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**Official Report
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(Hansard)**

Tuesday 1 February 2005

**Journal
des débats
(Hansard)**

Mardi 1^{er} février 2005

**Standing committee on
social policy**

Accessibility for Ontarians with
Disabilities Act, 2005

**Comité permanent de
la politique sociale**

Loi de 2005 sur l'accessibilité
pour les personnes handicapées
de l'Ontario

Chair: Mario G. Racco
Clerk: Anne Stokes

Président : Mario G. Racco
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Tuesday 1 February 2005

Mardi 1^{er} février 2005

The committee met at 0902 in committee room 1.

ACCESSIBILITY FOR ONTARIANS WITH
DISABILITIES ACT, 2005

LOI DE 2005 SUR L'ACCESSIBILITÉ
POUR LES PERSONNES HANDICAPÉES
DE L'ONTARIO

Consideration of Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities / Projet de loi 118, Loi traitant de l'élaboration, de la mise en oeuvre et de l'application de normes concernant l'accessibilité pour les personnes handicapées en ce qui concerne les biens, les services, les installations, l'emploi, le logement, les bâtiments et toutes les autres choses qu'elle précise.

The Chair (Mr. Mario G. Racco): Good morning, all. It's 9 o'clock and we have a busy schedule, so if you don't mind, I'd like to start quickly. I want to welcome you to the second day of public hearings of the standing committee on social policy on the Accessibility for Ontarians with Disabilities Act.

Before we start, I would like to point out several features that we hope will help to improve accessibility for those who are participating in and attending these hearings. In addition to our usual French-language interpretation, we have added services for these hearings. Closed captioning is being provided for each day of the hearings. Sign language interpreters are present for each day of the hearings, and I would like to welcome today Penny Shincariol, Gus Mancini and Maureen Byrne. There are also two support services attendants available to provide assistance to anyone who wishes it. Today I would like to welcome Jackie Hudson and Assis Sayed. Are they not present yet?

The Clerk of the Committee (Ms. Anne Stokes): I've seen them. They must be out in the hallway.

The Chair: OK. Two of them were here yesterday and two of are here today, so if anybody needs them, they are normally at the back of the room.

The hearings today in Toronto are being broadcast live on the parliamentary channel, available on cable TV. Also, for the first time, these hearings are being Web-cast live on the Legislative Assembly Web site at

www.ontla.on.ca. Our other hearings will be a delayed broadcast and Web-cast. Niagara Falls will be available on Friday, February 4; London on Saturday, February 5; Thunder Bay on Wednesday, February 9; and Ottawa will be shown on Thursday, February 10.

We welcome you all to these public hearings, and we can proceed with the first order of business.

ONTARIO FEDERATION OF LABOUR

The Chair: I want to welcome the Ontario Federation of Labour. You're already there, so would you please start whenever you're ready.

Ms. Irene Harris: Thank you, Mr. Racco, very much. I just want to introduce us. My name is Irene Harris. I'm the executive vice-president at the Ontario Federation of Labour. With me is Sharon Hambleton, who is our vice-president for the disabilities caucus. Rather than read our brief out, we've got a short presentation that we're going to make now, and Sharon will be starting it off.

Ms. Sharon Hambleton: Our commitment to full accessibility and rights for Ontarians with disabilities stems from a number of factors: (1) our members who have been injured at work, many of whom face difficulties in attempting to re-enter their workplaces; (2) our members who now or in the future may find themselves with some form of disability that will require modification to the work and/or community environment; (3) persons injured in the workplace due to the increased pace of production; (4) persons with disabilities who have not been in the paid workforce because of a lack of accommodation and/or discrimination against hiring persons with disabilities; and (5) persons who will need to rely on strong legislation in the future because disability numbers will increase as our population ages.

The need for strong legislation: This is critical legislation that is long overdue. People with disabilities have been denied rights for decades and have been barred from achieving their full potential. There are approximately 1.5 million Ontarians with a disability, or about 13% of the population. By 2025, this number will increase to 20% of the population, or three million people. We must keep these statistics front and centre throughout our deliberations and the implementation process. They serve to emphasize the huge number of people who are depending on strong legislation that has a real capacity to change the status quo.

We're looking for legislation to give real measures of relief and real opportunities, not half-hearted ones. Although we are pleased with the application of the bill to both the public and private sectors, we are nevertheless concerned that overall it will not achieve its important objectives if key changes are not made.

Unions must play a central role in this. Unions bring unmatched expertise in workplace issues, as well as important insights and decades-long commitment to disability and accessibility issues. We have extensive experience in dealing with return-to-work and modified-work issues and in developing workplace accommodations that are often required by injured workers. We are also experienced in a range of human rights issues that affect members in the workplace. For these reasons, the proposed legislation needs to be amended to allow for the proactive and formal involvement of unions at every stage.

We have made several recommendations that speak to this concern in our written submission. We are urging the government to compel us and employers to begin this process immediately by implementing a parallel process to the Pay Equity Act, 1987, passed by the David Peterson government. This is one key to the success of the legislation. Our amendments would require every union and employer to bargain accessibility plans. These plans would identify barriers in the workplace that deny access to persons with disabilities. The plans would set out measures to remove these barriers on a timely basis. In workplaces where there is no union, the employer would do, and post, the plan. Employees would then have the right to complain if the plan did not cover all concerns. Accessibility plans would have to be adjusted if necessary to meet standards set by the province when these standards are ready.

With these amendments, thousands of workplaces can become accessible and people with disabilities will have real employment opportunities. The doors of the workplace would be thrown open to people who are now denied jobs because of accessibility issues.

We do not see a reason to delay. We can accomplish the beginning of a real change in two to three years, rather than 15 to 20. We view the government's proposed implementation date of 2025 as unwieldy and unreasonable. To look at it from another perspective, someone born this year would have to wait until they were 20 years old to have a reasonable guarantee of access. This is not acceptable.

Ms. Harris: We are seeking remedies to systemic discrimination. This, for us, is not a theoretical exercise. People with disabilities encounter barriers every day that have a profound and immediate impact on the quality of their lives and human potential. Immediate relief and remedies are needed now, not 20 years from now.

There are some other general observations we want to make. There are four other key areas of the bill that concern us. They populate the category of government approach or commitment to this initiative. The four areas we want to briefly deal with are the purpose clause, the idea of exemptions, the generalities that riddle this bill,

and the financial support for organizations that would be required to invest time and staff in the success of the legislation.

First, the all-important purpose clause skilfully avoids stating what the purpose of the bill is. A purpose clause in a statute is critical to its interpretation. This bill is a rights statute, and it must reflect this. It is being enacted to remedy the systemic exclusion and discrimination that persons with disabilities have experienced and continue to experience in all aspects of Ontario life. But this bill states that its purpose is to benefit all Ontarians. It will be critically important for the courts to recognize that the legislation is anti-discrimination legislation and not a general statute for the benefit of all Ontarians. The lack of clarity in the purpose clause in section 1 has a capacity to undermine the work, efforts and outcome of the entire statute.

