and praxis.
- Understanding access not as a reactionary technical fix, but also as a matter of social justice that guides design.

It is noteworthy that only 12 studies in the extensive review directly referenced intersectionality as a theory or framework (Stainton et al., 2024). This may suggest a lack of intersectional understanding of barriers and experiences of reported marginalizations and may reflect a failing in other IF research to attend to diverse and interconnected experiences in IF policy design and/or reform. Additionally, intersectional analyses are well-suited to moving beyond so-called "additive" approaches, which address people's experiences and barriers as if they were independent factors. (e.g., AMPARO Advocacy Inc., 2017). The studies that referenced intersectionality, as well as advocacy organizations, emphasize the need for intersectional theory to guide policy and practice. Further exploration of an intersectional

approach in the review of IF models would better reflect diverse, lived experiences of disabled individuals. We propose that such an approach addresses objectification and essentialization of disability, while recognizing the complex, intersectional factors that shape accessibility, support needs, and the realization of the rights of people with disabilities and their family members, carers, and communities.

Intersectionality: From Theory to Praxis

Consultation with disabled people and communities was a cornerstone of developing the Act and establishing its legitimacy. Other provincial accessibility laws have not involved this degree of public and disability communities' involvement. The level of consultation embodies the BC government's commitment to be guided by "the principle of 'nothing about us'" (Government of British Columbia, 2019, p. 4). With the incorporation of intersectionality theory, the Act can be a conduit to foster systemic change through cultural as well as structural transformation because it offers a strong foundation for valuing intersectional analyses and pursuing needed changes. This crucial element helps ensure that social policies, like IF, address oppression faced by multiply marginalized people/communities. It is essential that IF policy and service delivery is user-centered (people and families receiving and eligible to receive IF, and service providers), iterative, and inclusive. Intersectional analyses of IF may be a pathway for greater engagement with disability justice theory (e.g., Sins Invalid, 2018), radical disability politics, and disability political identities and cultures. This may be a way of moving beyond traditional medical and legal definitions of disability, and potentially increasing openness to critiques and insights advanced through crip theory and disability justice theory.

There will eventually be an accountability mechanism established under the Act. The compliance and enforcement mechanism of the Act (Part 5) has yet to come into force

(Legislative Assembly of British Columbia, 2021). In Part 5, sections 21-25 set out provisions for the minister to appoint a director whose responsibility is to designate inspectors and oversee the process of inspections (section 23); to establish monetary penalties (section 24); establish compliance agreements to bring organizations into compliance; and to receive the amount that an organization/person is required to pay as a result of non-compliance (section 25). There is no timeline given for when Part 5 will come into force, although the BC government is currently working on the first two accessibility standards (for service delivery and employment) and these are somewhat delayed.

Based on the experience in Ontario, Manitoba, and Nova Scotia, where stand-alone accessibility laws have been in place for longer than in British Columbia, a robust accountability mechanism is important. We also know it is essential to have guidance and support for organizations to make needed changes, and this means ensuring there is funding and access to training and other resources to align with the Act and the imperatives of addressing intersecting forms of discrimination. With leadership by multiply marginalized disabled people and disability communities for training, implementation, and organizational alignment, the Act provides an opening to ensure we are engaging intersectionality theory in:

- Public sector organization internal training.
- IF program reviews.
- Design and delivery of support services.

Working Conclusions

This study offers important suggestions to attend to the varied and diverse experiences of people with disabilities and the intersectionality of barriers to equitable access, such as seen in IF models. We urge the recognition and exploration of people's intersectional

experiences of barriers in IF systems, offering the example of the Accessible British Columbia Act as impetus for policymakers, educators, and service providers to reflect on how intersectionality praxis can incorporate intersectional insights and allocate resources to this effort. What is more, in highlighting the importance of such an endeavor in BC and beyond, we urge cultural and structural shifts in policy and practice that not only address questions of equitable access but disability justice.

As set out from the start, IF models have been presented in promising ways, offering people with disabilities greater autonomy, dignity, and inclusion. When well-designed, the models can reflect the principles of choice and control that underpin both the independent living movements and the UNCRPD. However, as research has shown, promises remain unevenly realized—especially for those people experiencing multiple marginalizations related to disability type(s), gender, race, culture, class, sexual orientation, religion, age, ethnicity, place/type of living, and political status. We argue, like many before us, that intersectionality theory offers a critical framework for addressing these uneven realizations of greater autonomy, dignity, and inclusion. This means moving beyond additive understandings of experiencing barriers and recognizing how systemic oppressions intersect to shape access. Intersectionality as praxis demands a nuanced, justice-oriented, and inclusive approach to disability policy that centers the lives and leadership of multiply marginalized disabled people. We suggest that both the analytical tools and ethical grounding for developing more effective and equitable IF systems require us to put lived experiences at the center to be responsive to individual and community needs.

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