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**Official Report  
of Debates  
(Hansard)**

Friday 7 December 2001

**Journal  
des débats  
(Hansard)**

Vendredi 7 décembre 2001

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES  
ET DES AFFAIRES ÉCONOMIQUES**

Friday 7 December 2001

Vendredi 7 décembre 2001

*The committee met at 0959 at Cambrian College,  
Sudbury.*

**ONTARIANS WITH DISABILITIES  
ACT, 2001**

**LOI DE 2001 SUR LES PERSONNES  
HANDICAPÉES DE L'ONTARIO**

Consideration of Bill 125, An Act to improve the identification, removal and prevention of barriers faced by persons with disabilities and to make related amendments to other Acts / Projet de loi 125, Loi visant à améliorer le repérage, l'élimination et la prévention des obstacles auxquels font face les personnes handicapées et apportant des modifications connexes à d'autres lois.

**The Chair (Mr Marcel Beaubien):** Good morning, everyone. I'd like to bring the standing committee on finance and economic affairs to order. We're here to consider Bill 125.

There are a couple of items I would like to bring to everyone's attention. Copies of the bill are available at the back of the room in Braille. We also have audio tapes and disks. It's also available in French.

On behalf of the committee, I would like to recognize the passing away of Dr Frank Marsh at the young age of 51 years on November 11. Dr Marsh was the third president of Cambrian College. On behalf of the committee, I'd like to offer our condolences to his family, to the staff and students of Cambrian College, and to the community because Dr Marsh, although I did not know him personally, was involved tremendously in the community.

With that, I'll ask our first presenter, the Navy League of Canada, Sudbury branch, to please come forward and identify yourself for the record.

**Interjection:** The screen is wiped out, Chair.

**The Chair:** I guess we'll have to take a break for a couple of minutes until the screen is back on.

*The committee recessed from 1000 to 1004.*

**The Chair:** I would like to introduce the committee members. I'll start on my left with Mr Rick Bartolucci, Mr Tony Martin, Ms Shelley Martel, and then on my right, Mr Carl DeFaria, Mr Joe Spina and Mr Ernie Hardeman. Mr John O'Toole is not here but will be shortly. I'm Marcel Beaubien.

**NAVY LEAGUE OF CANADA,  
SUDBURY BRANCH**

**The Chair:** I'm sorry for the technical difficulty, but we won't dock you on your time. We'll start now. On behalf of the committee, welcome.

**Mr Bryan Chapelle:** Thank you very much. On behalf of the Navy League of Canada, Sudbury branch, I bid everybody good morning. I was asked to come and speak on behalf of disabled people mainly because we have the Brain Injury Association of Sudbury and District in our building, which is great. I guess in a lot of ways we feel we have first-hand knowledge of this. I'm going to start my presentation and give you an idea of how we look at disabilities in the Navy League of Canada.

**The Chair:** Before you start, could you identify both of you?

**Mr Chapelle:** My apologies. This is Mr Bill Lee, my public relations person. We hang around together because we need each other. It doesn't hurt at all to have someone else from the branch with me. Given the fact that Mr Lee is disabled—he is technically blind; he was injured in the Canadian navy—and he is a member of our branch, this shows how people can function, even with disabilities. Do you have anything to say, Mr Lee?

**Mr Bill Lee:** No.

**Mr Chapelle:** All right, I'm going to start my presentation. We at the Navy League of Canada, Sudbury branch, like to think we are setting an example for the rest of the community when it comes to issues of disabilities. We understand first-hand the barriers that face people living with disabilities. The Sudbury branch has two board members who have become disabled in adult life. In our cadet corps, we have serving cadets who have certain medical conditions that require special care. We encourage integration, not discrimination. We are now trying to accommodate the needs of the disabled within our community.

I have to look back. We have a cadet corps. We sponsor now three cadet corps. Financially, it costs a lot, but one of them is the Admiral Mountbatten Sea Cadet Corps. It has a terrific history. It's one of the top corps in Canada. It's the only corps in Canada that has wiped the field over army and air in individual and team compe-

titions. That was in 1977, and the second time was about four and a half years ago.

At that time we had two disabled young adults in our corps. When it came to judging, we asked that the judges not judge them on their disability, but on their position. One was in the guard and one was in the band. That was at Borden and we wiped the field. If you're part of the Mountbattens, no matter what standing you are, we teach these kids to perform and not to win. That's why we win all the time. They've got to enjoy it. They have to be a part of it. So any child who's disabled has to work just as hard at the ones who are in there. The difference is they help each other.

So we'd never exclude anybody who was disabled. If someone was disabled because they couldn't do certain things, we would compensate for them to do other things—not demeaning things, because the idea is they all progress in rank. I think the positive thing about cadet corps is we all lack confidence in our lives. If there's anything this organization brings, it's confidence.

Secondly, as I said earlier, we donate office space to the Brain Injury Association of Sudbury and District, and we'd like to do the same for other charities, but because of the current design of our building, the Navy League Hall, it is inaccessible to all persons in a wheelchair. Anybody with motor impairment has a tough time negotiating the stairs. Our washrooms cannot facilitate anyone in a wheelchair with any dignity.

I think at the Navy League of Canada, Sudbury branch, we're too easy in some senses, but we take in people. We're family. I think the one thing you'll learn about the Navy League of Canada is we're family. The brain injury association has become family to us. We have helped them. A member of our branch sits on their branch. We're a frugal bunch and we intend to make this group frugal. We know how to raise money even in difficult times, but they needed guidance. They are very smart people, but they have to learn how to focus, and that's what we have worked on. I see now in the last few months—and even the mayor's office has told me how impressed they are—how they have come along. That's our main intent.

#### 1010

They stay there free of charge. We don't charge any money. If it's a rental, a dance or something, that's a different story. We offset our costs by renting the building. But the way the building was designed by the Mine Mill union approximately 50 years ago—it's a very strong building—it does not lend itself freely to wheelchair accessibility. So it will be quite costly. Even with the grants, it will be costly.

We have initiated fundraising. We've been talking about this for months at the Navy League branch. Our elections are next Sunday, so I can't go into it fully, because I can't commit the branch to a new project that will run into the thousands. I have a lot of confidence it will go anyway, but being president and as my term is coming up—I can run for one more year, which I will—I can't put a burden on the new incoming executive. That's

on the whole, but we're planning to put so much money away a year that actually would be taken away from our cadet corps, from our main organization. That's the only way, because the grant structures as they stand will cover only about 50%, average, on whatever you do. So if you've got a \$100,000 price tag for that work, you're looking at raising at least \$50,000 yourself. I'm already running a budget of about \$100,000 to \$120,000. I would figure this year, because we picked up and started a corps in Little Current, it will be closer to \$120,000.

The lady from the Trillium Foundation says, "How do you do it?" It's the people we have, it's the dedication, ex-veterans, ex-navy, ex-Navy League people who come together, and we work hard. We have had some tight times even this year, but we hang on and we push and we come through it. We're going to have to lay out a plan on how we're going to do it, and that will come about after next Sunday. We pretty well know how.

We would like to know if there is going to be a time limit on this bill for retrofitting the project at the Navy League hall. Looking at the year 2000, just the branch alone we're talking \$48,000. That was for two cadet corps on the branch costs. We're pretty frugal, but at the same time our corps are spoiled. We must have \$50,000 or \$60,000 invested in band equipment. We completely sponsor the Navy League Cadet Corps ourselves—uniforms, everything—because they don't come under national defence. So that corps costs a lot of money. The sea cadets, everything the debt doesn't honour, in a sense—they provide a building and they provide their uniforms. We pick up everything else that corps needs, so it gets pretty expensive as it stands. We run a sailing centre. So we've got a lot of overhead. We're paying the mortgage. The only good thing about the mortgage is that Ontario division of the Navy League of Canada paid cash for the building, so we pay Ontario division. If we did run into a problem this month, let's say, we would just phone Toronto and they'd say, "Well, pick it up in the next two or three months or whatever." We don't perceive a problem, but we haven't had that problem. Since we've taken the building over, we've paid them.

I have a vision for us. If we are going to fundraise ourselves, you're looking at anywhere from two to five years for us to have the money raised before we can go for grants. What we're concerned about is, if Bill 125 is going to tell me that I have to do this within two years or three years, that's going to put a heavy strain on us and, I would imagine, a lot of organizations, and it could financially put us into—

**Interjection:** Bankrupt.

**Mr Chapelle:** It wouldn't bankrupt us; it would make it close.

There's got to be a lot of thought going on here. In Sudbury we're pooling from the same economic spectrum. We're pulling from the different groups, from businesses and that. The big thing with us is that up to our 50th reunion in 1993 we had over 5,000 sea cadets pass through the corps. They have been great to us financially; in fact we're starting an alumni now. A lot of them had

businesses, so in turn we've been lucky that way. But there are so many charities and everybody's going after the same dollar value. It becomes difficult.

Another problem, on which I was asked to do a survey by one of the ministries—I believe it was culture and something; I forget—was the effect of gambling coming to a city. It does have a great effect. Even with the race-tracks down—I was running a bingo and when the race-track opened up the revenues dropped. So it does have an effect. And in five years they're talking about allowing the tables to go in. I think that will just about finish the charities in Sudbury and area. That's my personal view, and I didn't hide that.

Being part of the Navy League of Canada, where there are charities that have been affected by racetracks, the maximum you can get is \$5,000 a year. Some of these organizations in the area I'm talking about have teamed up together, four or five of them, and run bingos. They had their own bingo halls. They had to sell everything. Like one guy said, "You lost \$40,000 out of your budget that you could use to help people. Then you went to council and they gave you a whole—they didn't have to give you five grand; they might give you \$1,000." He said that every group within that area was affected, whether it was someone who was disabled, or any of the groups—cancer society, heart fund—because there was more money going out to these areas, especially gambling.

I figure we're looking at anywhere from \$100,000, maybe \$120,000. I went to the city, and we have to hire an architectural engineer because of the age of the building. It's a strong building. We've already had it checked out by a structural engineer. They said it's unbelievably well built. But that's another cost, and it will be a pretty penny.

I've looked through the material, because I've done fundraising. I'm usually the guy who applies for the grants. I've learned there's a knack to applying for the grants, especially in how you fill out the answers. That took some time. But grants aren't always the total answer. I think groups like disabled groups will have to do one thing—and they might be a little angry with me for saying this—but they're going to have to take part, even including their own fundraising to assist, whether it's groups or themselves. I find you have to do more. You have to get involved. I can't sit back, or Bill, or my branch, and hope that money comes in. We have to go out and hustle for it. So I think, as a group, there's money out there and you can get it. They have to be do more of that. Some people may jump on me for that.

1020

I just take the group that we have in the hall now. They're fundraising their own money. I remember one of the meetings I sat in on, and they had all these ideas, which everybody loves. We get ideas of grandeur sometimes. I said, "Wait. You have to learn how to crawl before you walk." Every quarter, dime, nickel or dollar you get, that's money you never had before. The Navy League never looks at hundreds or thousands; we look at

pennies, nickels and dimes. I think a lot of these groups have to look at it in that sense and I think they have to come out in the community—I know they're disabled, but I know a lot of them can do a lot of things. It would probably give some extra meaning to their lives and show people that they don't need society to totally help them, that they're more than capable. I think our cadet corps show that, that these children are capable of going on.

Our aim at the Navy League of Canada in Sudbury is to make the hall accessible to everybody, and we will do it and we will do it as fast as we can.

Access to partnership: we're going to try that with different companies. That's a little tough too, because if you're living up here in northern Ontario, you don't have that many to feed off, because you've got all these other groups. But we're going to try that approach. I have a few ideas knocking around. Perhaps this way, with our own fundraising and if we can partner with somebody and with the grants, I think we should be able to make that hall accessible to everybody, and to all the charities.

That's been our main function since we've taken over that hall. Even the YWCA, we opened that hall free of charge, the kitchen, everything, for violence against women prevention and their march. Anything to do with the community is free. Last Christmas a company phoned up and they were going to have over 500 children coming through. They were giving them free toys; they had Santa there. This is a true story. They phoned up and said to the lady we have working, "How much would you charge for the hall for a day at Christmas?" They said it was for youth and that, you know. She said, "I don't know. I'd have to talk to the treasurer." He was next door and she said to the treasurer, "How much do you charge, Gary?" He said, "Well, \$50." Anyway, Gloria went back to the woman and she wouldn't believe her. She said, "I've got to talk to that person—\$50." She'd already talked to a few halls and it was \$400, \$800. Gary said, "I have to charge something. I've got to pay somebody 50 bucks to clean that hall," because it was around Christmas and a lot of us were gone, doing things.

We don't overkill. So the idea is to open the hall, make it more accessible. There are a lot of groups in Sudbury and area that have people who are disabled. They don't have to be part of the organization, but you can have many groups that need facilities. So our aim is to make it accessible as soon as possible.

Our concern on this Bill 125 is that I've never heard a timeline. That's what concerns me, because if we can't do it in two years—it might take us three years—are we going to be cornered in a timeline because of that? That's our main concern. If you have any questions—

**The Chair:** Thank you very much. I'll allow for a minute. We've just got a very brief time. I'll start with the government's side, Mr Hardeman, a quick one minute.

**Mr Ernie Hardeman (Oxford):** Thank you very much for the presentation and for pointing out all the good work that your organization does in the community for the disabled but also for the community in general.

I noticed you mentioned fundraising and you referred to the Trillium grant. Has your organization taken advantage of and been able to use that, and does it work? Obviously the province put in place the Trillium process to replace and to assist in the areas where the slot machines would take away from the fundraising capabilities of your organization. So does it work well for your organization?

**Mr Chapelle:** It worked well. I have no complaints about the Trillium Foundation at all, because at that time I applied for \$24,000 and we got \$17,000. I didn't expect to get the \$24,000, but we got \$17,000. We built a monument here in Sudbury that actually reflects a true value of about \$52,000. We did that project in nine months. The building came open to us within two months of the monument. So we have a double whammy. We took on the building, we took on the monument. We've done both. Then we moved to open the cadet corps.

The Trillium fund is great. I don't think funds or grants should pay for everything, I really don't, because that's the wrong approach. If you're a true organization, whether it's the Lions Club, the Shriners or anything, you should be out there getting money. I don't think the government should be servicing the whole community. I think citizens have to get out and do their own part. I think it's excellent.

**Mr Rick Bartolucci (Sudbury):** I'd like to introduce Ernie Parsons, who is our critic in this area and will be doing the majority of the questioning today. I will certainly want to ask just one question to Bryan and Bill, but before I do that I want to tell you that there's absolutely no question about the commitment of your organization to our community and to the kids. It is very inclusive. Certainly over the years your attendance at my schools has been wonderful in ensuring that there is complete and positive growth of the child, and then as they move on in life.

David Lepofsky, the chair of the Ontarians with Disabilities Act Committee, has said that this act is a weak act. He has offered 28 pages of amendments. Because you work directly and because you said you see the importance of being inclusive, would you suggest to the committee, and of course in turn to the government, that they adopt the amendments set out by people with disabilities across this province who have studied this legislation, who find weaknesses in the legislation, who want to ensure that it's a strong piece of legislation in its final draft? Would you suggest to them that they adopt the resolutions as outlined by the chair of the Ontarians with disabilities?

**Mr Chapelle:** When I look at it, they have a lot of concerns, and I can see it. Sometimes their needs aren't met at all. There are a lot of things that should be adopted in that paper. There are some things that should be looked at, though, and reviewed. There are areas that concern me. I think the biggest thing is financial. I don't care what government is in there, and the commitment; personally, I think it's going to take maybe, in my guess, about 10 years to implement everything. That's my per-

sonal view. It might be sooner, but if you look at how the system works—I know the biggest thing is that they want to be part of life. I've worked all my life and I've been fortunate. They want to be part of that community. They want to feel that self-worth. That's very important to them. And there are not enough avenues open to those people. So there are a lot of things, I agree, that should be in. There are a few things that should be reviewed and looked at a little deeper, in depth. I'm sure there are a lot of professional people—

**The Chair:** Thank you very much. Ms Martel.

1030

**Ms Shelley Martel (Nickel Belt):** Thanks, Bryan, for being here this morning. I'll probably make a comment more than actually ask a question. In fact, the bill doesn't have timelines for accessibility and it doesn't have an enforcement mechanism for accessibility. You might find some comfort in that, based on what you said, but my argument would be that because it doesn't, I think it really makes the issue of buildings becoming accessible—private sector, public sector, municipal, community buildings like yours—I just don't see where the end will be in terms of making sure all of these places are accessible for the disabled.

It does come down to the point you raise, which is finances. We are going to have to invest in our communities if we are going to help those groups who are trying to do as you were trying to do, make their buildings accessible. But the bill doesn't talk about financial investment in any way, shape or form either. So if we're going to move forward—and we have to—we really do have to be putting money on the table to make this happen. Otherwise, without enforcement, without timelines and without money, we're not going to see any great changes.

**Mr Chapelle:** I agree there, partly. The government will have to put in more money, and industries. I think industries and companies have an easier time than charitable groups. I would envision us—between you and me and the fence post, if everything works out, I would figure probably in two and half years, maybe less. We're a frugal bunch, but that's not everybody. When we lock in and decide to do something in the Sudbury branch, we lock in. So if we're going to raise another \$50,000, we'll do it.