Second, the generalities and vagaries of Bill 118 are truly alarming and must be clarified. As it stands now, too many significant issues are left up to the cabinet. The plan spans two decades. There is therefore every possibility that key regulations will not be enacted either by the current government or future provincial governments. For example, this bill is about accessibility, yet it is not defined. It has not even defined who or what might be representatives of persons with disabilities.

Third is the question of exemptions. We don't think there should be any. At its heart, Bill 118 is an anti-discrimination bill, yet cabinet is given the ability to provide exemptions. The substance of this idea is all wrong, and so are the optics.

0910

Fourth is the question of financial support for disability and other organizations. The government's plan calls for enormous investments in time over many years for disability and other organizations. There must be an acknowledgement of this with formal assurances of financial support. We've outlined some priority areas and concerns. We've detailed our other recommendations and amendments in our brief that's before you. We want to get started now, we want to begin to change the landscape of Ontario now, and we want to live in a province that embraces access.

In closing, we just want to say that in our brief and in the information that Sharon has presented to you, you have the opportunity, as a Legislature, to get a lot of this work going now. So we really urge you to consider our amendments, which would have unions and employers bargain accessibility plans. This could be done so quickly and so well. It would at least open many doors and workplaces very, very quickly and would make workplaces accessible to thousands of Ontarians who have disabilities. Without this, people just don't have access to jobs. Unless we tackle that problem, the unemployment rates for persons with disabilities will remain way higher than they should be. Thank you.

The Chair: Thank you for your presentation. There are three minutes left. We'll give one minute to each party. Can I start on the Liberal side this morning, please.

Mr. Khalil Ramal (London–Fanshawe): Thank you for your presentation. I just want to bring your attention to a couple of points you mentioned. You were talking about 20 years, that people will have to wait 20 years to have access to many places. The 20 years is the end of the period and we have a five-year increment. We start to enforce it as we go, as we finish; as we pass this bill.

The second point I want to mention is about the exemption. No company, no institution, no place will be exempt unless they comply fully with the bill. That's why the minister has a right to do this stuff.

Ms. Harris: Except on the latter. I understand what you're saying in the first point, but we think those time frames could be shortened. With our amendments, we could do the workplace stuff when the first two or three years would be a lot faster.

On the second point, your bill allows cabinet to make exemptions. So you could sit around a cabinet table and say, "These are the standards. We think they're great, but in this sector, X companies are going to be exempted." You've given cabinet that right, and we don't think that is right or fair.

The Chair: Thank you. One minute for each party, otherwise we'll run out of time. I will recognize Mr. Jackson.

Mr. Cameron Jackson (Burlington): Thank you very much. I'm pleased that you identified in the purpose clause—that was the first thing that struck me, because it's the first clause. As someone who's been involved with this legislation for a few years, I personally believe that the disabled community should be driving the bus. I really think they should be making the decisions.

Although there were shortcomings in the first bill, at least it was clear that the purpose of the bill was to empower disabled persons to be the ones making the decision, that government ratifies that. So I would hope that you could assist us—I will look at your brief in more detail—and that you'd actually provided some additional wording. Even the old bill's wording is better than saying this is an equality issue for everybody, when in fact we're trying to merge the objectives of the Human Rights Code and have them entrenched in all aspects of Ontario's life and compliance should therefore occur.

So I want to thank you for your brief. This bill has to start with the notion that this is about getting rid of discrimination and empowering the disabled to make decisions in their life.

Mr. Rosario Marchese (Trinity–Spadina): Thank you, Irene, for your submission. With respect to the notion of the purpose clause, I should point out that a whole lot of Liberals agreed with you in 2001. They disagree now, it seems, for some reason, but in 2001 many of the minister's Liberal caucus attempted to amend the Ontarians with Disabilities Act to include the following clause:

"The purpose of this act is to achieve a barrier-free Ontario for persons with disabilities through the identification and removal of existing barriers and the pre-

vention of new barriers that limit persons with disabilities from fully participating in all aspects of life in Ontario."

At that time they had a better sense of how the purpose clause should read, and now that they're in government, they obviously want to change it. They might want to reflect on that. If this bill passes as is, Irene, do you think it would be a strong bill, a somewhat strong bill, a weak bill or just a great bill? What do you think?

Ms. Harris: We think it's weak and that it's taking too long. It's too open-ended and the work hasn't—they should have nailed down a lot more in legislation than they have. It's far better than what the Conservatives did, but we think that looking at changes to workplaces and being able to do that quickly really should have been in the legislation, and it is not there.

The Chair: Thank you very much to both of you for coming this morning.

MUSCULAR DYSTROPHY CANADA

The Chair: We'll move to the next presentation, from Muscular Dystrophy Canada. Good morning. You have 15 minutes in total for your presentation and potential questions. Again, if someone needs assistance, we do have two people available to assist any of you with whatever you need. I would ask that when you make your presentation, please keep in mind that there are people who may need a little more time to appreciate the presentation. You can proceed any time you're ready.

Ms. Anne Harland: Good morning. I'm presenting today wearing two hats, actually. I'd like to split my 15 minutes into two sections and present two very brief briefs, one on behalf of Muscular Dystrophy Canada—I'm a client-volunteer with Muscular Dystrophy Canada—and the other on behalf of myself and the other individuals with disabilities who could not be here today.

Muscular Dystrophy Canada, MDC, is a national not-for-profit organization that provides services and support for individuals with neuromuscular disorders. In Ontario alone, there are approximately 3,500 people registered with MDC. There are of course many hundreds more in the province who have physical challenges due to this progressive muscle-wasting but who are not registered or even yet diagnosed.

Staff at Muscular Dystrophy Canada hear on a regular basis from individuals who are denied access in Ontario to a number of facilities, goods and services. Some of the concerns you're about to hear you've heard from other presenters yesterday and from some of the politicians here as well. But each of these concerns, and these are only a few, come from real-life experiences as described in the last six months by people from Dryden to Toronto in this great province of ours.

Some of the identified concerns are:

—apartments with elevators that break and are not repaired for several days, making it impossible for residents who are wheelchair users to enter or leave their homes;

—inability to attend school regularly because school buses are not wheelchair-accessible;

—a lack of uniform provincial parking permit bylaws, leading to fines for a population already at risk financially;

—businesses with wheelchair-accessible signage but with restrooms located up or down a series of stairs;

—stores, including pharmacies, whose aisles are impossible for a chair or scooter to navigate;

—doctors, ophthalmologists and dentists whose offices are not accessible by persons in a wheelchair or using a scooter, yet that is the only doctor in the region;

—curb cuts that are blocked by parked vehicles and that cannot be accessed in winter months because of poor snow removal;

—parking garages, including those in hospitals, that cannot be entered in a raised-roof modified van, necessary for someone using a wheelchair;

—government-funded employment retraining programs that are run in non-accessible facilities, with inadequate handicapped parking and dubious accountability for job placements;

—doctors who do not and will not accept a patient whose level of required care is high or complicated because of a disability, leaving that individual without medical attention;

—municipal facilities, including election polling stations, that are not accessible;

—employers who violate the Human Rights Code duty to accommodate, knowing that few individuals with disabilities have the financial and/or personal resources for a legal challenge that would take years to process with the commission as it now operates. That was pointed out by several of our folks here at the table yesterday.

