

# Disability:IN Comment Letter in Support of Proposed Amendment to Form 58-101F1 Disclosure of Corporate Governance Practices

September 1, 2023

The Secretary  
Ontario Securities Commission  
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To the Secretary of the Ontario Securities Commission,

We are writing in response to proposed changes to corporate governance disclosures and Form 58-101F1 to **strongly advocate for the adoption of Form B with specific provisions for including people with disabilities as a component of board diversity disclosures.** We support the provision of the “certainty clauses” that enumerate “identified groups” under Item 6.2 that include, “without limitation, Indigenous peoples, persons with disabilities, members of visible minorities, members of the LGBTQ2SI+ community and members of linguistic minorities.”

[Disability:IN](#) is the leading nonprofit resource for business disability inclusion. Our purpose is to build equitable, inclusive, and representative businesses and governance structures. Our [network of 500+ global corporations](#) promotes employment opportunities for people with disabilities worldwide through [employment programs](#), [information exchange](#), [thought leadership](#), and [shareholder advocacy](#).

People with disabilities are the world’s largest underrepresented minority made up of 1.3 billion people, or 16% of the global population. Research shows that embracing people with disabilities in the workplace brings companies and shareholders significant material benefits. According to [Getting to Equal: The Disability Inclusion Advantage](#), a report published by Accenture, Disability:IN and the American Association of People with Disabilities (AAPD), companies that embrace best practices for employing and supporting persons with disabilities achieved 28% higher revenue, double the net income, and 30% higher economic profit margins.

[Investors](#) demand transparency in order to make informed, long-term, sustainable financial decisions. We represent a group of [investors with more than \\$2.8 trillion in combined assets](#), led by the New York State Comptroller and Oregon State Treasurer, who have called on the companies they invest in to create inclusive workplaces that can benefit from employing the millions of talented people with disabilities.

More than 485 global companies are already tracking their disability inclusion progress using the [Disability Equality Index](#), a benchmark that measures the adoption of disability-oriented practices and policies. Major companies are measuring and reporting on their disability inclusive initiatives each year to

show investors that they are widening their talent lens, increasing workplace innovation, and searching for competitive edge.

In addition, we feel strongly that knowledge of a company's senior most leadership (board-level executives and independent directors) is a material issue for investors that requires transparent and detailed disclosures (Form B) on the presence of "designated groups." We commend the nearby Toronto Stock Exchange for adopting amendments to the CBCA that mandate disclosure of persons with disabilities on boards and senior management teams.

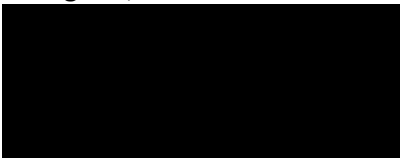
Drawing on a recent [board diversity disclosure report with Thomson Reuters](#), Disability:IN launched [Boards Are IN](#), an initiative to increase the representation of people with disabilities on corporate boards. This initiative calls on companies to incorporate disability into the nominating charters using model language already adopted by companies like Corning, Fannie May, Thomson Reuters, and Booz Allen Hamilton.

### **Recommendations of Disability:IN**

Disability:IN supports the proposed amendment and adoption of Form B with specific provisions for disclosing "designated groups," including individual directors with disabilities. We support the provision of the "certainty clauses" that spell out "identified groups" under Item 6.2 that include, "without limitation, Indigenous peoples, persons with disabilities, members of visible minorities, members of the LGBTQ2SI+ community and members of linguistic minorities."

This precise delineation of groups creates productive institutional evolution through regulatory action that articulates exactly what an "designated group" is. We support the adoption of a an accessibility-focused definition of "persons with disabilities" that means persons who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who (a) consider themselves to be disadvantaged in employment by reason of that impairment, or (b) believe that an employer or potential employer is likely to consider them to be disadvantaged in employment by reason of that impairment *and* includes persons whose functional limitations owing to their impairment have been accommodated in their current job or workplace.

Signed,



Jill Houghton

President & CEO, Disability:IN



Ted Kennedy, Jr.

Partner, Epstein Becker & Green  
Co-Chair, Disability Equality Index (DEI)  
Board Member, American Association of People  
with Disabilities (AAPD)