**The Chair:** With that, I have to bring it to an end. We've run well over our time. On behalf of the committee, thank you very much for your presentation this morning.

MALIA DUBÉ

**The Chair:** Our next presentation is from Malia Dubé. I would ask the presenter to come forward, please, and state your name for the record. On behalf of the committee, welcome. You have 15 minutes for your presentation this morning.

**Mrs Malia Dubé:** Good morning, everybody. I am pleased to have been provided with the opportunity to

speak to this committee today. I would like to share my thoughts and suggestions on the proposed legislation.

Bill 125 may indeed be the first step toward a barrier-free Ontario. However, there are certain amendments that will have to be made before this bill would have a positive impact on the daily lives of my family and myself. That's what I'm going to be talking about today.

There are three persons with disabilities in my family: my daughter, my husband and myself. We all have different impairments and we all have different types of barriers that if eliminated would make our lives so much easier. Within this one small group, there is so much diversity. My family is like a microcosm of the reality of the disabled community. I believe that it is extremely important that terms such as "disability" and "barrier" have as broad and inclusive a meaning in the legislation as possible. I am now going to describe some of the barriers that present the greatest challenges to myself and my family.

My daughter is 16 and she is a person with an invisible disability. The barrier which she has had to learn to cope with is invisible as well. It is the lack of sensitivity or understanding of what it is like to process information in a different way. We have had our struggles in the past with various institutions, organizations and individuals because of this lack of understanding. For example, we were told, "She'll grow out of it," when she couldn't read certain words like "what" and "there" even at the end of grade 3. She was also still writing her letters backwards, but we were still told she'd grow out of it. We have always told her that sometimes you have to try hard to strive for your dreams, and when others tell you that will never happen, you don't have to listen. My daughter's dream is to become a veterinary assistant.

In spite of many setbacks, my daughter is beginning to win her battle against the attitudinal barriers that at one point almost crushed her self-esteem. She will be integrated into two applied courses in high school in January. She is thinking of going to Cambrian College. She has a part-time job, and with a little extra training, she is now one of the most reliable members of the staff, according to her new boss.

The positive things all began to happen because I had an old computer which we had upgraded and were able to connect with the Internet. She found her job on the Net. She does all her school work on the computer. Now the teachers can understand what she has written. She has learned to read and spell with the help of a screen reader, which also assists me in my course work at university. So just one device, one piece of equipment, has helped two people achieve some of their dreams.

My husband is a relative newcomer to the ranks of an ever-growing population of persons with disabilities. He was injured at work and had to have three discs removed. He now suffers from chronic pain from osteoarthritis. The \$5,000 parking fine which has been proposed in Bill 125 may help him at some point; however, it won't matter where he parks the vehicle if he has to walk up several stairs to get into the building or open some heavy

doors or turn unyielding doorknobs. A barrier-free building makes things easier for both of us. Ramps are also more convenient for everyone, including my dog, who will choose a ramp over stairs every time.

**The Chair:** Smart dog.

**Mrs Dubé:** She does, too, especially in the winter-time.

Accessible doors are easier for my husband to open. If they are made wide enough, both myself and the dog are able to enter a building at the same time. We don't block traffic and we are both safe by entering the building at the same time. Accessible washrooms are great for people who use service dogs. The dog isn't out in the road in the middle of the traffic. She's with me and she's out of the way. Having an accessible building to go to can make chores like shopping a pleasure rather than a trial for both of us.

The barriers that present the greatest challenges for me are of three types: attitudinal, technical and financial. The most frustrating barrier for me is obtaining access to the written word. I am a fourth-year student at Laurentian University and the largest challenge for me over the past several years has been access to information. I need to be able to access scientific, technical and research publications in order to produce the high-quality work which is expected of students at this level of education.

#### 1040

It is now much easier to produce material in alternate format. The Ontario government has made some progress in this area, but much more is needed. To achieve a truly barrier-free Ontario, all government ministries and programs must begin to provide information in alternate format.

For me, attitudinal and financial barriers are connected. I will be graduating in May. I know that I will be facing one of the largest challenges in my life: I have to find a job. The barriers I face are not really related to my blindness when it comes to finding a job; they are the attitudes about people with disabilities that unfortunately are still all too common in today's society. Status in society is measured by one's place on the socio-economic ladder. If there is one thing I would really like to happen in my life, it would be to get off the bottom rung. I want to participate fully in the life of the community as a taxpaying citizen.

I have tried to provide a snapshot of the everyday barriers faced by myself and my family in order to make certain points. Removing barriers will help several groups of people at the same time. Removing barriers makes good economic sense. The construction projects will provide jobs. A barrier-free environment would attract tourists with disabilities to Ontario. Best of all, a barrier-free Ontario would mean that most of us would have jobs, thus increasing the tax base in every municipality.

We, the experts, who face these barriers every day want to assist you in making Ontario a better place to live. Improving opportunities and being involved is only the first step. Provide the opportunity for persons with

disabilities to assist with the removal and prevention of barriers within a specific time frame. Provide the opportunity for persons with disabilities to assist you to develop the regulations, guidelines and mandatory standards that we need to be full citizens in this province. This is the type of opportunity and the type of involvement we are really looking for.

In conclusion, I would like to recommend that the amendments proposed by the ODA Committee be adopted. This will make the legislation not just be the first step toward a barrier-free Ontario, but a giant stride toward a better society for all Canadians. Thank you.

**The Chair:** Thank you very much. I'll allow a very brief question from each side. I'll start with the official opposition.

**Mr Ernie Parsons (Prince Edward-Hastings):** As elected officials, we often hear from groups or individuals who want special treatment. This is unique in that we're hearing from individuals who want to be treated like everyone else. They want simply to be on a level playing field.

If you've examined the bill, as I know you have, you know that "not mandatory" doesn't apply to private industry, doesn't include funding, has no timelines. It applies only to provincial and municipal buildings when they're upgraded, or new buildings. It doesn't even require that the province put Braille labels on elevators. I don't know how much that costs—but not very much. This bill won't even do that. If the bill is passed as it stands, without the amendments, how will it improve life for you and your family?

**Mrs Dubé:** Quite simply, to answer that, it won't make a difference at all. I don't know if I mentioned that in my speech anywhere, but no, it really won't have any significant impact on how we go about our daily lives.

**Ms Martel:** A comment and then a question. I've been in politics for 14 years, Malia, and I get very nervous speaking in public. You did a fine job here this morning and I wanted to let you know that.

**Mrs Dubé:** Thanks.

**Ms Martel:** Secondly, if it's not going to make a difference, if the amendments aren't included in the bill, does it make sense to pass the bill at all?

**Mrs Dubé:** Oh, you're putting me on the spot there. If you pass the bill the way it is, no, it doesn't make sense to pass it, but if you even adopt—and I'm qualifying this because, as I said, I recommend all the amendments that the ODA Committee proposed. There have to be at least some changes or it doesn't make sense. There's no timelines, there's no regulations. It won't affect our lives.

**Mr John O'Toole (Durham):** I would just like to thank you, Malia, for your presentation—very well delivered and a genuine story of how a family copes today. You were speaking of your daughter, who is 16 and has had problems for the last number of years, I gather, in terms of some learning disability. Clearly, we've heard repeatedly the issue of attitude. In your presentation today—and we've heard the voice of the people, some 60 presenters—one of the biggest barriers seems to be atti-

tude itself. It takes the courage of people like yourself to come forward and explain not just the big picture stuff but the reality of the changes you need for accessibility.

I liked the emphasis you placed on the key word "opportunity," because I really believe that the empowerment that comes with opportunity and—

**The Chair:** Question, please.

**Mr O'Toole:** This first step will provide a seat at the table, and I would like your response to that. It's coming down to the voice of the directorate, and the advisory committees will have a voice at the table, reporting directly to the minister.

**Mrs Dubé:** I would definitely like to be part of that process, providing that what we do on those committees would be looked at seriously and there would be regulations or standards in place to address the barriers once we've identified them.

**The Chair:** On behalf of the committee, thank you very much for your presentation this morning.

Before I ask for the next presenter to come forward, we've had a request from Rachelle Proulx to address the committee this afternoon. I seek unanimous consent for a 15-minute presentation after the last presentation this afternoon, which would be around 2:30. Agreed? OK, thank you.

1050

LAURENTIAN UNIVERSITY  
SPECIAL NEEDS OFFICE

**The Chair:** Our next presentation this morning is from the Laurentian University special needs office. I would ask the presenter to please come forward and state your name for the record. On behalf of the committee, welcome. You have 20 minutes for your presentation this morning.

**Mr Earl Black:** My name is Earl Black. I'm the coordinator of special needs at Laurentian University here in Sudbury. I began my employment with Laurentian in 1989. When I started there, we had eight students. Now we have 240.

We try and work to make our buildings accessible but we're all taxed out too. We actually did an audit of our buildings and we worked out that the price would be about \$2 million, but that's really not much when you look at the total operating dollars of a big institution like that. What we've done is set aside X number of dollars each year to go toward access.

There's a quick story I'd like to tell you. I had a young fellow when I started there in 1989 who had cerebral palsy and was confined to a wheelchair. It took him seven years to finish his honours degree in economics. Six months ago, he called me and he's looking for work. In the cover letter he was putting out, he was mentioning, "Could you mention to the employer to allow a little extra time for my transportation to get to and from my work?" Not one of the resumés he sent out was answered. I told him, "Take that off your cover letter and just do a blind one." So that's what he did. He did a blind cover

letter, basically talking about his credentials, and he got interviews, but when he'd show up for the interview, people's jaws would drop. In other words, "What are you doing here? You didn't tell me you're disabled." Here's a guy who's finished seven years post-secondary education, four years honours in economics, an 80% average, and he can't get a job. Something's wrong here. This guy wasted seven years of his life. Why didn't he just stay home?

That's the Ontario we have right now. I don't see things happening. I've been in a wheelchair for the last 26 years and now this bill comes forward. There was a three-page bill three years ago. I really don't see much difference in this bill. The three-page bill before was OK. "We will take a look, we'll identify our barriers, we'll make recommendations," and that's the end of the dance. We're done. Everything gets shelved again.

I was on the Ontario Advisory Council on Disability Issues from 1990 through to 1995. All of a sudden we just got discontinued. We were no longer of service to the Ontario government for some reason. But you know what? Out of that, at least we got low-floor buses that are integrated in the community. We helped a lot with the assistive devices program to make it work more effectively.

We had the opportunity to get bills before. Before they would even come here, the advisory council would advise the government and say, "What's the matter with this bill?" "It's a proposal." "OK, here's a group of people who are visually impaired, people who have hearing impairments. They had input into this bill." That doesn't happen any more. How come? I don't understand. For some reason, we just got shut right out of the picture. In this last several years, we've been put on the back burner by every government there is, and that goes for all levels. I'm not taking sides or anything; I see it right across the board.

Anyway, this bill doesn't address older buildings, from what I see in it. As far as I'm concerned, it doesn't even address some of the new ones. For example, there's a Tim Hortons that just opened down the street from me. My buddies and I would go for coffee at this new Tim Hortons that opened. They had some wheelchair spots to park in, but then when you come up to the door, you can't get in. You're waiting for the people inside and you're waving out there, "Can you come and let us in?" It's a brand new building. Tim Hortons does not sell enough coffees to pay for a door? I don't think so. The rule is not there. There's no compliance to say, "If you don't put this door in, we're going to stop letting you sell coffee." Where in this bill does it say that Tim Hortons should do this? Tim Hortons will not do this until somebody tells them they have to do it. I've been around long enough to know that. That's the only way it's going to happen. There needs to be enforcement in this law. If there's no enforcement, it's useless. Do you know what it will do? It's going to create a bunch of assessments and recommendations and they're going to go on the shelf too, just like the Ontario advisory council did. Our

project took about two or three years to put together. It's called Workable. One hundred and seventy-five recommendations are there. A lot of them aren't implemented today. It's collecting dust, and so will this. All this bill will do if it goes through—and it probably will—is just collect dust once it's put together. And that's just the government. It's got nothing to do with the private sector. The private sector's actually just sitting on their hands.

If I want to get into Tim Hortons, I've got to go to the Human Rights Commission and file a complaint. I've done this before. I've been down this road many times. I'll go there and it's probably going to take about a year or so and then finally we might get our door in. That's going to be hemming and hawing back and forth, go to mediation, blah, blah, blah. You know what I mean? It's just a long road. We're just trying to get into buildings to have equal service. I'd even buy lots of cups of coffee there, I promise you. There are no mandatory regulations. These are just a couple of little examples.

Parking is a big issue in this bill. Do you want to borrow mine? Anybody? That's how easy they are. It's not going to matter. Why do we want to start charging people \$5,000 for parking in handicapped parking? That isn't the problem. The problem is these are used all over the place. Everybody is using them in their own vehicles. "Here, borrow my vehicle. You can park." You know what I mean? This needs to be looked at again. It's being abused. For the right people it should be used, but right now it's being abused. That's why we're lacking parking. Maybe there should be not only just a wheelchair one, but perhaps an ambulatory one for people who can walk a certain distance, and let the wheelchairs off closer to the front of the buildings. That's what I have to say about that one.

Education: I get many students who come to the university, and their parents, by the time they hit university, want to pull their hair out. They'll say to me, "OK, what are you going to do for our son or daughter to accommodate them?" I'll say, "What happened in high school, in grade 12 or 13?" "Well, they had this, this, this." I say, "That's what we're going to do," and they go, "Is that it? You mean we don't have to go through every class and make sure this is done for them?" I say, "No, that's my job." They sit back stunned with just relief on their face, going, "You mean I don't have to go fight with the principal or the next teacher?" "No." That person has a right to an education here, and under the Human Rights Act and our policies that have been introduced, they will get an education.

But then there are situations—like, we're taxed. Special needs offices are taxed right across the province. We've had no increases since 1989. For example, if you get a student like Malia, I can understand and I can see why there are not enough resources to put the information she needs in proper formats. That also leads to the fact that I don't see where any of this bill talks about electronic formats being accessible as well. That's the way we're going. Certainly technology has assisted us a

great deal and in order for us to progress forward, we need to also keep technology in this bill.

I'm just going to go through a few other things here. I notice this bill talks about—it's the same definition of "disability" as the Ontario Human Rights Code. It doesn't seem to be any different. There are a lot of people we know with fibromyalgia; also environmental disorders, just ill from non-medical conditions due to that. I don't see that in here. I think that's going to be a higher population.

You can just flag me when my time's coming up. Meanwhile I'll go on.

**1100**

There need to be fines in this bill. I'm talking about the architects who make these designs. I know at the university, I have to chase them. I have to follow up and see what they're doing. If they're not doing it, then perhaps maybe they should be fined. The contractor I think has some responsibility here. There need to be timelines to buildings being accessible, both in government and the public, but government's got to lead by example. I think the government of Ontario has got to begin first. Let's assess our buildings. Let's put some deadlines, though, on making these buildings accessible.

Timetables perhaps should be based on overall budgets of that ministry etc. For example, for a university, you would go by the overall operating budget of the institution. I don't expect, like the gentleman who was speaking before, that non-profit organizations all of a sudden knock down the barriers. I don't think anybody who has a disability—physical or whatever—would expect all these changes overnight. We just want some commitment from the government that it's going to be done. Then if it's not done, there has to be a deterrent, some type of compliance measure to say, "OK, you didn't do this. You had ample time to do this. Now you have to face the consequences."

Right now, as it is, the Ontario Human Rights Code doesn't work for us. It's case by case. What we want is a proactive law. Proactive law is good for everybody. My complaints now come when a power door breaks down in the university. Sometimes it's the multimedia centre calling and telling me the power door has broken down. That's so you can get all the AV equipment through and not break all your TV sets, and for people walking through with books etc. It's good for everybody. It's good for people with strollers. We have an older population coming to the university now and they don't have to push these big fire doors open any more. Isn't this what it's all about? We're all temporarily able-bodied anyway. Think about it. It's just a matter of time until you are going to wind up with some type of impairment and then you're going to say, "Jeez, I wish that was accessible." You have a chance with this bill to do it now.

I think that's all I have to say. I'm open to any questions.

**The Chair:** There's time for one minute from each caucus and I'll start with the third party.

**Ms Martel:** Earl, thank you for your candour here this morning and for giving us some concrete examples about what it means just to get into the new Tim Hortons and how ridiculous it is that you can't. I'm going to ask you the same question that I asked Malia. The ODA has put some recommendations on the table which would take us forward. If they're not implemented—maybe I can ask you two questions. If they're implemented, would that be enough, and if they're not, is it worth supporting this bill?

**Mr Black:** No and no.

**Ms Martel:** To both?

**Mr Black:** Yes.

**Mr Carl DeFaria (Mississauga East):** Mr Black, I just want to correct one statement you made. You indicated that older buildings that are being renovated would not be caught by the act. Section 9 provides that when renovations are supported partly or wholly by government-funded capital, those renovations would have to comply with the accessibility plans.

The other thing is different sectors of the private sector. Section 20 talks about the Accessibility Directorate of Ontario. That directorate is supposed to "develop and conduct programs" and work with different sectors in the private sector, sector by sector, to encourage accessibility and develop standards on a sectoral basis.