0920

The list of concerns at MDC I've read out to you that MDC hears on a regular basis is really the tip the iceberg. There are many more.

The recommendations, and there are a few that MDC would propose: that the implementation period of 20 years be substantially reduced. MDC is aware that government funding and resources for implementation for this bill are limited, and is willing to assist the government in an effort to reduce this timeline. We would also urge amending section 40 so that input from persons with disabilities and other interested parties can be considered before cabinet enacts proposed regulations.

In closing, MDC would like to thank you for this opportunity to present in such an open, public forum. We hope that you will give your unanimous support again to this bill once revisions have been made and it has been rewritten to incorporate many of the common themes that you heard yesterday and will hear again today.

The Chair: Thank you very much for your presentation. We have about two and a half minutes each for questions. I'll start from—

Ms. Harland: Mr. Chair, what I would prefer to do is hold the questions until—thank you, sir. Is that all right?

The Chair: Yes; you should finish. Sorry; I thought you did.

Ms. Harland: That's the presentation on behalf of MDC. I would now like to present, I guess on the basis of myself as a person with a disability, an equally brief presentation. I noticed yesterday in the proceedings that I watched from home—thank you very much to the current government for doing that—that there weren't a lot of individuals with disabilities who presented individual briefs, so I'd like to speak on behalf of myself as well as them.

The Chair: Yes. Proceed, please.

Ms. Harland: OK. My education-employment experience is not in a political or legal field. My perspective, as I said, is that of a person with a disability who is a proud Canadian and long-term Ontario resident. I speak from personal experience and also from experience interfacing and volunteering with a number of different community service groups that work for and with people with disabilities. I want to remind the ministers that they should not interpret the small number of people with disabilities here yesterday and today as a lack of interest in this process, but rather as another example of where it's sometimes difficult, if not impossible, for people with disabilities to be involved in process.

I applaud the current government's decision to actively seek input from persons with a disability in a public, open forum and to recognize and arrange that the proceedings need to be televised.

I would like to commend the Conservatives for Bill 125, and now the Liberals for their proposed Bill 118, but both have merit and both have shortcomings. Many of the MPPs acknowledged yesterday and pointed out very clearly—Mr. Jackson in particular put it succinctly—that in the four-year interim there has been no forward movement in spite of Bill 125.

To my untrained eye, with my lack of political and legal background, my perception is that Bill 118 as it stands is vague, lacking in timelines and very weak in the area of enforcement. I would answer the MPPs' question at the end of the last presentation with a very easy "No; it is not suitable as it stands. It needs amendments."

To my thinking there are even problems, as Ms. Martel of the NDP pointed out yesterday, with word usage, with "may" versus "shall." She was corrected on that issue on a legal technicality. I am not going to go into all the areas that I see as problems with the act. I have read it thoroughly. I do have concerns. I would instead instruct the committee, if they could, please, to look at a brief that will be presented later this afternoon. The Ontarians with Disabilities Act Committee presents this afternoon. I have no affiliation with that group; I did not sit on their committee. But I have read their 50-page-plus brief and it is outstanding. It is very well written. In spite of its length, it is concise and very clear in some of the changes that need to be made.

I'd also like to make note of a presentation that was put forward yesterday by the GTHA, the Greater Toronto Hotel Association, and thank them for recognizing, as a

public sector representative, that public sectors are interested in being involved in coming to the table—they are sometimes leaders in the field over our public sector as private businesses—and also for their recognition that the financial loss is to all Ontarians when we do not have a barrier-free Ontario.

I'd like to highlight some of the concerns that were brought up yesterday by some of the presentations and the MPPs who are here.

This legislation needs to provide a mechanism whereby a member of the public can voice concerns with respect to non-compliance and have that complaint dealt with in a specified time frame. It was pointed out many times yesterday that the Ontario Human Rights Commission, as a vehicle to deal with issues of non-compliance, currently is not effective. Therefore, the use of tribunals in this piece of legislation needs to be revisited.

The 20-year timeline is excessive. I support Ms. Martel's comments yesterday and the brief preceding mine that this can be much reduced, the timeline changing from five-year blocks in which things are reassessed to three-year blocks, with a total implementation period of 12 years.

Provincial government remuneration needs to be given to persons with disabilities and individuals from the non-profit sector who sit on these standing committees at the community municipal level.

Standards in certain areas should be legally mandated to be addressed in priority, and this is listed in priority from my perception as an individual with a disability: barriers in (1) the physical environment, (2) transportation, (3) health care, (4) education, and (5) employment. I just want to point out that there is very strong legislation under the Ontario Human Rights Code with respect to a duty to accommodate in the workplace. It is outstanding. It is stellar. However, it falls short in enforcement because the method of enforcement is through the Ontario Human Rights Commission, and we heard yesterday that that is not working.

Government should be included in the legislation and required to file an accessibility report, as suggested yesterday by Mr. Jackson and a few others. No incentive should be provided that exempts an organization from filing an accessibility report.

I urge all parties to be proactive in your final revisions of this bill. I wish also to remind you that the challenges that persons with disabilities face were first recognized in Ontario law with the Ontario Human Rights Code in 1982. Concrete, significant changes are yet to be legislated, from my point of view.

Thank you for your attention and the opportunity to speak.

The Chair: I thank both of you for your presentation. The time is over. Thank you again for coming.

Ms. Harland: I will be here during the lunch break if anyone wants to approach me individually.

The Chair: Thank you very much.

0930

ELEMENTARY TEACHERS' FEDERATION OF ONTARIO

The Chair: The third presentation is from the Elementary Teachers' Federation of Ontario. Are they present? Good morning. Proceed whenever you are ready, please.

Ms. Cynthia Lemon: Good morning. I'm Cynthia Lemon, vice-president of the Elementary Teachers' Federation of Ontario, and on my left is staff officer Christine Brown. We're delighted to be here this morning.

The Elementary Teachers' Federation of Ontario represents 65,000 educators across the province and, in this particular case, I would like to say that we also speak on behalf of the children in our classrooms. We welcome this opportunity to provide input on Bill 118, the Accessibility for Ontarians with Disabilities Act, and we extend our appreciation to this committee and to the citizenship minister for the chance to participate in these consultations.

