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Summary

Understanding Ableism within Policy and Law from an MCS Perspective

Robert Lattanzio LLB
Executive Director, ARCH Disability Law Centre.

Robert Lattanzio, Executive Director of ARCH Disability Law Centre, delivered a deeply informative and critical presentation on the legal and human rights landscape as it pertains to individuals with Multiple Chemical Sensitivity (MCS). He began by outlining ARCH's mandate as a community legal clinic focused exclusively on disability rights, providing legal services, test case litigation, law reform, and public legal education. Robert Lattanzio noted that ARCH frequently works with individuals who have MCS and are seeking equality and access in the face of overwhelming systemic barriers. These include barriers to housing, healthcare, employment, and even basic legal recognition.

Robert Lattanzio framed his discussion within the broader legal and constitutional context in Canada, referencing both the Canadian Charter of Rights and Freedoms and provincial human rights codes, which define disability broadly enough to include MCS. He highlighted Canada's ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD). He emphasized Article 8, which obligates signatory countries to raise awareness and challenge stereotypes about disability. Despite this legal foundation, he argued that people with MCS continue to be marginalized due to persistent disbelief, lack of understanding, and institutional ableism.

A significant component of his presentation focused on the findings of a legal research project conducted in collaboration with the Environmental Health Association of Quebec (ASEQ-EHAQ). The project involved a review of more than 700 legal decisions across federal, provincial, territorial, and municipal jurisdictions in Canada, spanning from 2003 to 2024. These cases, in various ways, involved individuals with MCS and revealed consistent legal trends. Robert Lattanzio described several preliminary themes that emerged: systemic bias in legal decision-making, lack of deference to MCS-specific medical expertise, and the burdensome evidentiary requirements placed on individuals to “prove” their condition. He explained that, despite having qualified experts, litigants with MCS often found their evidence questioned or dismissed. At the same time, opposing parties were frequently granted greater credibility, even when their experts lacked knowledge of MCS.

Another key insight from the research was the challenge of access to justice itself. Many individuals with MCS went unrepresented in legal forums, often due to financial constraints, the complexity of their claims, or health limitations that made full participation in proceedings difficult. Robert Lattanzio noted the critical lack of procedural accommodations—such as scent-free hearing environments, virtual hearings, or flexible timelines—which further excluded people with MCS from fully engaging in legal processes. In many cases, claimants were asked to test unsafe accommodations to prove harm, effectively forcing them to choose between risking their health or being labelled uncooperative—a troubling legal standard that disproportionately affects those with invisible disabilities.

He also discussed how some people with MCS felt compelled to avoid framing their cases explicitly around MCS due to fear of stigma or disbelief. Instead, they would center secondary conditions, or broader disability claims, in hopes of achieving better legal outcomes, inadvertently rendering MCS even more invisible in the legal system. Robert Lattanzio argued that this pattern reveals the deep-rooted ableism that still shapes legal discourse and outcomes.

In conclusion, Robert Lattanzio called for a rights-based, intersectional approach to disability law that fully acknowledges MCS as a legitimate and protected disability. He emphasized the need for systemic reforms, including education for legal and healthcare professionals, the establishment of appropriate legal forums for MCS-related issues, and robust procedural accommodations that enable people with MCS to safely and meaningfully access justice. His presentation served as both a diagnostic and a roadmap, exposing the systemic failures people with MCS face and outlining tangible legal and structural changes needed to build a more inclusive and equitable society.