**The Chair:** Question, please.

**Mr DeFaria:** There are a lot of things in the bill that I would ask you to consider, whether that would not amount to a first step, something that we put in place and have the different committees work on different issues that would be addressed by regulations as time goes by.

**Mr Black:** What I see you having here is almost this Ontario advisory committee again. All this information usually goes to this advisory committee that's at the discretion of the minister. So then the minister wants, "OK, we're only going to do this today. We're aren't going to do that." Do you know what I mean? This has to be a law that says you're going to do it.

**The Chair:** I have to bring it to an end. We've run out of time. Mr Parsons.

**Mr Parsons:** I've also appreciated your openness and candour on this. I think, as you understand, that this is a fundamental human right that is being asked for. If in 1920 a provincial government said to municipalities, "We would encourage you to let some women vote," it would have been recognized as fundamentally wrong. There was a right there that had been denied, and you have had a right denied.

You are in a unique position in that I suspect there isn't a disability I could name that you could not put a face to, having worked with students over the years. In your years here and with the students you've interacted with, can you think of any who would benefit from this bill if it were passed without amendments?

**Mr Black:** No, sir.

**The Chair:** On behalf of the committee, thank you very much for your presentation this morning.

BRAIN INJURY ASSOCIATION OF  
SUDBURY AND DISTRICT  
ONTARIO BRAIN INJURY ASSOCIATION

**The Chair:** Our next presentation this morning will be from the Ontario Brain Injury Association and the Brain Injury Association of Sudbury and District. I would ask the presenter or presenters to please come forward and identify yourself for the record.

**Mr Denis St Pierre:** My name is Denis St Pierre. It is an honour to speak before the committee today on a subject that is very important to our entire province. I am here today representing the estimated 1,479 northeastern Ontarians who will sustain an acquired brain injury this year alone. I am also a director of the Ontario Brain Injury Association and work in the field as a professional with brain injury rotation. I am pleased to have Nancy Baron, a brain injury survivor, with me today.

To start, I want to relay a few facts about brain injury. Acquired brain injury is the leading cause of death and disability in Ontario for those under 45. A brain injury is an organic neurological disorder whereby the results can last a lifetime, even after intervention has been provided. Therefore, the symptoms are present lifelong. This means the problem does not go away.

In previous hearings, you've been made aware of the leading causes of brain injury. Here in the north we have a unique situation in that we have a higher rate of incidence compared to the provincial rate. The provincial rate is 1.9 per 1,000; ours is 2.1. The main contributing factors to this increase in our incidence rate are industrial accidents, specifically logging and mining, as well as the greater number of undivided highways we have in northern Ontario.

Brain injury does not distinguish itself by age, gender or socio-economic status. However, we have significant numbers of injuries related to alcohol consumption while participating in outdoor recreational activities, specifically while driving an ATV, a motor boat or a snowmobile.

1110

As well, I must remind you that overnight, even today, this could happen to any one of us in this room—while at work, while playing, or even driving the kids home from a meeting or a school play. This is what makes a brain injury so significantly different: folks before the injury are normal and know a normal life, therefore they know their rights and what their needs and interests are.

Chances are that at least one person you know or work with or love has experienced the effects of this kind of injury, and you know that the effects are lifelong. As well, since no two brains are alike, it means no two brain injuries are alike, therefore rendering the problem even more severe.

Brain injuries cut across all disability groups. The nature of the damage, being global, affects multiple functions, therefore leaving survivors with physical, cognitive, language and behavioural impairments. It is very hard for survivors, family members, friends and employ-

ers to understand the one common deficit, which is, why has the automatic pilot shut off? Why can't things come as easily as they used to, like taking my bath, organizing my thoughts, processing information and everything happening simultaneously?

What I've been speaking about are the invisible deficits. These invisible deficits are huge challenges that survivors of acquired brain injuries have to contend with on a daily basis. Because they are invisible, often the brain-injured have been referred to as the walking wounded. They appear normal and we cannot see where the abnormalities are. Not only is the normalcy of their physical appearance deceiving, but the absence of these visible deficits and barriers creates a false sense of performance and need.

For example, presently I know of a young mother with an ABI who has to care for her two-month-old. Physically she appears without any deficits and the child also has no problems. The child is very healthy. In attempting to secure services for this young lady so she can care for her child, she has been denied services on the basis of mandates. She does not need help, nor does the child, but she needs help to schedule the feedings, the diaper changes, to remember the stove and remember to put the child down for a nap. No services are rendered to this young lady at this present time. Again I must emphasize that in this situation she needs help to care for another, rather than care for herself—once again, another invisible deficit.

Why are we here today? As you have heard from many of my colleagues across the province throughout the hearings, we are here because we want to be part of an Ontario that is fair and encompasses all individuals, so that everyone can have the opportunity to participate as fully as possible in all aspects of life in Ontario. Like many other individuals and advocacy organizations, we have been very much involved with trying to make changes within legislation.

Regarding the ODA, we would have been more comfortable if the plan had laid out explicit timelines for the removal of specific barriers. It would also have been comforting to have assurance that these timelines would be effectively enforced.

It is also imperative that the terms of reference for the advisory councils address the following: representation from a full range of disabilities, appointed by their respective provincial bodies; length of term of service; making sure the reports are made public, with a specific plan of action that is responsive to the issues and doesn't become a dormant government policy and procedure manual; the advisory councils be given the authority to identify any and all barriers and make recommendations for their removal.

To further illustrate the invisible deficits I've been speaking about, Nancy will tell us her story. Nancy is a survivor of a brain injury as the result of a sagittal sinus thrombosis with global damage.

**Ms Nancy Baron:** As Denis has said, I am one of the many brain injury survivors in the Sudbury area. Before

my injury three and a half years ago, I was a part-time university student in the field of psychology working full-time at a truck stop as a cashier, waitress and cook, as well as having a very active social life. I was driving and I had just come back from holidays the day prior to my injury. In essence, my life was very complete and very worthwhile living for.

Since my injury, I am not as much fun to be around as I am more irritable, especially toward my family. They are not able to tease me as I get angry very easily. This is on a constant basis. I used to laugh whenever anybody teased me; now that's not the case. I have lost many friends, meaning that socially I am more isolated, all because the people do not understand what brain injury means and think or assume it is an illness they will get since it is contagious. I can assure you, it is not contagious.

My attention is also affected so that when I ask for directions, I remember the first direction said, which is, maybe, "Turn right." That's the only thing. Ask me anything afterwards, don't remember. So in essence if I really want to get somewhere, I need to have somebody with me. It can be frustrating at times.

If I am sitting in a meeting or in a classroom, after a short period of time of about 45 to 60 minutes, I have lost what is being talked about. If I am writing notes from somebody who's speaking, I always have to ask them to repeat. It gets frustrating for everybody else in the room. To actually organize to have everybody take notes for me is very difficult because you never know when a teacher per se is going to give notes orally that you have to write down.

I need to be very organized if I want to be able to get through my day. I have to have everything written down so that I know what I am doing when I get out of an appointment. Even just taking the Handi-Transit, which is a service we have here in Sudbury, I have to know two days in advance what I will be doing. Nobody, in their life, knows 48 hours in advance what they are going to be doing. It means, for me, that I have to be extremely well organized. What happens when something happens the day of? Possibly I will not be able to get there. If you look at my Daytimer, my whole life is included in there, including what time I get picked up, how much medicine I'm supposed to take one day and so on.

When I am cognitively fatigued and somebody asks me something and I do not write it down, I will forget and I will not do what is asked of me. So I am always taking notes, which is extremely frustrating, especially when I am wanting to sit in a conference or presentation and be able to remember what has been said. Usually, in that situation, my memory is good for about 45 to 60 minutes, again, because I'm not fatigued before that time.

I no longer work as I get tired very easily, so my schedule has to be very flexible and have time to rest in the afternoon to be able to get through the evening. You don't see that in many people, but in my case this is something I have to do on a daily basis. I am 26 years old. That's not normal.

I no longer drive, therefore I have to rely on people to take me where I need to go when I am not able to have Handi-Transit; very difficult to do and sometimes very expensive.

When I have too much stimuli around me, I get nervous and cannot function very well. For example, when I take the transit with my sister and I get to the downtown station, I will assume the bus I am to take is the one where all the people are lining up, which is not always the case. But I will not think of looking for the signs for the proper bus, because I get in a state where I just lose everything unless I have somebody with me. Then, if they're rushing me, it's even worse.

In essence, I was able to do all these things without any problem before my injury. I understand that if you look at me you see only my physical impairment, which is that I am walking with a cane, but there are also the hidden parts to my disability, which I have mentioned to you. They need to be addressed. These impairments can be addressed through educating the general public and businesses, as well as education and so on, so they can finally understand what I, as well as so many other people, am going through each day of my life.

Please help us, the brain injury survivors, to have a better life by lending support to make people aware of the effects of brain injuries. Finally, please support the recommendations OBIA is doing that you have heard through the public hearings, as well as today.

#### 1120

**Mr St Pierre:** We would also recommend that local advisory councils include in their annual reports the barriers they have to achieving their goals. If additional supportive housing, home care, Wheel-Trans or supportive return to work is needed, there should be an ability for municipalities to say that the lack of funding is preventing them from implementing their plan. Will municipalities have the ability to fund additional services such as these?

A challenge we have, specifically in northern Ontario, in dealing with this is with communities with populations under 10,000. The recommendation will be that these be addressed regionally. As you probably are very aware, there are very many isolated communities in northern Ontario with fewer than 1,000 people.

We also want to bring the committee's attention and focus to the other types of barriers faced by people with a brain injury. I think we've spoken to the variety of impairments they have. It is cross-sectional as far as disabilities are concerned. Therefore, we are recommending that brain injury be classified as a unique disability category under the ODA. We urge the committee to revisit the definition under the disability act.

What has been noted is that people with physical impairments must contend with limited access to public buildings, businesses, transportation and recreational facilities on a daily basis. These barriers are readily identifiable and removable. The proposed ODA attempts to address the issue of physical barriers. Similarly, barriers for those with sensory impairments such as vision

and hearing are addressed in the act through the use of alternative formats. However, the barriers that are faced by people living with cognitive and emotional impairments are much more difficult to identify and address. We speak of attitudinal barriers that often exclude those living with these challenges, leaving them isolated and open to ridicule and abuse. We also speak of inaccessibility to services because their impairments don't meet the service mandates.

We recognize that this is an important piece of legislation. But how can you legislate attitudes and values? We don't find this is totally impossible. It can be done through providing the opportunity to provide comprehensive programs that address public awareness and public education.

In summary, the Ontarians with Disabilities Act attempts to address visible barriers faced by those with disabilities. It falls short of its goal of supporting the right of every person with a disability to live as independently as possible and to enjoy equal opportunity to participate fully in the everyday aspects of their lives without barriers, including the invisible barriers.

As a preamble, the ODA would be wise to include the 11 principles set out by the ODA Committee. We have not had enough time to fully analyze this bill, but have considered its implications. After a brief preliminary consideration, we recommend the following: (1) that the definition of "disability" must include brain injury in its description; (2) that explicit timelines be prescribed for the removal of specific barriers; (3) that the bill have an effective mechanism for enforcement; (4) that the role and authority of the advisory councils be defined and its reports made public, and that the disability community have meaningful input; and (5) that the bill make provisions for the allocation of resources to raise public awareness and education of the issues faced by those with disabilities. The goal would be to foster greater understanding, influence attitudes and work toward the reduction of these attitudinal barriers.

A barrier-free community is a minimum goal to full participation of the disabled in society. Through effective regulation and mandated co-operation with the private and public sectors, the ODA could help in order to deliver broad public awareness and understanding of cognitive and behavioural disabilities and eliminate barriers for these individuals.

I have a really brief anecdote or story. I know we are talking about money, and companies are usually based on how much money we're making or losing. We've made an analogy between a company and the brain, how the brain works. If you'll give me a second, I'll read this out to you. Again, it's a very simplified analogy. It helps to understand how the brain works if you think of the brain as a company. The company runs at peak efficiency when all the parts are working. Up at the front of the company—we call them the frontal lobes—are several vice-presidents. They make the plans for the company, they decide who's going to do what and when. As things get underway, they get feedback or information as to how

well things are going and they judge it: "That looks good; that doesn't look so good." They make further decisions—changes—and show appreciation or annoyance. So up at the front you have the planning, organization, decision-making, judgement and appreciation.

In the middle, in the parietal lobes, are the managers. Each manager runs his own department. On the left side of the brain you have the speech department, which moves the tongue, lips and throat. The language department finds the words that you want and knows what the words mean. Then you have the motor department: move the right arm, move the right leg. On the right side is another motor department—move the left arm, move the left leg—and a spatial reasoning department—find your way around a building, know where you're going to drive the car and place things. Also, we have the music department and a few incidentals. The right side is the picture side and the left side is the talking side. Now, the managers know what the plan is from the vice-presidents and they make sure it gets carried out. In order to do this, they communicate frequently with each other and they send messages back and forth.

At the bottom, in the limbic region, in the basal ganglia, are the workers. They don't know what the plan is because they don't get it from the vice-presidents, they get it from the managers. But they know their job and they do the same job day in and day out: things like appetite control, need for water, need to eat, going to sleep, turning the tears on and making a face red, increasing your pulse.

What happens when somebody is brain injured—in this metaphor—is basically the company is constantly downsizing, constantly restructuring. Managers are away on vacation and don't come back. The information doesn't get passed on to each department and therefore it leaves each component with more to do with less resources.

What would your definition of this company be? A defunct company. Thank you very much.

**The Chair:** Thank you very much. There won't be any time for questions; you've used more than your time. On behalf of the committee, thank you very much for your presentation this morning.

1130

#### NORTHEASTERN ONTARIO REGIONAL ALLIANCE FOR THE DISABLED

**The Chair:** Our next presentation will be from the Northeastern Ontario Regional Alliance for the Disabled. I would ask the presenter to please come forward and state your name for the record. On behalf of the committee, welcome.

**Ms Joanne Nother:** I can't get close enough to the table because there's a ridge. It stops my knees right about here. So bear with me if I have to do everything at kind of a distance, as long as the microphone can pick me up.

**The Chair:** Yes, I think we can pick you up.

**Ms Nother:** Is it doing it?

**The Chair:** Yes.

**Ms Nother:** Good, thank you.

Good morning. My name is Joanne Nother and I'm the chair of the consumer group here in northeastern Ontario. The name is the Northeastern Ontario Regional Alliance for the Disabled. We kind of like the acronym NEORAD. It sort of tells you what we do. Thank you for allowing me the opportunity this morning to speak to this piece of legislation. I have a few points that I'd like to bring forward on our behalf.

First off, I'd like to say it is nice to see a piece of legislation directed at ensuring, or trying to ensure, accessibility throughout the province. First of all, though, I'm kind of concerned because when you call the legislation the Ontarians with Disabilities Act, it's a misnomer. If we're trying to name the legislation in comparison with what the Americans do with regard to the ADA, it is not a good fit. The Ontario legislation doesn't give us any more rights than we had to begin with. It just tries to ensure that the rights we are given through the Ontario Human Rights Code are effectively ensured and allowed and granted to us.

The legislation is a fair example of, as I said, an attempt at trying to allow accessibility and make sure buildings and such are accessible to all. But there are some concerns with that, and part of our concern is that the plan the government talks about with regard to creating accessibility really has no independent review. In fact, for the most part, there is no timeline on which to provide the review. It doesn't say to provide the review to anybody and there is nobody specifically designated to look over the review. There are no teeth in the legislation to ensure that the review, or the accessibility spoken about in the review and the guidelines, is going to be done, which leaves us in a really kind of an empty situation. You're preparing a review that is really going nowhere, so why should you even bother to do the review?

The legislation deals, for the most part, with Ontario government and agency buildings, which are fairly accessible and are easier to get into. It's easy to make sense of talking to individuals about accessibility toward those buildings because it is understood that the provincial government, as the administrator of the Ontario Human Rights Code, has to allow access to buildings to persons with disabilities. So, in keeping with that, we're going to be allowing granted access anyway.

Again, when we talk about advisory committees, they are wonderful but they need to have some kind of clout to not only review and look at, but who are they going to report to? Are they going to go back to the persons or individuals who wrote the plan or the review, and are they going to be able to ensure that anything's enforced with regard to the plan, in the same token as the provincial advisory council?

Two governments prior to the Conservative government had advisory councils for persons with disabilities. The NDP had one that they continued that had been with

the Liberal government; I don't know if there was one prior to that. I had the fortune, I guess, of sitting on the persons with disabilities advisory council for the province for a number of years. It was a nice council. We got together, we got to talk about issues in the province regarding persons with disabilities and what we could do in the province to make things better. We put out position papers and that sort of thing, but that was about it. It was really nice to get together and talk, but the council itself had no clout. It would forward the position papers and the results of our discussions to the minister or the assistant deputy minister in charge of the portfolio but it would stop there. They would never go anywhere else. They would be distributed among the disability community, but any recommendations the community made were stopped. They never went any further than that.