We believe that Bill 118 holds the potential to enable Ontarians with disabilities to participate as full citizens of this province. It is an opportunity long overdue. We also believe many parts of the bill could be strengthened and improved. I will touch on some of these areas in this presentation, and a more comprehensive list can be found at the end of our written submission.

The Ontario Human Rights Code already provides blanket protection against discrimination for people with disabilities. Yet, as we know, a complaints-based system such as that found under the code is no substitute for proactive legislation. The goal should be to prevent discrimination rather than merely to redress it once it has already occurred.

For unionized employees such as members of ETFO, enforcement of the Human Rights Code falls mainly under the grievance procedure in our collective agreements. This means that a member with a disability who is faced with barriers in the workplace must challenge them on an individual basis. ETFO takes on many workplace accommodation cases every year. It is not unusual for us to be handling very similar complaints simultaneously in more than one school board. This is a very inefficient use of resources, both those of ETFO and those of the individual school boards, particularly at a time when we need the money in the classrooms.

Bill 118, as presently drafted, will take a long time to bear fruit, but when it does, we look forward to the day when barriers will be proactively prevented rather than being eliminated one by one. Rather than tearing down walls brick by brick, we'll have bridges permitting connections and accessibility for all.

We would like to turn now to some of the fine tuning that, in our opinion, Bill 118 needs in order to make it all that it could be.

The 20-year time frame for the implementation of accessibility standards has received a great deal of

attention. We're less concerned by this ultimate timeline than by what happens along the way. It will be of no surprise to you that, as teachers, we're very fond of deadlines. The process for setting up standards committees, allowing them to complete their work and implementing the standards they develop is a complex one. The sooner all of this is achieved in fixed measurable stages, the better. As drafted, Bill 118 is too open-ended with respect to timelines. Specifically, we would recommend that mandatory time frames be put into place for establishing the standards committees, setting their terms of reference and fixing the dates by which various stages of their work must be completed.

Further on the question of timelines, we believe that there are any number of barrier removal measures which are either no-cost or low-cost. Once the standards committees are up and running, we would like to see them identify as many of these as possible and to target them for especially early removal. An accessible Ontario is long overdue. We believe that establishing such deadlines will help kick-start the process. We're all aware that in some cases the horse is out of the barn too fast, too soon, but we would like the horse to get out of the barn.

We strongly support the participation of persons with disabilities in the work of the standards committees and commend the government for making them a formal part of the process. As an equity-seeking and social justice organization, we do firmly believe in inclusivity.

However, as has been pointed out by the Ontario Federation of Labour, the Ontarians with Disabilities Act Committee and numerous other advocacy groups, barriers to full participation and civic life are among the key reasons such legislation is needed in the first place. Given the material circumstances of so many people with disabilities and the shoe-string budgets of the organizations which represent them, there is a very real danger that the individuals who know the most about barriers will be the very ones cut out of the process. We would also like to emphasize that many individuals in the disability community with unique and valuable knowledge of barriers reside in areas outside major urban centres. Their expertise and experience should also become a part of the process. We therefore join with the Ontario Federation of Labour and other organizations in urging the government to develop a reasonable system to compensate these individuals for their expense and their time. Opportunities to participate should be encouraged, provided and supported.

There are other areas in which we believe Bill 118 could be further strengthened. As drafted, Bill 118 permits broad ministerial exemptions and leaves many crucial details up to cabinet. One example is the power of cabinet to make regulations which would exempt persons, organizations and buildings from the application of the act or its regulations. Given the more than generous timelines built into the bill, we're finding it difficult to understand the need for such sweeping powers of exemption.

Finally, as is often pointed out, the most difficult barrier that people living with disabilities must overcome

is that of attitude. The Ontarians with Disabilities Act Committee has suggested that a formal mechanism be developed to educate the public about disability issues. In particular, they have proposed that the curriculum and key post-secondary programs, such as architecture and medicine, as well as the curriculum in elementary and secondary schools, be enriched in this fashion. As a union which represents those who educate young children, we support these suggestions. Greater knowledge about disabilities and, more specifically, about the barriers that people with disabilities face is crucial to ensuring that those barriers are not replicated by future generations.

From our own experience as teachers, we know that children are receptive to learning about the challenges that their own classmates with disabilities face. In my own experience, I've had the opportunity to have in my class a student with a visual disability. We did bring in support to help the students in that room understand how she lived on a day-to-day basis. They wore glasses that negated their vision or distorted their vision, and their understanding of how she walked on a daily basis was incredible. That will help to educate all students and change attitudes and behaviours, the behaviours that prevent accessibility.

Once again, we extend our appreciation for this chance to contribute to the debate on Bill 118. It's a piece of legislation with the potential to make Ontario a world leader in the area of social justice and human rights. Thank you.

The Chair: We will have two minutes for each party, and if I can start with Mr. Arnott, please. Two minutes.

Mr. Ted Arnott (Waterloo-Wellington): Thank you very much for your presentation this morning. It's very helpful to have your advice and your views as we move forward on this discussion of Bill 118.

It's my understanding that the former government's disability legislation, Bill 125, included in it a provision that would have compelled school boards to file disability plans with I guess the Ministry of Citizenship. As well, it would be a public document so that parents and interested people could know what the board was planning in terms of moving forward to removing barriers and ensuring that people—students, teachers and your staff—would have opportunities even if they were disabled. It's my understanding that it was the plan of the government to assist in the funding of whatever upgrades would be necessary as a result of those plans. Over a period of time, it was the belief of the government that that would work. Are you at all concerned about the fact that Bill 118 now does not include a requirement for school boards to create these disability plans?

Ms. Lemon: I think with any piece of legislation there has to be a mechanism that monitors the progress of the initiative. I would suggest that there have to be the supports in place to ensure that this follows through. When I think of school boards in particular, in relation to the membership in ETFO, something as simple as parking spots is an issue that could be addressed in a fairly

expedited fashion. I don't know how recently some of you have been in school parking lots, but sometimes they're not even close to the school building. So you will have a wheelchair-accessible parking spot, but it's still quite a distance from the building itself. Also, monitoring the attendance of students in the schools: Do they have to in fact leave their own home community to go to a school that is accessible? So there are a number of initiatives that can happen, but they do have to be monitored, as always, to ensure that they do.

Mr. Marchese: Some quick questions, if I can. The OFL made a presentation, saying that it is critical that there be a "proactive and formal involvement of unions at every stage of the process." They said they believe that "a parallel process to the Pay Equity Act of 1987, passed by the David Peterson government, ... is ... key to the success of" this "legislation.... Thousands of workplaces can become accessible, and people with disabilities will have real employment opportunities" if accessibility plans are bargained in all workplaces. Unions and employers should be compelled to begin this process immediately. Do you have a comment on that?

0940

Ms. Lemon: I will give that one to my resident expert next to me.

Ms. Christine Brown: Thank you. I would hope that the government and all those implementing this bill would make use of the very great expertise of the OFL, and indeed of all unions, because we do have the day-to-day experience. I wouldn't say that a workplace-by-workplace plan is absolutely key to the success of the bill. There is opportunity for stakeholders to have input into the process.

Mr. Marchese: So you agree that they should listen to the OFL because they have a lot of expertise, but you don't necessarily agree that that's something that should be bargained in the workplace, necessarily?

Ms. Brown: Along the pay equity model, I don't think that is key to the success of the bill. But I would certainly hope that the OFL and all unions would be part of the process.

The Chair: Thank you, Mr. Marchese.

Mr. Marchese: That's it, eh?

The Chair: You have another half a minute if you wish to ask another question.

Mr. Marchese: On the issue of inspections, the minister may appoint inspectors for the purposes of this act. Is it your sense that inspectors should be employed to make sure that accessibility plans are there and are in order and so on, or do you think it should be left to the government to decide whether or not inspectors "may" be hired?

Ms. Lemon: I think, as with everything, there has to be something that makes accountability kick in. I'm not sure I like the word "inspectors"—I wish there were a more proactive refrain word that we could use—but there have to be supports in place to ensure that people with disabilities are having the accessibility they need.

Mr. Marchese: At the moment, we don't have it.

Ms. Lemon: We can build it in.

Mr. Jeff Leal (Peterborough): Just a quick question: What percentage of the members of ETFO would be disabled teachers?

Ms. Lemon: I actually don't know the answer to that question. It's a number or target that moves. It depends on the age and stage of the career. We have members who become disabled as they age. It also depends on whether people are prepared to self-identify. So I don't have an exact answer for you.

Mr. Ernie Parsons (Prince Edward-Hastings): One of the challenges I find in our society is that people are afraid of individuals with invisible disabilities such as mental illness. Do you see an advantage or opportunity in adding to the school curriculum some material on disabilities to better inform your students of what their friends and neighbours in the community—

Ms. Lemon: Absolutely. I think this is about more than changing attitudes; it's changing understandings so that people at a level have a very innate understanding of those around them and the supports they need, so that we don't have to educate people in post-secondary, in architecture, about how to make a building accessible. They'll understand that before they get there. It will become as natural as breathing. So, absolutely, those supports need to be built into the curriculum sooner rather than later.

The Chair: Thank you to all. Thank you for your presentation.

YONGE-BLOOR-BAY BUSINESS ASSOCIATION

The Chair: The next presentation will be from the Yonge-Bloor-Bay Business Association.

Mr. Douglas Jure: Good morning.

The Chair: Good morning. Please proceed whenever you're ready.

Mr. Jure: Mr. Chairman and members of the committee, on behalf of the Yonge-Bloor-Bay Business Association, I would like to thank you for giving us this opportunity to participate in your hearings on Bill 118. My name is Doug Jure. I'm a vice-president of our association. With me this morning are two members of our association who are retailers: Oriella Stillo and Simone Marie Coenen.

Oriella Stillo's shop, Accessity, is located at 136 Cumberland Street, in the village of Yorkville. Her shop is known for its extensive range of women's fashion accessories, varied in price and design. Accessity carries two of Canada's biggest jewellery designing stars: Rita D. and Tryna.

Simone's shop, Simone Marie Belgian Chocolates, located at 126 Cumberland Street in the village of Yorkville, offers, as its name suggests, authentic Belgian chocolates and chocolate truffles for all occasions.

The aim of Bill 118 is to ensure that Ontarians with disabilities have full accessibility to restaurants, stores, public transit and other services. The Ministry of Citizen-

ship and Immigration estimates that 350,000 public agencies and private businesses, large and small, big-box stores and shops, will have to meet standards giving access to people who are deaf, blind, or in wheelchairs, or who have mental disabilities.

Our association supports the aim of Bill 118. We expect it to be enacted this year, and we would like to sit down at the table to work out those standards. As you can no doubt appreciate, the AODA will have a significant impact on how our members operate their businesses, manage their employees, and offer their services to the public. In many respects, the act parallels and will build upon obligations that currently exist in law, whether in human rights legislation or in building codes. However, the AODA will also go beyond existing obligations, and over the course of its implementation we expect that the act will require our members' landlords to make significant expenditures in terms of time, capital investment and ongoing operating costs.

Unless those standards are set to exempt or grandfather two- to three-storey street-front buildings where entrepreneurs such as our members carry on their businesses, this legislation will impose onerous and unaffordable building retrofits and structural changes to accommodate those disabled Ontarians who must use wheelchairs and walkers. To suggest that these building owners can or will afford to install new stairwells and stairways and install elevators is unrealistic. The cost of structural renovations will be passed on to the landlords' tenants, our retailers. They in turn will have a choice: to pass their increased lease costs to their customers or get out of business.

In communities not just in the village of Yorkville but throughout Ontario, these two- to three-storey street-front properties in downtowns and in neighbourhood business districts are integral components of your and my communities' character. These buildings have been around for a long time. Structural renovations are not only expensive but in many cases beyond either a design or an engineering solution to improve accessibility. In Yorkville, many of these buildings were originally houses. When they were built, no one thought about putting a closet on the second floor above the closet on the first floor, so that if an elevator is required, the shaft is already built in. To install an elevator in either of the buildings where Accessity and Simone Marie Belgian Chocolates reside would cost anywhere from \$80,000 to \$100,000. Tenant leases usually require a contribution to common-area expenses. Neither retailer could afford to contribute to such an expense. If that is what the relevant sector standard requires, it is too late for these building owners and their tenants. However, we do want to work with the ministry by participating in the development of the goals, the relevant sector standard, and the time frame within which the goals are to be achieved. To that end, our association has requested membership on the relevant standards development committee.

We encourage you to ensure that the intent of Bill 118 is to balance the need for accessibility with an expect-

tation that small businesses need not go beyond what is readily achievable. A men's clothing store may not need Braille merchandise price tags, for example, but the staff must read price tags and describe the clothing selection to a consumer with a visual impairment. A women's fashion accessory store does not have to hire a full-time sign language interpreter, but the staff must communicate by pen and paper when necessary. A specialty food store might need to adjust racks to permit access to people who use a wheelchair, but only if these changes are readily available and achievable. Alternatives may include staff taking a selection of products to the customer.

Our retailers extend their customer services in a variety of ways to all individuals. Our problem is the potential demand of a sector standard requiring the modification of two- to three-storey street-front buildings for those disabled who require wheelchairs and walkers. In our opinion, the cost to our small business retailers and communities across Ontario is too great.