It really looks good and it's nice to say that you have a council of persons with disabilities to talk about the issues and to suggest recommendations, but it really is useless if all you're doing is paying for them to get together, have a nice lunch and a nice little meeting four times a year. It would be much more effective if, in both this legislation and throughout any legislation, it talked to the provision that this council can address any other disability issue the government puts before it. If you're going to do that, give the council some ability to make recommendations that can be acted on, or at least ensure that the council is going to have some kind of say that will make some kind of difference. Other than that, as a member of a council that gets together to have a nice meeting because we haven't seen each other in four months, it's nice to be able to know that what you're saying is going to be heard and may eventually get acted on. That's important and I think it's really imperative.

The bill is good with regard to talking about accessibility and barriers. The problem we have is that barriers are not the same for everybody. I think that was referred to in the previous presentation. What is often a barrier for a person with a disability isn't a barrier at all for a person with a non-disability or a totally able-bodied person, for lack of a better term; I'm not going to use "normal." I'll use the example of flex-time. Flex-time is used by people who are able-bodied for, say, family commitments—they need the extra day or week, whatever, to do things—whereas a person with a disability may not have the choice of flex-time or not. They may have to because their disability is such that they need time to relax and rest; they can't handle five days full-time in a row, so they need that flex-time. Part of that is included in the whole systemic barrier issue. Those are things that have been done constantly over the years. It's just assumed that you can do certain things which are not a barrier to a person without a disability but are barriers to people with disabilities. There are plenty of those throughout human resources, throughout the employment world. I don't want to get into that any more.

Back to the legislation, our concern with the legislation is that it's nice, feel-good, mom-and-apple-pie legislation. Everything should be accessible. It's agreed

that provincial government and agency buildings—and it's wonderful to have the government say to the regular Joe Employer, "Make your buildings accessible because it's a good thing you should do for the disability community," but again no enforcement. There is nothing in the act—no teeth, no bite—to ensure that buildings will be made accessible. It's fine to pay lip service, but my feeling is that if you're going to expect employers to do anything like this, you have to give them something in return. Obviously, the only kind of exchange the government and an employer can have at this point in time is a corporate tax cut. The government is always looking for an economic jump-start and businesses are certainly looking for something that they can use and have that will be beneficial for them, for the businesses.

I can't see, and we can't understand, why the government can't offer tax cuts to businesses that make their buildings accessible or increase whatever access, whether it be for a physical disability or a sensory or a cognitive impairment. Tax cuts should be allowed because they benefit everybody all the way around.

In conclusion, we basically think the legislation is a feel-good kind of legislation. It also may be a "last hurrah" kind of legislation. It could be the end of a promise where Mike Harris told us he was going to come through with a piece of legislation and this is the piece of legislation he referred to. It is not what we had in mind when the act was originally talked about. We hoped it would be more like the American act, but it doesn't give us any more than anything else.

#### 1140

The proposed legislation encourages, it empowers businesses to make the buildings accessible, but there is no incentive for them to do so. The Human Rights Code has a provision that is called "undue hardship." What's going to happen is that if a business is told they have to make the building or whatever accessible, they will cry undue hardship. Undue hardship, as defined by the Human Rights Code, indicates that they can't afford to, don't have the money to do the renovation or to make the building or whatever accessible. That's acceptable by the Human Rights Code, except the Human Rights Commission would like for you to come in with a plan financially to tell them how you can do the renovations within a period of time, if you can pay for it over a period of five years or whatever. That would be great if the government could enforce what the accessibility review says, so that if the employer says, "I can't afford it. It's undue hardship," the government can say, "OK, you don't have to pay for it all now. Do it in stages," just so at least they can come forward with a plan to say, "Yes, the building will be made accessible. It may not happen tomorrow, but it will, at the end of three years or five years, be done." They will put forward a plan whereby it will show the government how it can afford that accessibility renovation within a period of time.

Basically, we feel the legislation is nice, but it is kind of feel-good legislation. At this point in time, it doesn't really give us anything more than we already have that is

guaranteed through the Ontario building code or the Human Rights Code. It's nice that the government is paying a least a little bit of attention to people with disabilities. I dare say that the group of people with disabilities, the disability community, is only going to get bigger. You yourselves know that the baby boomers are going to be the biggest demographic and will be the aging population. That aging population has a lot of disability attached to it, whether it be an ambulatory or a hearing disability, whatever. It is nice that the government recognizes us, to whatever extent, but it's nice to be able to ensure that something can be done about it.

**The Chair:** Thank you very much. We have one minute per caucus and I'll start with Mr DeFaria.

**Mr DeFaria:** Joanne, thank you very much for your presentation. I would agree with you if this was the end of the promise that our government made. That would be bad, but if in fact it's a beginning of a promise being kept, and if this legislation is followed by regulations that will really have an impact in the lives of people with disabilities, you must agree this will be a great day for Ontario.

**Ms Nother:** Yes, I would agree. Regulations that are tight and that have some kind of impact would be nice.

**Mr DeFaria:** You indicated that there should be a review of the measures that will be taken. Section 21 talks about this act having a mandated review every five years to see whether the programs are working or not. Is that a kind of review that you'd like to see?

**Ms Nother:** I'm still concerned because five years is a long period of time and I'd like a tighter review period. Five years is an awfully long time to ensure, and governments change in that period of time, things lapse. I'd like to see a shorter review period of time; perhaps three years would be much more recommendable.

**Mr Bartolucci:** Joanne, thanks so much for your presentation. I'd just like to follow up on the apple pie legislation. We know that the regulations will only sweeten the apples or make the pie a little hotter. The reality is, if regulations are going to be very effective, then I think the original legislation has to be sound. You've pointed out that it's flawed. If in fact this is a flawed bill—and I agree with you, and I think our party does—if they adopted the amendments from the ODA group, then the legislation would be strong so that the regulations would be meaningful. Would you agree with that statement?

**Ms Nother:** Yes, I would to some extent. If the government listens to the ODA Committee and adopts some of those items and beefs up the legislation, then we have some hope. Then, in effect, the regulations can be made tighter and then, yes, the legislation will be livable.

**Ms Martel:** Thank you, Joanne, for coming this morning. The government has said to many groups, I gather, that this is a first step and there would be much in the regulation for you to look forward to. If we don't include the private sector, if we don't say clearly that older buildings have to become accessible too, even those that don't have government capital in them, if we don't actually put some money on the table to make this

happen, do you see that there will be much in the regulations that is going to fix this?

**Ms Nother:** I don't think so, quite frankly, unless there is the direct incentive and unless the regulations can promise the private sector that there will be some kind of financial benefit to them to do this kind of change or make this kind of renovation. It isn't going to get done and I can't see a regulation enforcing that in any way.

**The Chair:** On behalf of the committee, thank you very much for your presentation this morning.

CANADIAN HEARING SOCIETY,  
SUDBURY OFFICE

**The Chair:** Our next presentation is from the Canadian Hearing Society, the Sudbury office. I would ask the presenters to please come forward and state your names for the record. On behalf of the committee, welcome.

**Mr Bryan Searle:** Good morning. My name is Bryan Searle. I'm the chair of the community development board locally for the Canadian Hearing Society. I also have with me Wanda Berrette, who will be speaking briefly following my initial comments.

The Canadian Hearing Society is a non-profit charitable organization which was incorporated in 1940. Locally, the Sudbury area office is responsible for providing services that enhance the independence of deaf, deafened and hard-of-hearing people throughout the districts of Sudbury, Nipissing and Cochrane. To that end we have offices in Sudbury, North Bay and Timmins.

The reality of access to service in northern Ontario is fundamentally different than it is in southern Ontario. The realities of access in northern Ontario are limited by major barriers that simply do not exist in the same way in southern Ontario: geographical barriers caused by distances and smaller population centres; linguistic barriers—the prevalence of francophone, anglophone and native language speakers, and, in the case of the Canadian Hearing Society, both LSQ, the French-language sign interpreting, and ASL, the English-language sign interpreting; economic barriers involved with the cost of travelling the distances, to southern Ontario for service in many instances or to major population centres because of the distribution of the population over the land mass; and social barriers, the attitudinal barriers which you've heard about already this morning.

Until very recently, simple basic sign language interpreting for health care issues, for example, was not something that hospitals in northern Ontario provided. It took the intervention of the Supreme Court of Canada's decision in *Eldridge v British Columbia* to wake the provincial health care providers up to their responsibility to ensure effective communication of basic health questions was made to deaf, deafened and hard-of-hearing persons. The provincial government is now working towards fulfilling that responsibility. But it took someone spending their own money, spending their own time—years of time—to go all the way to the Supreme Court of

Canada to get that simple right to be able to communicate to a doctor about, "I want to have chest surgery"; "I want to have heart surgery"; "My child has just been hit by a car." For that person to actually talk to a doctor, to understand what is being said, it took some individual spending their own time and their own money to go all the way to the Supreme Court of Canada to obtain that right. That's not something that any hearing individual in our society would accept.

1150

Notwithstanding the *Eldridge* decision, no change has occurred with respect to access to justice. There is no requirement today that a police officer investigating a crime involving, or on receiving a complaint from, a deaf, deafened or hard of hearing individual obtain a sign language interpreter or make any significant effort to accommodate the individual. As a result, many abuses occur within the deaf, deafened and hard of hearing community that go unreported or uninvestigated because of the effort and cost associated with accommodating that disability. There have been cases reported to our local community development board where a crime as serious as a sexual assault has occurred and gone without proper investigation because the complainant was deaf.

The reality is that many of the access issues may be capable of being resolved on an individual basis by application under the Canadian Charter of Rights and Freedoms or under the Human Rights Code. The problem is that that takes too much time and for the majority of the disabled it is outside their pocketbook. It is only the high-functioning and high-achieving disabled members in the community who can afford or have the personal will to proceed with those applications, and even then, in most instances, it occurs on a one-case-by-one-case basis. It is not across a whole spectrum of business.

I applaud the government for taking the initiative with Bill 125 to address some of these concerns. It is helpful to require government ministries to develop annual accessibility plans and to make those plans public. It is helpful to establish the Accessibility Directorate of Ontario to advise the government and to educate the public. It is helpful to engage the various sectors of our community in establishing accessibility standards.

I am, however, left with some real concerns unanswered. There is no real mechanism for the enforcement of those standards which may be identified. If the disabled, deafened and hard of hearing, in particular, are to be left with the right to make application under either the charter or the Human Rights Code, then the bill does not go far enough.

The people of Ontario need a cost-free mechanism to ensure that access in accordance with the standards developed is enforced and that mechanism needs to include a power to make orders that the standards be adhered to. The current version of the bill does nothing to assist the disabled to enforce their right to access in a timely and cost-effective manner.

Currently in Sudbury, for example, deaf, deafened and hard of hearing individuals cannot be assured that the

local building authority will enforce the requirement of the building code as it relates to the implementation of hearing assistive devices in newly constructed buildings. There have been instances of occupancy permits being issued for buildings which failed to include FM systems to assist the hard of hearing and the building officials later refusing to issue work orders to correct that defect.

In addition, the local college program for interpreters is underfunded and threatened with closure. We have a difficulty at the Canadian Hearing Society local office, that being we have one staff LSQ, French-language sign interpreter, and no staff ASL, English-language sign interpreter. The problem is that it becomes very difficult to attract people in such high-demand positions to northern Ontario. They don't want to be faced with the geographical barrier of servicing people from Sudbury, North Bay and Timmins. It becomes even worse when you consider moving up toward Thunder Bay, where you're dealing with a land mass the size of France and it's being serviced by one office.

The opportunity exists to give the appropriate powers to the Accessibility Directorate to enable it to ensure that the identified barriers to access are removed. This opportunity should not be wasted.

The essential elements in the bill that are missing, in my view, are simple. It needs to have an easy, inexpensive, effective and timely method of complaint and enforcement; a timeline within which accessibility standards are to be met; and it needs to apply equally to all Ontarians, not simply to government agencies.

**Ms Wanda Berrette:** A lot of deaf people in this province use ASL as their primary language of communication. That is what we consider our first language. English is our second language. We depend on physical cues and facial expression to communicate effectively. Written English is less effective, especially when we're talking about official documents and official meetings that are in a sophisticated government format that we have difficulty accessing because of that being our second language.

The second issue is interpreters in the north—developing education. If we need an interpreter, it might take two or three months before we can get an interpreter for a medical appointment. Also, we require that interpreters are certified and also follow a code of ethics. If deaf people want to increase their education and follow up with post-secondary, often they're not allowed to do that because there are no interpreters available.

People who are deaf depend on Bell relay service to make phone calls to communicate with the hearing community. So if I want to speak with a person regarding my child or whatever, it might take 30 minutes before I can get through to a Bell operator—very frustrating. It is also very frustrating to have to communicate through a third party on the telephone.

Visual aids: for example, in the building that we're in right now, there are no visual fire alarms. Many buildings may have very small visual fire alarms that I would never see if I was looking at a paper or had my head bent to

write a note. We need strobe lights that are very visual and that would bounce off the walls.

Many people who are going to labs or to the doctor need to pull a number in order to get served. Deaf people have to watch very carefully to make sure that their number is not called and they haven't been missed. One good example to rectify that situation would be to have a visual number board so that we would be aware of which number is up and we wouldn't miss our turn.

I had a situation where I was waiting for a plane and I was travelling with a friend. I was in the airport and my name was called for some reason. My friend told me that I was being paged. So I went to the front desk and I said, "I am a deaf person and I don't always travel with a hearing friend. When you're calling me, I normally would not know that I was being paged. So please consider deaf people when you're making these announcements." I was lucky that time that I had a friend with me. But if I'm travelling alone or if a deaf person is travelling alone, there is no way for us to be paged. There should be a visual system whereby a person could be paged through an electronic board.

Building codes should include accessibility to all disabled groups. I went to visit a friend of mine in a hospital who is also deaf. A nurse came by and all the doors were closed. We were not told why the doors were closed and we were locked in the hospital room for a long period of time without any explanation. We were just told to sit and wait. We were there for 10 minutes, then 15 minutes, and then finally I opened the door to find out what was going on. When I opened the door I was told to get back in the room and close the door. I said, "No, it's time for me to leave," and they said, "No, you must close the door and wait." So I went and I waited another 10 minutes, without any communication or information about what was going on. In the end, they opened the door and they said that there had been a fire in another part of the building so they had to lock up each department and each room. All the patients were sitting there, and we had no idea what we were waiting for.

In terms of public pay phones, the desk that's provided on a pay phone is slanted, so if I brought my own TTY to use a pay phone it would slide right off. Also, there's no electrical outlet for me to plug my TTY into a pay phone. It would be very difficult for me to work a TTY on a pay phone with the slanted table because it would keep sliding. I would have to hold it; plus, I would have no place to plug it in. Sometimes there are public phones that have a small table accessible for people in wheelchairs, but it's so low that a deaf person using their TTY on that little table would have to bend right over and it would be very uncomfortable for them to use that table. It's been very frustrating to try and use public telephones.

I recommend to the government to invite members of each of the disability groups to the table so that you can receive feedback on specific differences between the disability groups as well as the differences that we experience between the north and the south. Deaf, hard of

hearing and deafened individuals will know our own issues, but we will not know the issues of mobility impaired individuals, nor will they know ours. It is important that you consider each of our feedback separately. That's all I have to say.

**1200**

**The Chair:** Thank you very much. Does that complete your presentation?

**Mr Searle:** Yes, it does.

**The Chair:** We have approximately a brief minute per caucus and I'll start with the official opposition.

**Mr Parsons:** Thank you—an interesting presentation. I would comment on the public telephone issue. There are public TTY machines available. At Detroit airport there are 15 in a row. In all of Ontario there are six.

**Ms Berrette:** That's wonderful about Detroit. Where is that? Detroit airport.

**Mr Parsons:** I represent a riding that has Sir James Whitney school, so we have a very high population who are hearing impaired or deaf or deafened. Within my community they have an unemployment rate of about 90%—good people who can't even get an interview because they must book an interpreter two weeks ahead. I hear you are talking two or three months ahead here. We have incredibly talented people unable to work because they can't have an interpreter for it. Yet we're seeing in Ontario a cutback in the number of training positions for American Sign Language interpreters because of a lack of funding. We're going backwards rather than forwards.

What Ontario has to grasp is there aren't people with disabilities, there are families with disabilities. We do not go to a theatre now because unless my wife can read the lips, she can't hear what's going on. So none of us goes.

Is there anything, absolutely anything, in this bill that would better the life for an Ontarian who is deaf, deafened or hearing impaired?

**Mr Searle:** The only advantage that I see—and I speak from the point of view that aside from being on the board I'm a lawyer—is that perhaps the fact that they've identified accessibility issues and made those public, that may make charter applications or Human Rights Code applications easier for those individuals who have the funds and personal will to do that. Unfortunately, the funds and the personal willpower to do that against a government run pretty short in the disabled community.

**Ms Martel:** Thank you, Bryan and Wanda, for coming today. My question is this: the government holds out the promise that there will be much in the regulations that would be worthwhile and would represent a step forward. Do you feel comforted that you are essentially working with a bill that obviously you've taken the time to read and you're not sure what's going to be in the legislation, and that you should go forward with that and hope there's going to be something that will make this better for the people you represent?