0950

To give you an idea, Mr. Chairman and committee members, of exactly the kinds of buildings I'm talking about, I have a number of photographs. Here on Cumberland Street in Yorkville, right over at this side, is a picture of Accessity. You can see these buildings are of several decades. They are narrow. They have stairs. On the other side, Oriella here has a panoramic shot, a further shot in Yorkville; again, an intimate setting with narrow buildings, two to three stories, normally two stories. Oriella has a picture of Simone's shop. Right there is where the honourable member from Burlington will be buying his chocolates on Valentine's Day.

Mr. Jackson: The sweetest thing I ever wanted, Doug, just for the record.

Mr. Jure: I thought so. And last but not least, even more recent buildings. This is a picture on Bellair, off of Yorkville, between Yorkville and Cumberland: lots of stairs.

So we would like you to take into consideration the intent of the bill, to provide a realistic basis for accessibility, in terms of cost and engineering. With that, we're open to your questions.

Ms. Oriella Stillo: If you don't mind, I do have a comment.

Most small businesses in this city and across Canada are started by women these days, and they are started by immigrants, of which I am both. We often go into areas that are derelict, that are old, that for good reason are just this close to being torn down. I started 25 years ago with \$5,000 and my husband building the store for me.

I am very, very worried about these areas, not just in Toronto but across Ontario, that will suddenly be faced with a \$100,000 elevator charge or all these additional costs. They are going to be further derelict. They are going to be the future slums.

You're going to have a problem with historical areas like Yorkville across Ontario. I can't afford to open up in a mall. Simone probably can't afford to open up in a mall, where it's wheelchair-accessible. But what we do

offer, and I have to tell you that we come second to nobody, is incredible service. We both help people with disabilities. We will spend over an hour helping some of our blind customers pick out the perfect gift for someone, or Simone with her customers. Service like that is not available in big-box stores.

I am concerned, if this legislation goes through as it is written—and I do have a problem with the clarity; I'm concerned about just how draconian this legislation can be if you want it to be—that the only thing in existence will be big-box stores that can incorporate the cost of wheelchair elevators and escalators into their cost factors. I can't.

I do offer incredible service, and my customers come to me. I have blind customers, hearing-impaired customers; I have people in wheelchairs whom I serve. But to be asked to participate in some of this legislation that is coming through will bankrupt me. I cannot afford it, and a lot of small businesses in Ontario cannot afford it.

Ms. Simone Marie Coenen: I would like to add my comment as well.

Besides the financial aspects that we have touched here, the aim of this bill is to provide accessibility to everybody to our product and services. I don't think, and we don't think, that putting in elevators and a widened door will solve the problem. We believe there is much more to do in terms of giving education, giving another type of service.

In our store, as Oriella just said, we have been giving the service forever. That's what small businesses are doing all over Ontario. We are here not only to represent the village of Yorkville. We represent small towns from all over Ontario, hundreds of businesses in similar situations. Those small businesses have been giving this service to people with disabilities forever. We go on the street. We take credit cards and orders from our customers from the street. Even if we put an elevator in front of my building, which would be very nice if we had the financial ways of doing it, I don't think that a person in a wheelchair could even turn around in my store. So this is not a global answer.

We have people with poor hearing, we have blind people, we have people with some kind of mental illness. An elevator is not going to solve their problems. Our staff have to be trained. My staff had training in Toronto two years ago to handle senior people with disabilities. We have pamphlets in the store that have a special font that people with poor eyesight can read. So there are lots of things that need to be done, not only solving the problem of people in wheelchairs. That's why we want to sit with you to discuss all that, because it is much broader than just the wheelchair people.

The Chair: Thank you for your presentation. There is one minute each, and we'll start with Mr. Marchese.

Mr. Marchese: Obviously your point of view is an important one in these hearings. My sense is that you all agree that discrimination has happened, continues to happen and is likely to happen in spite of this bill on people with disabilities. My sense is that you agree that people

have been discriminated against if they have a disability. Is that correct?

Mr. Jure: Yes. We agree with the intent of the bill.

Mr. Marchese: My sense is that you agree that people with disabilities should generally be able to have the same access to places, to stores, as anybody else, because otherwise it would be unfair. You probably agree with that too, right?

So what you're saying is that there is discrimination and that people should have access, but as it relates to your particular places, it would be too expensive for your members because of the historic nature or structural nature of the building. Therefore discrimination exists, but in this case we just have to live with it because it's too expensive.

Mr. Jure: But we also said that the staff do accommodate those situations. We gave you illustrations of that. We're saying that the physical structure of the building makes it impossible to install ramps and other devices, elevators, escalators, to accommodate those individuals who have mobility problems. We're focusing on individuals with mobility problems.

The Chair: Thank you very much, Mr. Marchese.

Ms. Kathleen O. Wynne (Don Valley West): I really appreciate your presentation and take your point in terms of the age of the buildings. There are religious institutions and buildings all over Ontario that are confronting the same kinds of challenges.

I just wanted to get you to comment. As a member of the government that's introducing this bill, one of the things about it that encourages me is that it does put a process in place to set standards and to involve the people who are going to be affected. The composition of the standards development committees will include "representatives of the industries, sectors of the economy or classes of persons or organizations to which the accessibility standard is intended to apply." Are you encouraged by that? You've said that you want to sit down and talk with us.

Mr. Jure: Yes. We're relying on our participation.

Ms. Stillo: I just find the bill very, very vague when it comes to what kinds of standards. I read where inspectors can come into any business any time of day and demand all sorts of information.

Ms. Wynne: But you see, we're relying on you and on the disability community to have that very difficult dialogue. This is an evolutionary process, and we're relying on you to work with the people who will be affected.

Ms. Stillo: I can appreciate that. Coming here for us to give a different side is like arguing against motherhood and apple pie and being accused of being discriminatory to some extent.

Ms. Wynne: But you bring very good points.

The Chair: Excuse me; thank you. I think the question and comments have been taken care of. Sorry, I have to limit this to a minute.

Mr. Jackson: As someone who has been involved with this legislation for the last half-decade, I want to say

to you that it has always struck me that government and society can set priorities both in terms of time and in terms of importance to the disabled community. If I were disabled, I'd want to know that if I needed access to government services, I should not have any barriers in front of me. If I need access to the courts, there should be no barriers in front of me. If I need medical or emergency treatment, there should be absolutely no barriers in front of me.

It strikes me as odd that those provisions in the previous legislation that said all government buildings in this province must be accessible—you make the very strong point about the cost to retrofit. All past governments have paid hundreds of millions of dollars in rent to landlords in inaccessible buildings. In my view, that's criminal and should not go on a further day.

Are you concerned that in this legislation they are removing the responsibility of the government of Ontario to make all of its buildings accessible, which they can afford, but rather, according to the minister, they are actually going to start with the retail, the hospitality and the hotel industry as the first people to be tested with this new legislation? Do you not think that the priorities are backwards here, that we should be starting with hospitals, schools for children, government buildings, courthouses, doctors' offices, and not starting with a chocolatier in Yorkville who's got a building that will never—I mean, the square footage in front of the cameras is as large as her store.