**Ms Berrette:** I'm not confident. First of all, the bill is very vague, unclear. So that needs to be clarified, that needs to be improved on, to start with.

**Mr Joseph Spina (Brampton Centre):** Thank you, Bryan and Wanda. We appreciate the input. Bryan, in your part of the submission you talked about enforcement mechanisms for the hearing disabled, and I think Wanda referred to a couple of examples maybe with strobe lights and so on that could be used for fire alarms etc. You mentioned that there can be some inexpensive, efficient mechanisms for enforcement, and I wonder if you could explain that or elaborate on it, because it certainly would be of interest to look at those.

**Mr Searle:** I think my comment was that's what the bill needs. It needs an inexpensive mechanism for the person who is complaining. I guess my preference would be—

**Mr Spina:** A complaint procedure, you mean.

**Mr Searle:** That's right.

**Mr Spina:** I understand now.

**Mr Searle:** It needs something that's perhaps a combination between an Ombudsman and the Human Rights Commission, where you have someone who is going to be active on behalf of the disabled in ensuring that those standards are met in a timely fashion.

**The Chair:** We've run out of time, Mr Spina; I'm sorry. On behalf of the committee, thank you very much for your presentations this morning.

Before we break, lunch will be served in room 1408, I guess. I'm going to give you the instructions. You take the elevator or the stairs to the first floor; down the ramp, the fourth or fifth door to your left, and it says "Dining Room." The staff is also invited.

The other thing I would like to raise is on the clause-by-clause issue that I asked about last night. Have we reached a decision on this?

**Mr Hardeman:** Mr Chairman, we just had a very quick discussion, but Mr Parsons wasn't here yesterday. So I will discuss it with him during the lunch hour and hopefully we can get back later.

**The Chair:** Then you can report back later. Thank you very much. With this, we are recessed until 1 o'clock.

*The committee recessed from 1206 to 1300.*

#### CENTRE FOR ADDICTION AND MENTAL HEALTH

**The Chair:** If I can get your attention, I'd like to bring the committee back to order. Our first presentation this afternoon is from the Centre for Addiction and Mental Health. I would ask the presenters to please come forward, and if you could state your name for the record. On behalf of the committee, welcome. You have 20 minutes for your presentation this afternoon.

**Mr Paul Kwasi Kafele:** Good afternoon. My name is Paul Kwasi Kafele. I'm the director for corporate diversity at the Centre for Addiction and Mental Health. Joining me today for this presentation will be Leigh Robson, who's a recreational therapist at the centre as well as a consumer-survivor. She'll be providing a

personal story that's very much connected to the reason why we're here today.

The Centre for Addiction and Mental Health is the largest mental health and addiction institution/facility in Canada. It's an amalgamation of four main health institutions: the Donwood treatment centre, the Clarke Institute, the Addiction Research Foundation and the Queen Street Mental Health Centre. The centre is recognized internationally for its research work. We're affiliated with the World Health Organization and we're focused on prevention, care, education and research. At the centre, we have a very strong commitment to diversity. Diversity has been a significant organizational thrust over the last while. Under the diversity umbrella, disabilities are a very important priority. We're strongly committed to providing the resources to organize policies and to ensure that we have an environment that is free of stigma, that provides accommodation and support for people with visible and invisible disabilities, both with respect to our staff, our clients and our stakeholders who use our facilities.

This issue is of critical importance for us. Last week, we had a forum on visible and invisible disabilities where staff expressed substantial concerns about the ODA bill and its implications. We felt it was imperative for us to be here to add our voice to the litany of concerns you've been hearing.

We are perturbed, first of all, by the process that has been engaged to date, that Bill 125 has been introduced and sent to committee hearings in less than one month. We're not sure why this unseemly haste is necessary. For example, we had at least 100 individuals and organizations in Toronto who would have liked to present earlier in the week but could not get on the agenda. We have come from Toronto because we felt it was important for us to be here. We understand as well that there will be a clause-by-clause review as early as next Tuesday and we're wondering what that means, how feasible it will be for you to review the various recommendations and submissions made to you over the last while and substantively change this bill within the next few days. This is an implication that these hearings actually are not as meaningful as they ought to be.

We have not had a lot of time to prepare substantially a more comprehensive review of the legislation, but we essentially respect and support the submissions that have been made by many organizations. We essentially have four things we want to talk about: the definitions in the bill require amendment if they are to reflect the range of disability issues for people suffering from severe mental illness or substance abuse issues; Bill 125 does not impose requirements on private employers or providers of goods and services and leaves this up to cabinet to do so by regulation; there are no remedies, either individual or systemic, included in the bill; no targets are set for achievement of accessibility plans, nor are there consequences for non-achievement of accessibility plans. This is not new. We've been hearing since we've been here

this morning and from other colleagues consistently these very messages.

The definitions in the bill are both vague and limiting in that they do not reflect the experiences of people with mental illnesses and addiction issues; nor do they take into account the complexity of disability issues and the unique nature of the experience of each person with disabilities. While we commend the minister for including "mental disorder" in the definition of "disability" and for including "attitude" as a barrier, we strongly endorse the recommendations of the Canadian Mental Health Association, Ontario division, with respect to proposed amendments to these definitions contained in the bill.

As a public hospital, CAMH would have obligations under this law. While the centre is working toward being a barrier-free employer and a provider of care, education and research, we know we have more work to do. We support the notion of holding public agencies accountable for ensuring a barrier-free workplace and delivery of services for people with all types of disabilities and those who have multiple disabilities. We are prepared to endorse changes to the legislation that would include clear accountabilities for those who do not live up to their obligations according to the legislation, including our organization.

We believe people with disabilities need to have the opportunity to work, to get back to the working way, for example, after an accident or an illness that leaves them disabled, in a manner that is barrier-free and effective and appropriate.

I want to ask Leigh to talk about some of her personal experiences as a consumer-survivor with those barriers to really bring to life some of the issues we are talking about.

**Ms Leigh Robson:** As Paul said, I'm here to put a human face to mental illness. Mainly for myself it has been depression. I suffered a severe post-partum depression when my son was born five and a half years ago. I was hospitalized four times over two years for depression. I also had ECT, commonly known as shock therapy. It's not like *One Flew Over the Cuckoo's Nest*, just so you know. It was done in humane ways. My depression was so severe, it required me to move from the small town of Prince George, BC, to Toronto—Toronto because that's where my family was. Also, there were not adequate services to provide me treatment, the type I needed to recover.

I heard voices. I was very suicidal. At one point, I could not even make a tuna sandwich. You probably find it hard to believe that I can sit here in front of you today, but that's reality. Also, when I was in hospital, I was so fatigued and had so little energy, I had to be pushed around in a wheelchair. How many people realize that mental illness can also cause you to have physical problems?

In total, I was out of the workforce for three and a half years. Fortunately, the centre has a program called the work adjustment and employment support program, and that was my lifeline to get back to work. If a program

such as this did not exist, I really don't know if I would be sitting in front of you today. A program like that is not legislated under law. Employers do not have to provide such services, whether they're in the public or the private sector, to help people with disabilities get back to work. Work is a vital part of my recovery. It has made me a whole person again.

I want you to really understand how important it is to be able to remove barriers. If you want to talk about removing barriers, that's another thing where we feel the focus is on accessibility issues and not enough time is spent on removing barriers. Not having programs and things in place for people with disabilities does present a barrier.

**1310**

Let's also talk about stigma, which is a massive barrier for people with substance abuse and addiction and mental health problems. As Paul mentioned, I work for the largest public facility in Canada that treats addictions and mental health issues, and I was afraid to tell my employer I have a mental illness. So can you imagine what someone in the private sector would go through? We cannot expect, without there being some type of enforcement in this legislation, for people out of the goodness of their hearts to come along and create programs and remove barriers. Maybe in an ideal world, but unfortunately we don't live in an ideal world. I wish we did, but we don't.

In terms of the timelines, as a person with a disability I find it disrespectful and offensive that you are trying to put this legislation through as quickly as you are without proper input from all the stakeholders there are. The timeline is preposterous. Also, in terms of support with work, I have a family. I have a son I have to support. I have a husband as well. If there weren't things in place to get me back to work, I would be someone who would be relying on the public system. It's very important to encourage people with disabilities to get back to work.

One thing you should know is that depression is the second-most common reason for people to visit a doctor. Number one is blood pressure problems. That's how widespread it is. Also, many physical problems are accompanied by depression. They turn into depression. It's related to whatever physical problem a person has, especially things like chronic pain, fibromyalgia, those sorts of issues. It's very important to realize that you're not just dealing with a single disability, you're dealing with multiple disabilities. I have also heard that with acquired brain injury clients there's a large proportion who turn to alcohol or drugs to cope. As a result, not only do they have acquired brain injury, they also have an addiction problem.

That's about all I have to say. I guess we'll turn it over for questions, unless Paul has anything else to add.

**Mr Kafele:** Thanks, Leigh. I just want to conclude by saying we need a process that's adequate. There's lots of good advice on how to improve the bill. We need to listen to people. We need to make sure participation from representatives from the disabilities community is real and meaningful and we need to take the input seriously.

We need to leave a legacy that really is a signal that our province is forward-thinking, progressive, inclusive and insightful. The bill in its current form, in our view, does not do these things. We have many miles to go before we sleep.

**The Chair:** We have a minute and a half per caucus, and I'll start with Mr O'Toole.

**Mr O'Toole:** Thank you very much for your presentation. I'm sorry I wasn't in the room, but I do have some background notes on the issue and I did listen. I respect your views. I would say, though, that since 1995 and before there have been considerable consultations ongoing, even with the ODA etc. It's a huge issue. It has been talked about for at least 10 years that I'm aware of and there's been some difficulty in finding a balanced piece of legislation by many governments, I might say, so I won't get too far down that road. But we've heard from almost 70 presenters and I'd say there is a uniformity in the responses. There are about five categories that I have heard and I would ask for some response—I'll make one more remark—with respect to defining barriers as they apply to mental health.

The other one is sort of a response in terms of your employer not taking avenues of recourse or access. There are requirements today for much of that to happen. I just want to put on the record that the Ministry of Municipal Affairs and Housing has just recently launched a consultation on barrier-free access as it would affect—

**The Chair:** Question, please.

**Mr O'Toole:** I'm not sure if you're familiar with that, but if you'd like to take a minute to respond, we'd appreciate it.

**Mr Kafele:** I assume that this legislation would have some overarching responsibilities for specific disability concerns and that the building code laws will be connected and probably subsumed by those. But I think the framework in terms of accountability—penalties, timelines, incentives and so on have to come through this legislation.

**Mr Bartolucci:** Paul, I want to thank you very much for your presentation. Leigh, it takes a great deal of courage to give personal histories. Certainly, you join today Malia, Nancy and Wanda, who have given compelling testimony. We heard Malia say that the ODA amendments should be incorporated. We heard Nancy say that the Ontario Brain Injury Association amendments should be listened to, and you and Paul have said that CMHA amendments should be listened to.

In your estimation, both you and Paul, would the best thing the government can do be to withdraw this legislation, have full consultation, come back with a bill that meets the needs to ensure that in fact Ontario will be a barrier-free place?

**Mr Kafele:** We definitely need to pause and look at the implications in terms of not only credibility but legacy if a flawed bill goes through. We have overwhelmingly heard from people that we need opportunities for better input. A bad bill leaves a wrong kind of legacy. We have the opportunity, commitment and

goodwill from a broad cross-section of stakeholders. We need to do it properly. We need to be as, I would say, forward-thinking as we can be in making sure we leave a legacy that is meaningful for all Ontarians.

**Ms Robson:** I don't understand why, if things have been worked on since 1995, that there are so many people who have problems with this bill.

**Ms Martel:** Thank you very much. You've come a long way to be here today and we appreciate your participation. You said that a bad bill sends the wrong message. I have two questions. Are you convinced then that that's what this is? Secondly, do you hold out any hope, take any comfort or want to participate in a process that, as the government claims, is a first step forward where much of the regulation might make it better? Is that where you want to go?

**Mr Kafele:** Not really. The regulations are informed by the bill. The bill has to be framed properly so that the regulations can be as effective and as appropriate as possible. If we don't have the foundation, the decorations won't be as effective. We need to revisit the bill because, as a structure, that will really lead and inform the deliberations around how the regulations get developed. That's where we think we need to start.

**The Chair:** On behalf of the committee, thank you very much for your presentation this afternoon.

1320

#### SUDBURY DISABILITY COALITION

**The Chair:** Our next presentation is from the disability coalition of the city of greater Sudbury. I would ask the presenter or presenters to please come forward; if you could state our name for the record. On behalf of the committee, welcome.

**Mr Richard Sawicki:** Thank you very much. Bonjour; good afternoon. My name is Richard Sawicki and I am here today representing the Sudbury Disability Coalition, a group made up of providers of disability services, people with disabilities and concerned citizens.

I would like to first thank you for allowing me the opportunity to come before you today to bring the concerns of the Sudbury Disability Coalition. I myself have been living with multiple sclerosis for 13 years. As you probably know, MS is a disabling disease of the central nervous system.

This presentation was written with input from people with disabilities during a community forum, in collaboration with members of the Sudbury Disability Coalition, as well as adding my own perspective as an individual who has been disabled for most of his adult life.

In principle, one cannot dispute being in favour of the proposed legislation. I want to thank Minister Jackson for bringing forward this legislation. However, as with other proposed legislation and programs, some flaws do exist and some questions remain unanswered. This is why I have decided to come forth today and do a presentation. The questions that I will pose and the points that I will

raise today are of specific interest to Sudburians living with a disability.

The establishment of the Accessibility Advisory Council of Ontario and of an accessibility directorate are positive aspects of the proposed legislation. However, it is unclear whether or not these two offices will have any significant role or authority to ensure compliance with the legislation. There should be a strong infrastructure established to ensure that there is compliance with the legislation as well as clear sanctions for those who do not comply with the legislation. There should also be an efficient and effective process put in place to allow individuals who wish to put a complaint regarding a non-compliance issue. The complaints process should be able to move quickly through the system in order to avoid the backlog experienced by individuals going through the current Ontario Human Rights Commission.

The government is to be commended for attempting, through this proposed legislation, to make the public sector barrier-free. In doing so, the government will have to ensure that all public sector information be available in alternate formats—for example, Braille, ASL and LSQ interpreters, captioning and low literacy level—simultaneously for all Ontarians regardless of their abilities or disabilities. As well, all public sector and broader public sector agencies and organizations should be included in this legislation. Some barriers within the public sector that some individuals have experienced are, for example, deaf individuals waiting with a number to access a hospital service that does not use a visual system. The person loses his or her turn because they cannot hear when their number is called. Likewise, if a deaf individual living alone goes to the emergency department to treat an urgent health matter, they face a communication barrier because there are no interpreters in the hospital.

The education system should also be included in this legislation. For example, students with disabilities, whether it be mobility, visual, hearing or learning disability or mental illness, need accommodation—for example, more time to write an exam, receive information in alternate formats—such as Braille, voice-activated, ASL or LSQ interpretation, captioning, low literacy level—to ensure that they can receive an equitable chance at succeeding within the mainstream public education system. For some children, such as deaf children, being integrated within the mainstream system is a horrifying experience given that it denies them their deaf culture and their first language, which is sign language.

In order to make Ontario truly barrier-free and an equitable place for all Ontarians to live, work and play, it is imperative that the legislation include the private sector. People with disabilities go to movie theatres, restaurants and doctors' offices more often than they go to a government building. From an economic perspective, it would be common sense to have the private sector involved. By becoming barrier-free, businesses could increase their client base—ie, the elderly and people with disabilities—as well as increase its pool of potential

employees. A barrier-free Ontario means removing all barriers, not just the physical barriers.

There should be information brochures available for restaurant and retail business owners to educate them on how to make their locations barrier-free; for example, accessible washrooms, spacing between counters, aisles and tables, to allow for easier access.

Compliance with the building code for both public and private sector new and existing buildings and structures needs to be addressed within this legislation. There should be a time frame implemented to allow existing structures to become accessible. Barrier-free buildings would consist of space that would be physically accessible—for example, wide doors, space, elevators; audibly accessible—for example, FM system in meeting room space, visual signage, TTY telephone system, amplifiers on the telephones; and visually accessible—for example, Braille signs and voice-activated signage.

The government may wish to consider offering time-limited incentive programs in the form of tax incentives or subsidies for property managers and business owners to encourage them to make their facilities accessible. A penalty would apply to buildings that are not made accessible after a determined period of time. If a building cannot be made accessible due to structural limitations or if the associated costs would be too high, then these businesses or organizations would be obligated to offer some of their services in alternative accessible spaces—for example, public library, community centre—in order to accommodate clients with disabilities.

In order to assist property owners, businesses and builders to build and renovate accessible structures, the government may wish to consider developing a guide or brochure that would outline the requirements of the building code and ideas on how to make their space accessible—for example, what issues to look for and how to get accessible equipment.

There should be stronger enforcement provisions for non-compliance in the building code. For example, the municipal bylaw enforcement officer who enforces the building code should be given authority to levy fines similar to those in the proposed legislation for parking in a designated accessible parking spot.