Mr. Jure: It's a little larger. The priorities the government has set: I'll leave that for the parties to debate. What we're focusing on is the issue of the cost to our retailers in those kinds of buildings—there's a particular building. We welcome the idea that there will be a bigger marketplace. We always want more customers, no question about it. But the government, the legislation, the law, the standards, must take into consideration that there are just some barriers, unfortunately, for some sectors of the disabled that cannot be resolved.

The Chair: Thank you very much for your comments. Have a nice day.

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INSTITUTE OF DOCTORS IN SOCIAL WORK

The Chair: The next presentation is from the Institute of Doctors in Social Work. Please have a seat, and whenever you're ready you can start. I remind you that there is a total of 15 minutes, including questions and comments from the membership. Good morning.

Dr. Doreen Winkler: Good morning. It's my pleasure to introduce my colleagues Dr. Gail Aitken, Dr. Don Bellamy and Dr. Malcolm Stewart. I'm Dr. Doreen Winkler.

The Institute of Doctors in Social Work, IDSW, is a newly established group of social workers who have their doctorates and work in different settings but share similar concerns. The IDSW does not presume to have special expertise in disabilities, yet as social workers we are

grounded in understanding the nature of disabilities, their impact on the people who have them and the various things faced by disabled persons. Also, as social workers, our stock-in-trade is advocacy and social action.

We welcome this opportunity to appear before you and we applaud the Ontario government for its decision to hold public hearings openly on Bill 118, the Accessibility for Ontarians with Disabilities Act. We commend all three political parties for their unanimous vote in favour of the bill on second reading, to approve it in principle. We would encourage all parties to vote similarly at third reading so that the possibility exists that this law could be passed unanimously.

We believe that Bill 118 is a good bill and that some amendments to it will make it an even better bill. Amendments to the bill are necessary for the strengthening of the current Ontarians with Disabilities Act, 2001. As it stands, Bill 118 makes significant, substantial improvements to the Ontarians with Disabilities Act, 2001, as it currently exists. These benefits and improvements are set out clearly and in depth in a brief that will be submitted to you by the Ontarians with Disabilities Act Committee, and we endorse this excellent brief in its totality. We support the reasons set out in this brief for proclaiming Bill 118 as a good bill. Also, we find that the committee's key rationales for amendments are persuasive. We are convinced that the 11 priorities contained in the brief's amendments are very well organized, thorough, and clearly crafted with wisdom. We urge you to give this brief the attention it deserves.

Our main message today, though, and this will be elaborated upon by my colleagues, is that Bill 118 provides a firm basis for a strong, effective and mandatory Ontarians with Disabilities Act. The proposed amendments, in our view, make this legislation truly live up to the government's stated objective to make Ontario barrier-free for all persons with disabilities. It is our contention that this can happen only when the ODA committee's 11 principles become fully operational.

I refer to the 11 principles introduced into the House by the Honourable Dwight Duncan and passed as a resolution on October 29, 1998. We contend that when these 11 principles are implemented—not simply accepted or enacted—we will have this strong and effective legislation to make this province barrier-free, not only for those of us who live with a disability but also for all those people who, by reason of aging and other circumstances, will become disabled in the future.

We look forward to the passage of Bill 118 as unique, exciting legislation.

The Chair: Thank you, Dr. Bellamy. Does anyone else wish to comment from your side?

Dr. Gail Aitken: Yes, I would like to. That was Dr. Doreen Winkler. I'm Dr. Gail Aitken and I would add my thanks to Dr. Winkler's for the opportunity to present at this hearing.

We stress that it is essential to work with those affected by disabilities as the standards and regulations are developed and implementation plans are put into place. We were very, very pleased that Minister Bountro-

gianni emphasized this in her address to the Legislature on December 2, at the second reading hearings.

It is especially important to set strict time frames for implementation of this act in all of its facets, both in the public and private sectors. We would like to emphasize that it is instrumental to get going and, in the first five years of the implementation, to show that strong action will be taken to facilitate the implementation in the subsequent 15 years. If you show that there are teeth to this legislation in the first five, it may mean that it's easier to have compliance in the subsequent years of the implementation plan. Strong monitoring and enforcement of standards in the first five years may ease the costs of the implementation in the subsequent time frames.

Despite the government's fiscal situation, we would suggest that some resources, such as low-interest loans, be made available to help non-government social agencies and small businesses comply with the access requirements.

I would also suggest that it is not only humane but cost-effective to ensure that small grants or loans are available to disabled individuals of limited resources to help them live independently in the community and avoid costly institutionalization. Sometimes, as you realize, a ramp into the house and help with transportation are all that's needed to defray or delay institutionalization of people who really want to maintain their independence and live in the community.

We would like to emphasize that all Ontarians will be affected by improved accessibility legislation. With a background in health care, social work and education, I am particularly concerned with the extent of unobvious disability, the hidden or invisible disability. You've heard that 15% of Ontarians are disabled. I contend that the percentage is much higher. When you consider the number of people of all ages who have challenges and as the Ontario population is aging—and we keep being told and have been for decades that we are, in this century, going to face increased numbers of elderly with some disabilities—we really need to pay attention to the invisible sector, the people with disabilities who have trouble with subway stairs; stroke victims find that it's a major difficulty when subway escalators are not functioning etc.

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Our experience with children and youth also causes us to have grave concern about current limitations to access to schools and transportation at every level. People, whether it's primary school, high school or post-secondary school, find that there are grave impediments to their participating fully in the educational system, and I think we need to continue to work on improving that.

If this government can look beyond the immediate costs of implementing Bill 118, with its suggested amendments, in the longer term, both the tangible and intangible benefits to our society will be enormous. Ours is an aging population, and a major goal is to maximize independence and productivity of all people in this province. Some people may support strong accessibility laws only on the basis of enlightened self-interest. How-

ever, we at IDSW expect that the majority of Ontarians will support the implementation of Bill 118 from the standpoint of social justice and human rights.

Dr. Donald Bellamy: Thank you, Dr. Aitken. I just have one or two comments that I would like to make, perhaps less formally.

One of the things that occurred to me as I read the material and our submission is that we really have to be concerned about extending accessibility beyond the large urban centres. Not that people don't suffer the same kinds of problems, but we do tend to overlook our rural, isolated members of Ontario. So I think that's a major challenge. I heard already this morning that there are groups presenting to you from rural areas, and that, of course, is very important.

Just to state something else that perhaps is obvious and that we all recognize today, I believe the change is phenomenally swift, and while we stress the importance of moving aggressively with implementation in the first five years, over a 20-year phase-in, we really have to plan for much flexibility in dealing with what is now essentially the unknown. We can barely anticipate five years hence, and 20 years hence is very difficult. We should not think of the act and its regulations as a box, in a sense, a rigid system. We have to move beyond that.