An important aspect of the implementation of this legislation will be public education and awareness. It will be imperative that an effective education component be added to ensure that the public is aware of the issues facing people with disabilities and the importance of making Ontario barrier-free. One way to carry out the public education component could be to integrate it within the public education system. Young school-aged children often do not yet have prejudice and are often referred to as sponges for learning new ideas and new things. Children can also be used to educate their parents and older siblings. Why not incorporate some Braille reading or sign language workshops so that children could learn to communicate with deaf or blind individuals?

In northern Ontario, the pressing issues to ensure that Ontario becomes barrier-free consist of lack of ASL and LSQ interpreters, lack of choice for services, and lack of accessible transportation, especially for rural areas.

In conclusion, once again I would like to thank you for your time and would be pleased to entertain any comments or questions regarding my presentation. Merci beaucoup.

**The Chair:** Merci. We have approximately a couple of minutes per caucus, and I'll start with the official opposition.

1330

**Mr Bartolucci:** First of all, Richard, Jim Bradley says to say hello again and that he misses you. He told me all kinds of good stories; great stories, in fact.

When you and Malia came to my office, we discussed the legislation rather briefly because we were trying to get on the committee in order to have you make your presentations. You spoke of wanting to be very, very proactive in your presentation. I think you have. You've offered the government opportunities to improve the bill.

The reality is, if they don't accept some of the recommendations you've made and some of the recommendations the ODA Committee has made, what difference will this legislation make to you?

**Mr Sawicki:** Unfortunately, absolutely nothing.

**Mr Bartolucci:** OK. The government's probably heard that before. Knowing that, what advice or suggestions can you offer the government today with regard to the process? And let me tell you, they want to have limited clause-by-clause debate—we don't know what the time is going to be—and they want to have limited third reading debate. Knowing that, what suggestions regarding process could you make to the government?

**Mr Sawicki:** The only suggestion I could make would be to scrap the bill and then start with consultations with the disability organizations, particularly the ODA Committee, and getting consultations through them and drafting up a new and strong bill that has teeth.

**Mr Bartolucci:** Thanks very much, Richard.

**Ms Martel:** Thank you, Richard, for being here today and for staying all day.

On page 1 under the compliance measures, you noted that the establishments of the Accessibility Advisory Council and of the directorate were positive aspects of the proposed legislation. If there were no changes, would those two things provide a difference in your life and would the bill, with those things in it now, be enough to support?

**Mr Sawicki:** No. Again, they're advisory councils, and I think we heard before that a lot of these recommendations just get shelved and they don't get followed through.

Another issue that I didn't mention there that concerns me is these advisory councils in these communities. What consistency do we have from different communities as far as people on these councils dealing with all the disabilities we could have within a community? You could have different advisory councils advising to different

communities, different regulations or different suggestions. So I don't see any real strength in that. I don't think that there is any opportunity or anywhere in the legislation to have it carry on.

**Ms Martel:** In most northern communities there wouldn't be a population of 10,000, so you wouldn't have it in the first place.

**Mr Sawicki:** Exactly. That's another point too, actually. Yes.

**Ms Martel:** So for you, clearly, unless the government includes the private sector, has very clear timelines about present buildings in terms of accommodation, gives teeth to the council and to the committees, not just in terms of making recommendations but that those recommendations have to be followed up, provides very clear timelines and then imposes penalties, and also the complaint process—unless a number of those things take place, it's not going to change your life and in fact it's not really worth supporting. Would I be correct in making that assumption?

**Mr Sawicki:** Absolutely. Yes, you would be very correct.

**Mr Hardeman:** Thank you very much, Richard, for your presentation. It was very much appreciated, particularly pointing out where you believe that improvements could be made.

I just want to point out for the record and for your information that as we talk about the physical barriers in our buildings, and they are covered by the building code, in fact there is presently a consultation process going on through the Ministry of Municipal Affairs and Housing as to what needs to be changed in the building code to better meet the needs of the disabled community. They're doing an Internet-type consultation to get the view of as many people as possible, and the conclusion is January 25 to give everyone some time to have some input into that. I just want to put that on the record to make sure that you're aware of that and that you'll have an opportunity to put forward some of your positions.

The compliance measures that you spoke to: you suggested that we needed some process in place other than the Human Rights Commission because the Human Rights Commission takes too long and it's not useful to meet the needs of the disabled as they're trying to address one specific problem in the community. Do you think that another body needs to be set up to do that, or would you think that there is an ability to deal through the Human Rights Commission, with more resources or different resources and different emphasis? Would that be the type of body that you think would be needed to make sure we have compliance?

**Mr Sawicki:** It would mimic the same similarities as the Human Rights Commission, but it would be a separate body to deal with specific issues relating to people with disabilities. That would be ideal.

**Mr Hardeman:** I think Ms Martel questioned about the directorate for the disabled and the advisory committee, as to whether that would make any difference in your life today if only those two things were put in place

out of this act, whether that would be of assistance to you. Presently, if you have disabled issues that you need to deal with or that you would like some input on, do you have a place within government—any government—that specifically deals with those needs, that you could go to and say, “We need this done,” or, “Can we have some advice on where we need to go from here? We know where we are. It's not the ultimate, it's not where we should be, and I think this is where we should be going?” Do you have that ability now or do you think this would provide that ability?

**Mr Sawicki:** This legislation wouldn't, but I think it would be a nice idea to have a body we could go to and talk to and explain. Right now, presently, if I have any problems or inaccessibility, I take it upon myself actually to take the actions myself, to write, to correspond. But the facility doesn't have to comply with what I say as a concerned citizen faced by a barrier.

**The Chair:** On behalf of the committee, thank you very much for your presentation this afternoon.

## WEST NIPISSING

### NATURAL RESOURCES ACCESS GROUP

**The Chair:** Our next presentation is from the West Nipissing Natural Resources Access Group. I would ask the presenter or presenters to please come forward and state your name for the record. On behalf of the committee, welcome.

**Mr Alfred Levac:** My name is Alfred Levac from Sturgeon Falls, West Nipissing. I represent the West Nipissing access group. I would like to thank the committee for allowing us to present. I'll start by reading this, and if you feel you would like to ask questions after I'm finished, I'll be ready to answer any questions.

Many residents of West Nipissing are avid hunters and fishermen who have traditionally enjoyed excursions in the region of Temagami, which includes Obabika and the access roads off Highway 805. Entrance to these roads is necessary to gain access to the surrounding lakes and streams. For generations this area has traditionally been a source of recreation for residents of Nipissing as well as residents of Temagami.

Many residents who are disabled or elderly must rely on four-by-four trucks to access this area and the roads they use to get to their traditional hunting and fishing areas. However, new regulations by the Ministry of Natural Resources that would exclude all motorized vehicles except snowmobiles will discriminate against the elderly and the disabled who must use a truck to get to their fishing or hunting site.

An individual who is elderly or disabled must often modify the way they take part in recreation, but that doesn't limit their enjoyment of the outdoors. If this regulation takes effect, it will make it virtually impossible for the elderly or the disabled to enjoy their traditional rights of hunting and fishing. Rather than enhancing the rights of persons with special needs, the government will be discriminating against the elderly and the disabled by

this regulation. This regulation limits the use of this area to the able-bodied members of society and discriminates against the elderly and disabled. This is an unjust regulation and it should not be implemented.

On December 7, 2001, please make your committee and the general public aware of the discrimination and inequality inherent in Bill 125. By imposing closures and limiting access to many roads in our northern regions, the ministry is denying traditional hunting rights to the elderly, the disabled and to people with special needs. This is a giant step backwards. This issue needs to be reassessed immediately.

Thank you for your efforts on behalf of all people who enjoy the outdoors.

1340

**The Chair:** We have approximately five minutes per caucus. I'll start with Ms Martel.

**Ms Martel:** Thank you, Mr Levac, for driving here today. You've come quite some distance to participate and we appreciate that. Can you tell me, did the regulation affecting your district go into effect this spring or is it the proposal to start next spring?

**Mr Levac:** As most of you know, the Temagami area was a problem for a long time. We've had meetings to consult with them for a long time and we've never gained anything in Obabika. I enjoyed fishing in Obabika and hunting around there for 40 years. Now they've gated the place, the road. It was all paid by taxpayers, the road built, and now that they've gated it, we can't go in there. Why, I don't know. They keep saying it's for—

**Ms Martel:** Tourist operators? Is that what they told you?

**Mr Levac:** Yes, tourist operators. Moose habitat. They move into the areas where we can go hunting and fishing, but people like me, I can't move about in there any more. They gated that. To me, the lake is to enjoy for the elderly, the handicapped. Gates should not exist anywhere. There are miles and miles where there is no road, where a plane could fly in and you could hunt and fish. Why have gates where they already have roads? That's what I can't understand. Only the lucky people who have the money to fly in, or they could walk in, can use those areas.

**Ms Martel:** I'm assuming the gates went up and there was no consultation with anyone there.

**Mr Levac:** That's for sure.

**Ms Martel:** I have the same problem in the Gogama district in my riding, off Highway 144. Seven access roads to seven different lakes were gated this spring without any notice to the public as well. So we are still trying to do that.

**Mr Levac:** This is done often around North Bay, by the MNR in North Bay—no consultation at all. To give you an example, we've been trying to get somebody on the LCC, the committee, from West Nipissing, from my club, and we were never able to get somebody on there. We'd like to have somebody on there, because the district and Temagami are side by side, so that we know

what they do. But they always do something and we only know after it's done.

**Ms Martel:** Can you tell me, was the LCC approached by the MNR to endorse this plan? I ask that because in the case of Gogama, they weren't. So we didn't know anything about it either. Was that a different situation in your district?

**Mr Levac:** In our case, the LCC for Temagami is mostly people from Temagami. Do you understand?

**Ms Martel:** Yes.

**Mr Levac:** There is none from our side.

**Ms Martel:** Yes, I understand.

**Mr Levac:** That's why we've been trying to get some people on those things, so we could discuss the problem with them.

**Ms Martel:** But did the decision about closing the roads and putting up the gates even come to the LCC? Do you know?

**Mr Levac:** I imagine.

**Ms Martel:** I ask that because it wasn't in our case, so even they weren't involved.

**Mr Spina:** Thank you, Mr Levac, for coming forward. Let me understand this. They closed the gates to the road, but the snowmobiles are allowed through.

**Mr Levac:** That's right.

**Mr Spina:** Is there—

**Mr Levac:** To give you an answer, on November 15 the gates reopen, so they could go to the lake.

**Mr Spina:** So they open the trail for the snowmobile season but it's closed the rest of the time? Is that what you're saying?

**Mr Levac:** That's right. At Obabika there's a gate where we used to have a public road. They closed that. Then we had access on private land. An American had a camp there and we used to be able to pay to go through there, to go on Obabika. Now the American has stopped that and we can't go in there any more.

**Mr Spina:** It was private property?

**Mr Levac:** Yes. So we asked for public access. As I understand, if we couldn't have private access, the government was going to put in public access. We would put the public access ourselves, our club.

**Mr Spina:** I'm not sure this is the right committee for that kind of issue, but nevertheless, thank you for bringing it to our attention.

**Mr David Ramsay (Timiskaming-Cochrane):** Thanks very much for coming to the committee. I know, Alfred, that this has been a long-standing issue in our area, for sure. I think that of all the issues I've had to deal with in my time representing the area, land use issues are the most difficult. In the north here they're so passionately held by all of us who live in the area, especially by anglers and hunters who traditionally have had such access to our crown lands. With more highly competing uses now, it's becoming more and more difficult to find the right balance to give everybody an opportunity to pursue their own activities in the bush, while at the same time maintaining a viable timber industry.

I know it's very difficult because primarily, as you know, the road network was put in place in the past by MNR so the lumber companies could access the timber. Now that's been downloaded to the companies, but under MNR supervision. The roads are primarily put in place to access cuts of timber. The biologists have to make decisions, with the road now in place that gives greater access to this area, whether the wildlife can withstand the greater hunting pressure that's now going to happen because the road has been punched through into this area.

I've been to many meetings with very hotly held debates, passionate on all sides, about this. I have great empathy for you and what you're saying here. I'm very aware of the difficulties that people south of Lake Temagami have had to access the south of Cross Lake and into Lake Temagami. I am on the side of the people south, where you are, in the West Nipissing area, because it's historically been a privileged few, mostly from the United States and Toronto, who want to guard that access to Lake Temagami from the south. It tends to be the residents, the people who work in the mines and the mills and the retired people, who want to continue to access those hunting and fishing opportunities, who are being frustrated.

I wish I had an answer today. I know we've worked on trying to get access and I know the controversies that have been there. I think today you've given me a new perspective, because in the past I never looked at it from the point of view of disability. While we need to protect our wildlife resources and work in a consultative way, as I think Ms Martel has outlined, we don't always get consulted by the MNR. I think that has to happen.

I think the MNR—and I'd be quite happy to take this up with them—has to be cognizant of the needs of people who maybe don't have all the abilities to get into certain areas of our bush and maybe need the assistance of road access. Maybe we need to be cognizant of that and make sure that we set aside areas so that all people who want to enjoy all the resources of the crown bush can have that access, but still do it, obviously, in a controlled manner so that we protect our resources. I thank you for bringing that point forward today and I pledge to work with you on this.

1350

**Mr Levac:** Can I say a few words on that?

**The Chair:** Certainly.

**Mr Levac:** You see, the way we feel, the road is there, there's a gate, but they haven't closed the hunting season or the fishing for the abled people. They mentioned that they want to protect the moose habitat. They preserve it from us but it's still open for other people, the abled people. So I don't see what they gain. Then the skidoos are going in there.

**Mr Ramsay:** I want to respond to that for a second. I understand it from your point of view. What has happened basically over the last 25 years, with the heightened mechanism, mechanical assistance for hunting, is that we've increased the hunting pressure on our wildlife, both with two-way radio, four-wheel drives, four-by-

fours, going in. We're much more successful at hunting now than we ever have been and that's part of the reason these roads are gated, to give the moose a bit of an opportunity out there too.

So again, it's always this balance of trying to sustain the wildlife population, but you bring a good point, that people with disabilities need an opportunity to pursue hunting activities in the bush, and I'll work with you on that.

**Le Président :** Au nom du comité, monsieur Levac, merci pour votre présentation cet après-midi.

**M. Levac :** Merci beaucoup pour avoir la chance de la présenter. Thank you to have a chance to present it.

#### SAULT-ALGOMA ONTARIANS WITH DISABILITIES ACT COMMITTEE

**The Chair:** Our next presentation this afternoon will be from the Sault-Algoma Ontarians with Disabilities Act Committee. I would ask the presenters to please come forward and your names for the record. On behalf of the committee, welcome.

**Ms Dorothy Macnaughton:** I'm Dorothy Macnaughton. I'm one of the chairs of the Sault-Algoma ODA Committee. I'd like to introduce the people who have come with me: Louise Larocque-Stuart, Hedi Kment, Larry Knapp, Sylvia Mosher and her attendant Diane, Cornelia Bryant, John Fedorchuk and George McVittie.

The Sault-Algoma ODA Committee appreciates the opportunity to be able to offer feedback on the proposed Ontarians with Disabilities Act. Our committee has over 50 members, the vast majority of whom are disabled, have family or friends who are disabled or work with people with disabilities.

The agencies most directly involved are advocating on behalf of their clients and are very conscious of keeping their staff informed. Serving on our committee are people with cerebral palsy, multiple sclerosis, arthritis, brain injuries, mental illness, to name a few. We have people who are intellectually challenged, as well as people who are blind, visually impaired, hard of hearing or deaf. Parents of children with learning disabilities, autism and multiple disabilities are also represented. Our committee has been in existence for about a year and a half.

It has been a gargantuan effort—and believe me when I say “gargantuan”—to put this brief together in such a very short time. Our committee has worked very diligently to make sure that the Sault-Algoma area has this important opportunity to help the government of Ontario understand the reality of the many barriers disabled people in our communities face on a daily basis. To achieve this, the government of Ontario must make significant amendments to the act as proposed in this bill.

For members of our committee to arrange to come to these hearings, we have faced heavy obstacles. Did you know there is no vehicle available to rent or borrow in the Soo which takes more than one wheelchair on a weekday? There is a wheelchair-accessible bus which is

available only on weekends. There are also significant costs involved for gas, food and, for some, accommodation. I myself came from Toronto. I've been down there because of medical appointments and my mother has just been diagnosed with terminal cancer. I'm sure you realize it wasn't easy for me to have to leave her in the hospital and come here to do this.

One of our members in a wheelchair requires an attendant, which costs \$50 an hour. From the Soo to Sudbury even in good weather takes three and a half to four hours. Some of our committee members who wanted to come were unable to do so. For them, the lengthy trip to and from Sudbury in one day was too physically demanding. Health issues related to their disability are a barrier.

The fact that the government of Ontario is willing to take a first step toward becoming a barrier-free province is to be applauded. However, an Ontarians with Disabilities Act which truly identifies, prevents and removes barriers for all disabled people must be stronger. What we have done as a committee is that we went through the act with a fine-tooth comb. We chose as a committee where we felt amendments needed to be made, and then we detailed them for you.

We are concerned that nowhere in the act is the commitment made to ensure that financial support will be available to the municipalities, the scheduled organizations and to the business and non-profit sectors so that the requirements of the ODA will be met. Rather than going through every individual amendment that we've proposed, because that would take far too long, I'd like to sort of highlight the ones that we are most concerned about.

The preamble: the Corporations Tax Act and the Income Tax Act, as noted in the preamble, "allows ... deduction for the costs of modifying buildings, structures and premises, acquiring certain equipment and providing special training in order to accommodate persons with disabilities in the workplace." However, according to statistics compiled by various agencies, persons with disabilities are significantly unemployed and underemployed, regardless of qualifications or education. This act does not address this problem or provide additional incentives for employers to hire qualified people with disabilities.

Ontario disability support program: this is an area that our committee feels needs to be addressed. We do not believe that the ODSP, as stated in the preamble, "provides ... eligible persons with disabilities ... with assistance that recognizes their unique needs." If people with disabilities on ODSP are fortunate enough to be hired, the maximum amount they are allowed to make is \$160 per month. Above that, a percentage is clawed back. These people are therefore unable to benefit financially from having a job. This in itself is a disincentive and demoralizing.

The ODSP in its present form forces people with disabilities into a permanent state of enforced poverty, as payments are not adjusted to reflect the cost of living and

many struggle even to put food on the table near the end of the month when their money runs out. I ask the members of this committee, how would you survive, never mind trying to get ahead, on a maximum of \$1,100 a month for the rest of your life? Once rent is paid, the maximum living allowance is a mere \$516 a month. How can a person who has little or no money left pay to take the bus to go to write a resumé or to look for a job? If you were in a wheelchair and had to take an attendant on the parabus with you, the expense would be even greater, as both must pay fares.

The number of persons with disabilities on ODSP who access the Soo Community Assistance Trust is significant and these numbers are increasing. The CAT was formed as a community initiative in February 2001 to meet the needs of the poor, including the working poor and those on disability pensions. Many of those requesting funds from the trust are referred by other agencies. We have an addendum and we have given all the members of the committee our material that outlines the number of people who have requested assistance.

#### 1400

If this act is intended to remove barriers for persons with disabilities, one of the first barriers which must be removed is the financial one created by this government's own program, the ODSP. The program must be completely overhauled, including the following:

Policies should be clearly stated in the statutory regulations so that case managers are held accountable for any decision. Payments must be increased yearly to reflect the cost of living. It took 12 years for persons on ODSP to receive \$30 a month more. The lengthy appeal process must be streamlined and made more efficient. Why just mention in this act that this program exists? Why not do something concrete to make it better?

The Soo legal clinic has backlogged 100 appeals for ODSP which are scheduled for June, July and August, 2002. In addition, 21 cases are assigned to a worker and eight are still on the waiting list. In the meantime, these people are put on the Ontario Works program. They must live on \$540 a month, not including rent, which is even less than they were receiving on ODSP.

The next issue that we feel needs to be addressed is the assistive devices program. Even though this program is not mentioned in the proposed act, it needs to be reviewed and improved, particularly as the costs associated with specialized equipment continue to escalate. We realize that people with disabilities in Ontario are extremely fortunate to have an ADP program. The Ministry of Health covers 75% of costs of some specialized equipment such as wheelchairs. But it will cover either a manual wheelchair or an electric wheelchair. Some people need both. We give you some other examples as well.

Another expense associated with a disability, particularly for blind and visually impaired people, is that CNIB clients in the Soo must travel to Sudbury at their own expense to be evaluated for high-tech aids. It's an extremely difficult situation. When they require help and support, they have to have it over the telephone.

Nothing covers the total costs of specialized equipment or services necessary to enable one to be as independent as possible. Thus, people with disabilities are unable to “participate fully in the life of the province”—that’s from Bill 125—because they can’t afford such equipment. It is expensive to be disabled. The government needs to recognize this fact by providing funds to cover expenses associated with one’s specific disability. Why can drug addicts get free needles through a needle exchange program yet diabetics must pay for their own needles?

I’ve tried to lay out our submission the way the bill is laid out. There are two items that we feel are important.

The definition of “disability” we felt was excellent, that more types of disabilities were included in the definition. For quite a long time, people with less visible disabilities have been overlooked. Just to give you an item of information, did you know that a talking book machine, needed to play four-track audio tapes of textbooks for learning disabled students, costs around \$700? The CNIB library for the blind has many textbooks already on tape that learning-disabled students can access, but they cannot afford the equipment.

The other definition is the definition of “barrier.” It does seem to describe obstacles facing most people with disabilities. However, we felt that financial and technological barriers must be added to that list, particularly because these are two of the most significant barriers faced by people with disabilities. It’s not just physical barriers. It must be recognized that other types of barriers are of equal importance. We suggested perhaps some examples could be given right in the act itself.

Under each particular section, then, we made specific recommendations, so I’ll just try to skim through a few of those. I honestly don’t know how my time is going, but anyway.

**The Chair:** You’ve still got 10 minutes.

**Ms Louise Larocque-Stuart:** We came a long way.

**Ms Macnaughton:** We did. I ask for your indulgence. It took a lot of time to do this.

We felt that the fact that the government of Ontario, in their responsibilities, was going to develop barrier-free design guidelines for their own buildings in the future was wonderful. However, we felt that what was lacking—and we would like the word “owned” added in, that the “buildings that are presently owned,” mainly because we felt the buildings that are there right now also need to be accessible. It shouldn’t just apply to newly purchased buildings.

We also felt that there needed to be a change when the government was talking about accessible goods and services. Instead of the wording that’s presently there, “the government of Ontario shall have regard to the accessibility for ... goods and services,” we felt that more than “regard” was required. We felt there needed to be standards and we gave an example of someone—and this is an actual case; I’ve actually had this happen myself—trying to read the instructions on a bottle of pills. When your vision is very poor it is impossible. For an elderly

widow living alone, how are they going to get help? This could be a real safety issue.

The reference to the government Internet sites had a phrase that these sites would be accessible “where technically feasible.” We felt that the technology exists to make them accessible and that phrase should be removed.

Government publications: once again, it has that same phrase. We felt that when government publications are designed they should be in a format that can be accessible by the user, whether it’s in Braille or in large print, or whatever.

The ministry accessibility plans: all the way through it’s the ministry and other organizations outlined that are required to design accessibility plans. We felt that the word “barrier-free” was better terminology than “accessibility” because we liked the fact that “barrier” was defined and “accessibility” was not defined.

The idea of preparing these plans was an excellent suggestion on the part of the government for all these different organizations that are outlined. These plans are to be designed annually, but we feel that there needs to be a deadline for each particular barrier that’s identified. Then, if the Accessibility Directorate could develop the regulations setting out the deadlines for each of these that would cover a timeline, that would give some accountability. We also felt that when those plans were made available to the public they needed to be available in an accessible format, and they also needed to provide a method to address concerns if a member of the public or a person with disabilities had a difficulty or concerns.

The municipalities and the other organizations outlined pretty much follow the same process as with the other organizations. It’s starting out with the government, so I won’t go over all of that.

Public transportation: we felt there was a real issue in the north with public transportation and with parabus service and that those in particular really needed to be addressed. I will pop right toward the end.

The advisory councils: the fact that the municipality—

**The Chair:** Ms Macnaughton, if I may interject, take your time because I’m going to give you more time for questions. So just go easy at it.

**Ms Macnaughton:** Thank you. I appreciate that. Now let me find where I am. Sorry; I was trying to whip through it.

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**The Chair:** I’m sorry to have confused you.

**Ms Macnaughton:** That’s all right. I appreciate that.

There may be a few things I neglect, but you do have copies.

We felt that further on in the proposed act, in the bill, it states that there would be exemptions. We felt that there should be no exemptions. If everything is set up the way it should be, there should be no reason why, say, a government ministry should be exempt from having to provide a ramp or whatever the case may be. If the particular guidelines are developed properly, there should be no need for exemptions.

The Accessibility Advisory Council of Ontario: we agreed with this group being formed and the fact there are people with disabilities on it, but we felt that the majority of the members should be persons with disabilities. We also felt that council members should represent a broad range of disabilities in electoral districts throughout the province, and therefore there would be good representation from both northern and southern Ontario.

We also felt that if the members were chosen by all parties it would be a non-partisan council and they would be able to accomplish their tasks unencumbered by a political agenda.

We felt that there have already been many reports prepared in the past by other advisory councils and that those reports should be accessed and utilized. That would save in many cases reinventing the wheel.

The Accessibility Directorate of Ontario: it says in the bill, "The employees who are considered necessary shall be appointed under the Public Service Act." We felt that where qualifications are equal, preference would be given to persons with a disability. We felt it was important that this particular directorate have people with disabilities hired if at all possible.

Toward the end of the bill there were references made to other acts which need to be amended. In the Municipal Act, we felt that the businesses should be "barrier-free" and that would be a better word than "accessible" because it would represent removal of other types of barriers, not just physical barriers.

We felt very strongly, as some of the other groups have mentioned, that this act should not just apply to the government, agencies and organizations mentioned. We felt it should apply to businesses, industries and non-profit organizations. We would like to suggest an amendment: "Following the creation of the government of Ontario's barrier-free design guidelines, private businesses, industries and non-profit organizations, in the purchase, leasing, construction or renovation of buildings need to adhere to the same guidelines as the government and municipalities."

We felt that barrier-free design is barrier-free for everybody. The same principles which apply to the government etc must apply to businesses, industries and non-profit organizations or Ontario will never be barrier-free. Which building do you think more disabled people would want to access: a government building or a local restaurant? All new buildings built after the guidelines come into effect must be barrier-free. It makes sense from a cost perspective for a business owner to make their premises barrier-free initially rather than having to incur greater cost to retrofit their building at a later date. Some changes won't require a great deal of expense but will make a significant difference. For instance, many buildings such as restaurants have a one-step entrance which people in wheelchairs can't negotiate. The installation of a ramp won't be a great expense when the business owner takes into account increased revenue generated by more customers. Braille numbers or audible signals on

elevators—and I notice they don't have them here—are a simple way of making buildings more accessible for those who are blind or visually impaired.

There is significant loss of business in Ontario—and if we had time we could have gotten you the statistics—related to the organization of international conferences. Ontario doesn't have barrier-free facilities to the same extent as Europe or the United States. Businesses need to make their premises barrier-free. This will benefit everyone, as the number of people with disabilities will increase as people age.

I quote from highlights of the proposed ODA on the Ontario government's Web site. "The government believes there is a strong moral, legal and financial motivation for the private sector to improve the accessibility of persons with disabilities to its goods, services, workplaces and business establishments." If the government truly believes this statement, it must help by providing the necessary regulations and accompanying financial incentives to achieve barrier-free goods, services, workplaces and businesses.

Businesses, industries and non-profit organizations must also be required to prepare accessibility plans and be subject to the same requirements as the other organizations mentioned in the act.

In conclusion, I quote from highlights of the proposed ODA as found on the Ontario government's Web site. "The Framework for Change includes requirements that would result in all sectors becoming increasingly accountable to the public for the inclusion of persons with disabilities. Persons with disabilities would have an increased role in making changes that affect their lives directly."

The members of the Sault-Algoma ODA Committee are looking forward to the day when all sectors of Ontario society will be fully accountable for the inclusion of persons with disabilities. We sincerely hope that a strong and effective Ontarians with Disabilities Act, when passed, will enable this to happen.

People with disabilities have much to share. We try to live daily as independently as possible, overcoming innumerable barriers, many of which need not exist. We have valuable expertise to share and we need to be part of the process. The government must be willing to listen and to take action promptly to have a positive impact on our lives.

**The Chair:** Sorry to interrupt but I just wanted to slow you down a little bit. I'll allow three minutes per caucus for questions and I'll start with the government side.

**Mr Spina:** Thank you, Ms Macnaughton, and your family and friends. If you think the ride from the Soo was a long way, wait until you go back. On the way back, the most boring stretch is through Bar River. I was born and raised in the Soo.

I'm sure your local MPP is working hard to help your people. Tony works very hard representing the Soo, I know.

It really struck home with me, because you talked about an elderly widow living alone trying to read a prescription label. Guess who fits that category? My mother who still lives in Sault Ste Marie.

In any case, I want to address some of the issues, Dorothy, that you brought forward, if I can. There's a lot of them and I can't address all of them, but I'd like to front some of the highlighted points, and a question or two.

You made some very good points that others haven't, and that has to do directly with the ODSP situation and also the assistive devices. Those are good points that have not been brought forward within the context of this bill, but they are important elements and barriers, as you so aptly described, for disabled people. We appreciate your bringing those points forward.

You talked about financial support. I wanted to indicate to you that in last spring's budget, Minister Flaherty committed some dollars—and I'll read those out to you—but it has not been described as to how those dollars will be disseminated. So I will be asking you a question after that. What he allowed was \$67 million over five years for new facilities for adults with developmental disabilities; \$55 million this year, growing to nearly \$200 million by 2006-07, to enhance services for people with developmental disabilities and attract more quality caregivers. Then it also talks about \$26 million over three years to upgrade, renovate, build or purchase new facilities for community mental health organizations. So those are very distinct, large budgetary figures to be addressed to the disabled community.

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Sometimes part of the problem we face is how dollars go through an agency and then the agency decides. Do you have any suggestions—and this may tie in with your ODSP, I'm not sure—how some of those dollars could perhaps be directed personally to individuals instead of through an agency? Is there an opportunity for that? Would that help, or should there be a middle group?

**Ms Macnaughton:** Wow, that's a difficult question. I think in any kind of a process like that, perhaps through the agency, but the actual consumers or people who can speak to the types of situations the consumers are dealing with need to be directly involved. The fact that the government, in this proposal, has disabled people involved at the various levels of accessibility councils, the directorate, etc—

**Mr Spina:** Barrier-free, as you want.

**Ms Macnaughton:** —barrier-free, yes—I think that also needs to be addressed at the grass-roots level where the money is being disseminated. I think sometimes, even though agencies represent disabled people, they need the disabled people involved at that level too, because they are the ones who are living it. Many of these organizations, I hate to say, unfortunately, do not have people with those disabilities working in their offices.

**The Chair:** I'll give each of the other caucuses four minutes.

**Mr Bartolucci:** Thanks for giving the group extra time. Your presentation was phenomenal. You've covered so much and—

**Ms Macnaughton:** We haven't had much sleep over the last two weeks.

**Mr Bartolucci:** That's obvious. I don't want to be confrontational with the committee, because I said today that I wasn't going to be, but I only wish we would have had hearings in Sault Ste Marie.

**Ms Macnaughton:** So do we. We invited you.

**Mr Bartolucci:** That's right. We argued for it, to be perfectly honest, and Tony will probably address that. There are lots of people in Sault Ste Marie who would love to have made presentations, my sister-in-law being one, whose child is effectively left out of this legislation. I just want to commend you for the excellence of the presentation. I'm glad the committee gave you extra time because your presentation was very good.

You've put an attachment to your presentation which I believe is very important.

**Ms Macnaughton:** Yes. I'm sorry, I forgot to mention that.

**Mr Bartolucci:** It has to do with kids from Anna McCrea public school making submissions after a visit from the ODA speakers. I'm only going to read one into the record, because as I read them I said, you know, the innocence of youth and the honesty of children summarize what you are asking the government to do and what every other presenter has asked the government to do today. It says, "Helping Others: Why criticize when you can help a needed one and feel good about yourself knowing that you can be of help to someone."

That's by Jeremy. I think Jeremy is asking this government, as you've asked this government, as every other presenter has asked this government, to take a long, hard look at their legislation, incorporate the excellent amendments they have heard and make this a strong piece of legislation. The innocence of youth certainly sometimes frames it very simply and we as adults make it complicated because we have to supply the details.

What is your one last piece of advice to the government with regard to this process? Should they withdraw the bill or rewrite the bill before they pass this bill into law?

**Ms Macnaughton:** I like the idea of a rewrite. There are some very valuable things put forward, so I would say take the good parts, add in the suggestions, many of which came from the ODA Committee in Toronto, and some of our suggestions as well, and just make it stronger.

**Mr Bartolucci:** Thank you. Would you thank Jeremy for us?

**Ms Macnaughton:** Yes. Actually, I can tell you that we had several presentations to school groups as part of a public education outreach which our committee felt very strongly about. The response from the students was just phenomenal, how it changed their outlook on people with disabilities. We made sure that every single presentation had a broad variety of disabilities, not just one. They've

never really thought to approach someone in a wheelchair before, or they've probably wondered about someone who is blind or someone who is deaf but they've never had an opportunity to ask some questions and find out what it was really like and what kind of barriers they faced. It opened their eyes unbelievably.

**Mr Tony Martin (Sault Ste Marie):** Thank you very much, Dorothy.

**Ms Macnaughton:** And the committee.

**Mr Martin:** And friends, yes. You've done Sault Ste Marie proud here today in the presentation, and the effort that you made to get here to make the presentation is really effective. I think the government members have heard you, and the impact you've had will hopefully go a long way to encourage them to do some of the things we feel they need to do on Tuesday. Tuesday is a really important day in the life of this bill. Tuesday is the day when we see how committed this government is to the very limited hearings we've had and the very limited opportunity we've had to travel and hear from communities like Sault Ste Marie.

In our view, we should have taken more time. January, February and March were available to us to travel the province, to go to bigger and smaller communities so that you people don't have to travel, so that we travel and hear from you in your own home settings. It's unfortunate actually when you consider—and I think you're right—the absolutely wonderful opportunity we have here now, with this bill being tabled, to actually get it right, to do some things that will be meaningful, that will have immediate impact, not only for you but for future generations.

The government on Tuesday will have a chance to table amendments. They know that both the Liberals and ourselves will be tabling amendments, and all of those amendments that we table will reflect the things you've indicated here today and that the ODA provincial committee has put forward.

We're told by the committee that through some mistake in drafting, I guess, the time allocation was only going to allow for a tabling of the amendments at 4 o'clock and then an immediate vote on whatever was tabled, with no debate. They're now saying to us that, out of the goodness of their hearts, they will allow us from 9 o'clock until noon to actually debate some of the amendments that we will put on the table, but then it's over.

We'll be asking the government on Monday to join with us, through unanimous consent, to allow us at least on that day—so they can get done by Thursday, which is what they're going to do anyway—to meet until midnight to entertain and debate and look at the amendments that need to be put forward.

My question to you would be, what do you have to say to the members of the government who are here today and the other members of government who will hear, through them, the wonderful presentation you have made—and some of the detail on the presentations that we've heard over the last week in Ottawa, Windsor,

Thunder Bay, Toronto and here—about what it is they're going to do on Tuesday to indicate that they've actually heard, that they really are committed to some of the stuff you've indicated is very positive in this bill, and that they will build on it to make sure it is a bill that will be effective and will mean something?

**Ms Macnaughton:** I just say very simply, if you're going to do it—and we appreciate that they are trying by bringing forward an act—do it right. Take into account everything you've heard, particularly from those people living with disabilities every day. Give careful consideration, amend the act and make it as strong and effective as possible, because that's the only way it will have a significant impact on people's lives, and that's what this act should be all about.

**The Chair:** With that, I have to bring it to an end, but there is a benefit in being the second-last presenter. You give the Chair a little bit more leeway to play with the time.

**Ms Macnaughton:** Thank you very much.

**The Chair:** And have a pleasant trip back. I took the power given to me to do it.

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#### RACHEL PROULX

**The Chair:** Our last presentation this afternoon will be from Rachel Proulx. I would ask Ms Proulx to please come forward and state your name for the record. On behalf of the committee, welcome. You have 15 minutes for your presentation this afternoon.

**M<sup>me</sup> Rachel Proulx:** Mon nom est Rachel Proulx. Bon après-midi. I can start any time?

**The Chair:** Yes, you can start.

**Ms Proulx:** Thank you very much for allowing me to speak to you today. As you know, I was a last-minute request. I'm not sure how the advertising or the promotion of these proceedings was announced to the community, but I know for a fact that had it been through the business community, I would have heard about it and I would have followed the proper process. So I do appreciate your allowing me a few minutes.

I know that you've had a long day and you've had a lot of presenters giving you a lot of the perspective from the inside view of persons with disabilities, so I will try not to repeat what has already been said.

In any event, I would like to tell you that I am presenting as an individual. My background is from the private and public sectors. I have been self-employed for more than 10 years on my own. I am past president of the Sudbury Business and Professional Women's Club, and a past district director, which encompasses northern Ontario, for the Business and Professional Women's Clubs of Ontario. I'm also the current national past president for the Canadian Federation of Business and Professional Women's Clubs.

I am a member of the chamber of commerce and have been involved in economic development, as our MPP can tell you, in particular The Next Ten Years, which was an

economic development initiative. I was founding chair of Collège Boréal. I was a member of the transition team for l'hôpital régional de Sudbury/the Sudbury Regional Hospital. I also presented a brief to Hugh Thomas in the restructuring of our city of greater Sudbury—it's very close to me because I suggested it—which brought about the inclusivity of the outside municipalities with the current ward system that we have in the city of Sudbury, which created a new regionalization for this community, I believe.

Having said that, being a minority is not new to me. I, of course, am a female—we are 52% of the population but we're told we're a minority—I'm a francophone, so I'm in the minority, and for the last six years I've been a member of the disabled community as well.

My comments, as I said, are personal, from a business-thinking person. I don't know that anyone has presented views from a business person who has a disability, but I felt that it was important to bring to you my background from that perspective because, I can tell you, had I not been involved in business and had I not been involved in the community in economic development, I am not sure that I would be here today.

You see, when all of a sudden you become disabled, your life changes rather drastically and you have to make choices. I'm not sure I would have had the confidence. That could also be one of the reasons this house is not packed today. It should be packed with people with disabilities, because they are out there. It's not complacency; it's lack of confidence, it's lack of self-esteem, it's lack of awareness.

Marketing being a very big part of my background, again I emphasize how important it would have been to invite not only the disabled community but also the business community, which could have said—and you would have heard—their concerns and their challenges about accommodation for people with disabilities.

I heard one fellow this morning who talked about a Tim Hortons, where they could not go in and have coffee because the facility had a parking space but not a door to let you access. I know one of our businesses here, a very prominent Tim Hortons on Lasalle Boulevard, has recently accommodated his premises and has made wonderful accommodations. It has an electronic door, which is more than I've seen in even some of our public institutions in this community, where accommodation—you know that they're trying, but you have buttons behind posts to open the doors, you have elevators that are timed for you to just get in and out, never mind if you're in a chair, trying to manoeuvre the chair, trying to get in through the door. There are a lot of things when it comes to accommodation.

I know there are building codes in place to ensure that some of these things happen, but I have to question if the people who are drawing the plans, ensuring that the building codes are there, are all men six feet tall with no disabilities—or maybe they do have a disability, because they've missed the point if you do not have people who understand, like occupational therapists, what kinds of

needs are there, whether it be for the hearing impaired, whether it be for people with visual disabilities and so on. There are many other than physical, but there are many disabilities out there.

So here I am today trying to encourage you to look at this bill and look at and consider very strongly the recommendations put forward to you today by all of the presenters. I don't want to delay bringing all of these back to you, but it's important. I'm very concerned as a taxpayer that the bill has already gone through two readings; I'm hearing that very early next week they're going to try and ram this bill through, whether there will be time for amendments or not. I would certainly like to challenge the government to surprise all of those critics and take the time to make sure, as the last presenter said, to do this right. It's not about rewriting the bill, it's about rethinking the bill and looking at amendments that make sense and applying them accordingly.

The bill was written with good old fonctionnaire-ese, if I can use the term: lots of words. You wonder what it means. Will anything happen? Well, you know, it's a nice, long document, but what will really happen about it? We've heard about some of the challenges. As businesspeople, we talk about the transit system not being appropriate. It's certainly not accommodating to me if I have a business meeting that all of a sudden I was able to land because of a possible contract and I can't get in there because Handi-Transit cannot accommodate me for 48 hours. I don't have a right, you see, because I'm disabled.

I've been a minority as a francophone, as a woman; I am now, but guess what? I will be part of the majority pretty soon, because most of you are probably my age or older and you will be the majority very soon and we'll have to make sure that transit is appropriate, that we have access to transit and we have access to of course the marketplace, where it has to adhere to it, but businesspeople want to make money. I want to make money; the government wants to make money. We want this province to continue to grow, because it is the best place to live in Canada. So why not make Ontario an accessible and a good province to live in for entrepreneurs as well? If we know that jobs are not there today because they're not there in the numbers that they used to be, self-employment is the option for many people, in particular those with disabilities. If you cannot even have a good service to get you where you have to go to do your business, then there's something missing in the whole mechanism of things.

If I look at myself, being a mother of four children—my children are now young adults: 23, 24, 25, 26. So going through that—many of you have gone through raising kids—I look at my husband, who did not have a disability until recently. He now has had open-heart surgery and has been diagnosed with diabetes. Again, we're a young family, with a lot of things supposedly ahead of us, but when you're hit in the face by disability you sure as heck hope that if you're spending your pension money now to accommodate your house, you're

not going to live too long, because you will not have a pension left. That is part of the infrastructure that is missing in the bill, and in a lot of the things that we have today the infrastructure is not there. You can make all of the public sector buildings accommodating, but if people can't even get out of their house because they don't have a ramp, they don't have a lift, they cannot accommodate their homes, they cannot work, they cannot have the equipment they need, then there's something missing in the system.

I love the fee that you're thinking about, that this bill is suggesting, for people who park in disabled areas. I thought this was wonderful, but who cares? They're going to continue to park wherever they want to park anyway because there are no bylaw officers to enforce the rules. So if the infrastructure is not there—and it's not the only place; that's one of the places where the infrastructure is lacking—then certainly you can put all the fines you want, but it doesn't mean anything.

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Then we hear the speakers say the bill has no teeth. You have to look at the whole picture. I understand that the dollars aren't usually part of the bill, but certainly if the government today has good intentions, as we believe it does, then I would hope that once the amendments to the bill are made—and if it means postponement, if it means tabling this bill until you can do it right, then I hope the government will have the will and the tenacity to make sure it's done well so that all Ontarians can benefit, because that's you and me tomorrow. It's not just me today; it's you and me tomorrow, it's all of us tomorrow.

I hope you will look at the recommendations. Certainly tax incentives, putting together a financial package or incentive following the announcement of the bill, once the bill is passed, goes hand-in-hand. There has to be a plan. There cannot just be a bill that's going to be somewhere on somebody's shelf and just sitting there. It has to have the teeth, and that means the dollars to support the recommendations.

With that, I think I've got things written, but I'm not going to keep you longer than I have. I might even write to you with all my recommendations.

**The Chair:** We will keep you here for a couple of more minutes, because I'm going to ask for questions; I'll allow each caucus two minutes, and I'll start with Mr Bartolucci.

**Mr Bartolucci:** First of all, Rachel, congratulations on your recent award. You are certainly deserving of it.

**Ms Proulx:** Thank you.

**Mr Bartolucci:** With regard to the legislation, certainly this government has relied on you in the past to make submissions that I felt have been excellent submissions. I only wish that your recommendations would be followed.

You've asked the government to slow down, you've asked the government to be proactive in rewriting, re-drafting the legislation, including some amendments that will make the bill stronger. I worry that the government says this is a good first step. Well, I suggest to you that

after six and a half years of study our community of Ontario—not the disabled community; our community of Ontario—does not want a good first step; we want sound, effective legislation. I don't believe this first good step is that. So would it be your recommendation to the government that they spend some time rewriting the legislation to include amendments which then can have regulations attached to them which will make this a meaningful piece of legislation?

**Ms Proulx:** If I understood correctly the other groups, many have said that they felt it was well-written, it just didn't have teeth, and it didn't have a lot of the recommendations that were supported, that we're suggesting. I don't know that rewriting it would be the way to go; perhaps it's incorporating the appropriate amendments, if that's what you mean by rewriting, because if you're rewriting it can go on another tangent and take another six years. I believe in saving time and money. You have the people here today. This is just before the third reading. I almost wonder why we're here. It's a done deal. Why are we here? Then certainly take the time to look at the recommendations, incorporate them, but also hold on so that all of you, the critics, everybody, can look at it and make sure that it's a proper draft. But also include with it an announcement that will follow that will give you the money to make sure that this happens.

This is a progressive Ontario, which means that it has to have dollars. We are ready for business. If you don't have money, it's not going to happen. So the dollars have to be there. Don't give lip service, is what I'm asking.

**Mr Martin:** Thank you very much, Rachel. I really appreciate all that you've had to say today, but I want to focus on your last point. Carl thought he was probably going to escape today without my mentioning the \$2 billion to \$3 billion. Well, here we go.

You're right; you're absolutely right. Underpinning all of this, underpinning this government's ability to deliver almost anything where this is concerned is the question of resources and money. We know and they know that in order to offer people their human rights, it's expensive. But the question is, whose human rights can we afford not to respect and honour?

For example, this government, I read in the Thunder Bay newspaper last night, is going to deliver earlier than planned, by way of last year's budget, between \$2 billion and \$3 billion in public money by way of tax breaks to corporations and other individuals across this province. Yet we can't find the few million dollars that will be required to put some teeth and force behind this bill. That troubles me terribly and I'm sure it must trouble you.

**Ms Proulx:** It all boils down to economics. What about the 7.9 million Canadians who turned 50 in 1997? How many of those are Ontarians? We're told that 90% of our population will be disabled in the very near future. That's you and me. How can you not spend the money? If we look at the dollars it takes to institutionalize, where are you going to be putting these people? Don't you want them to pay taxes? Don't you want them to be very good, active members of society? It only makes sense to put the

money in the bill, to make sure that it's done right, because it's going to cost you at the end. Pay now or pay later. You pay now or you pay later.

**Mr DeFaria:** Thank you very much for your presentation. I'm just going to talk about the definition of "disability." Some of the presenters, I think the ones before you, were very pleased with the expanded definition of disability that includes any degree of physical disability, whether it's caused by bodily injury, birth defect or illness. It includes a condition of mental impairment or developmental disability, learning disability, any dysfunction, any mental disorder. Are you pleased with that kind of very specific and wide—

**Ms Proulx:** With the broader understanding of what is a disability? Yes, I am.

**The Chair:** Thank you very much. Au nom du comité, merci bien pour votre présentation cet après-midi.

**M<sup>me</sup> Proulx :** C'est moi qui vous remercie. Bonjour. Thanks.

**The Chair:** I have a couple of items before we adjourn. I want to inform the committee that taxis will be leaving at 3:30 this afternoon.

Mr Hardeman, on clause-by-clause, if you could give me some direction.

**Mr Hardeman:** Mr Chairman, I've been sitting here studying it and I have had discussions with both Mr Martin and Mr Parsons concerning this. I take from the resolution that was passed by the Legislature, unless there is some direction from the Legislature to change that, that the only option open to us as a committee is to meet prior to routine proceedings on the 11th. My recommendation is that we meet at 9 o'clock on Tuesday morning to start on the amendments, or to go to clause-by-clause and, assuming there will be a considerable number of amendments, that we discuss them in the morning. We then stop the committee for routine proceedings and then proceed again immediately following routine proceedings in order to meet the direction from the Legislature which says that at 4 o'clock the Chair must put the questions that have not yet been moved, that they must be then considered to be moved and voted on in order to complete the clause-by-clause by the end of the day. I don't believe we have any other options, as we sit here today, to do anything else.

**The Chair:** No, and I'm not going to debate the issue because, really, under, I think it's order 46, the standing orders of the House, if you're willing to entertain that we meet that morning, I'm willing to go along with that.

**Mr Hardeman:** Mr Chairman, everyone agreed that we meet in the morning.

**Mr Bartolucci:** The reality is that doesn't negate the opportunity for the opposition, though, to ask for unanimous consent in the House to extend those.

**The Chair:** That's correct, yes.

**Mr Bartolucci:** That's the understanding?

**The Chair:** Yes, in the House.

**Mr Bartolucci:** Absolutely.

**Mr Martin:** I just think it's really important that everybody understands the interpretation that's being brought forward here, which is that, really, according to the bill that was tabled—order 47?

**The Chair:** Order 46, I think.

**Mr Martin:**—under order 46, really the only thing left was to meet at 4 o'clock and just whip through the amendments one at a time, and that there would be no room for any debate whatsoever. What you're offering here—and I'm not sure whether we can do that, even, without unanimous consent of the House—if that's what the interpretation is, although I would challenge that, is we would meet from 9 o'clock until 1 o'clock on Tuesday morning. I just want Mr Hardeman to know that, as Mr Bartolucci said, we will be trying through the House leaders to facilitate some further opportunity, which could mean going until 6 or perhaps midnight on Tuesday, depending on the number of amendments brought forward and the need for debate on those, and to then vote on those amendments when we've used up that time. That would be where we're coming from. I just wanted you to know that so there are no surprises.

**The Chair:** A quick reply.

**Mr Hardeman:** Not to debate the issue—and the reason not to debate the issue is, I believe, that the issue was debated in the Legislature. My recommendation is strictly based on that we have—and I think the committee Chair needs that information now, that he has the authority to call the committee to order at 9 o'clock on Tuesday morning. Barring that, we will all come to the committee at 4 o'clock Tuesday afternoon, and the resolution is quite explicit about what happens at 4 o'clock. It doesn't provide the opportunity to debate any of the amendments. I think, for the record, that we want to make sure it does provide the ability to vote on all the amendments, but there would be no debate. I just want to say that we are hoping to have a three-hour debate on the amendments as they are presented.

**The Chair:** With that, I'll bring the debate to an end and this committee is now adjourned.

**Mr Martin:** Mr Chair, just before you do that, we've been on a fairly fast and arduous journey here for the last week. I want to say thanks to everybody. It's been a good committee, I believe. I want to thank the staff, particularly the real-time captioner, who has had no breaks through the whole thing—we've all had breaks; she's had no breaks, and I think that's quite extraordinary—and all of the interpreters and technical staff, the research folks and Hansard, and of course Susan for making sure that none of us got lost. Thank you very much.

**Mr Hardeman:** As a representative of government, I would like to echo Mr Martin's comments.

**The Chair:** We're going to make that at the end of clause-by-clause. We're adjourned.

*The committee adjourned at 1452.*



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Ms Susan Sourial

**Staff / Personnel**

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