Aside from the population shifts that Dr. Aitken referred to, we'll have to accommodate changing legislation to meet the future needs. For example, our home care policies and programs will surely change over time, as they must, if you know those, of course, as would other legislative measures. All of these legislative arrangements that are associated with human welfare and human rights and so forth must be able to move together, develop together, and be linked, if you will.

Finally, another comment about this environment of change: We see even greater developments in technology than we even can consider or contemplate today. We really need to encourage innovation and application of these resources in support of accessibility to disabled people. It isn't just ramps and transportation, in the simple terms we refer to. There has to be a great payoff, I think, if we think of technology innovatively, experimentally. There are all sorts of developments in nanotechnology, and I think there's a lot of payoff if we're able to do that, to enable people who are isolated to be in touch, if you will, with necessary services, professionals to be in touch with each other, and so forth, around these situations.

Those are my comments, Mr. Chairman.

The Chair: Thank you for the presentations. There is no time for questions. Thank you again for coming.

Dr. Bellamy: Thank you very much for the opportunity.

JOINT PEEL-CALEDON ACCESSIBILITY ADVISORY COMMITTEE

The Chair: The next presenter will be the Joint Peel-Caledon Accessibility Advisory Committee. I remind you

that there will be a total of 15 minutes, and when you make your presentation, can you do it as slowly as possible? Thanks very much. Of course, when you start speaking, introduce yourselves for the record, please. Mr. Barnes, thank you for coming this morning.

Mr. Glenn Barnes: Thank you very much, Mr. Chair. I'm here on behalf of the Joint Peel-Caledon Accessibility Advisory Committee. My name is Glenn Barnes, and I'm here with some committee members. Terri just got married. Her last name was Hamilton but it's Leroux now.

First of all, before I start, I just wanted to congratulate the minister and all of her staff on the bill she has put forward to this point. I think it's a really commendable effort, and it's got very good parts to it. As my colleagues said before me, and I'm sure many times before that, the bill is a strong bill, but we believe it could be better with some amendments.

The following recommendations that we're going to read are of the subcommittee put together through the accessibility advisory committee from the region of Peel and Caledon. Unfortunately, due to time constraints, the recommendations we're going to be presenting today were not endorsed by council. However, I think we have full support from staff, and staff were part of helping to put these recommendation together. We think that our council meeting on March 10 will enable us to have these points all passed by council and fully approved.

The Chair: Mr. Barnes, if that happens, would you please notify the clerk with that information so the committee will be aware if the political body does support those.

Mr. Barnes: We will. Thank you.

Having said that, I just wanted to comment on our recommendations. The first four recommendations that we have for the committee today are all based on the discussion of the standards development committees that are to be established for Bill 118. We feel that it's very necessary and very important that sufficient staff be allocated to these committees and that these committees be allocated to every single sector that is going to be affected by this bill, and not just makeshift sectors and shifting sectors.

We ask that the standards committees all be established within 12 months from the effective date of proclamation of the ODA. We would also like to say that the standards committees should be made up of individuals from across the province, including representation from stakeholder organizations, including municipalities, members of the accessibility advisory committees already established over the last two years and a representative spectrum of both visible and invisible disabilities, and that they be determined by a well-appointed public process.

Further, we hope that a mechanism be established for these standards committees, a process that would allow for municipal and public recommendations to the committees, as well as recommendations from individuals from the disabled community and, on top of that, an

appeals process, or a way to establish a complaint or an appeal to the committee on behalf of an individual.

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Further, we would like to say that the next two recommendations we'd like to put forth are based on funding.

The first recommendation has to do with funding for those standards development committees to be established. We hope that the funding to establish the committees will come from the province within the first 12 months, as I said. We also hope that there will be sufficient funding provided by the province for all sectors, including all municipalities and all individuals with disabilities, to assist with the smooth implementation of the Accessibility for Ontarians with Disabilities Act.

The final recommendation—and, again, this is something that hasn't been passed by council—I wanted to put this forth to you as well. Something that we wanted to add is that, included in the implementation of the bill, or after the bill is proclaimed, an extensive marketing and advertising campaign should be put forth to support the bill so that the execution of the bill is effortless and to ensure ongoing public support, so that the new ODA will become a strong bill that's supported by the private, public and individual sectors of the province.

The Chair: We have about nine minutes for questions—three minutes each. We'll start with the Liberal side.

Mr. Kim Craiton (Niagara Falls): It's a pleasure to have all three of you here. I was looking at the recommendations as a newly elected MPP from Niagara Falls and, formerly, city council. This is really well put together. If I was sitting on your council, I would be endorsing it, just so you know.

There are a couple of things, though, that I wanted you to elaborate on, because I think they're really important. I will say to you—and I think I speak for all the members, but certainly for myself—that this is our second day, and I'm just amazed at what I have learned about disabilities in a day and a half. I'm embarrassed to say that I thought I knew, but listening to the people who came in and their personal stories, the difficulties they faced far outweighed anything that I ever imagined. I have a number of personal friends who have disabilities, and we've talked many times, but to get input from across the province is truly amazing.

I really like a couple of things in your recommendations—the last one. It says, "And further, that a comprehensive advertising and marketing campaign be established to adequately encourage an effortless execution of and ensure ongoing public support of a new AODA." I wonder if you could elaborate on what you or the committee were thinking of when you put that forward.

Mr. Barnes: I guess I'll comment on that because I added it yesterday, as chair of the advisory committee.

Ms. Naz Husain: With our support.

Mr. Barnes: Everybody is supportive, of course.

The idea came to me as something that was suggested by a friend of mine who is in the business world but is not part of the disability community. It was put forth that

if they saw commercials on TV that explained why there was more need for accessible vehicles or transportation and why there was a greater need for the public sector to buy into the fact that we needed better accessibility to buildings, both physical and structural, in terms of visual disabilities, or the way they're put together with different types of glass and things like that—you mentioned that you've learned so much in the last day and a half. If we had a great marketing campaign with advertising on buses or commercials on TV, how much would the public learn about all this as well? I think that's very important, in terms of a smooth transition from not having a strong ODA to having a strong ODA.

Mr. Craitor: Excellent. Thank you, Glenn.

The Chair: Thank you very much.

Mr. Barnes: My colleague would like to add to that as well.

The Chair: Please.

Ms. Husain: If I could just add to that, the mass media is the quickest and easiest way to reach out to so many people at the same time. As we know, through TV and radio we learn instantly about so many things that happen around the world. Won't it make common sense to learn about the AODA, bring it right into the household so you can outreach to so many individuals at the same time, educate them and make them aware? I think overall it would make it cheaper for the government to educate the masses.

The Chair: Thank you. If we don't have your name, will you please leave it with our staff before you leave.

Mr. Jackson.

Mr. Jackson: Glenn, you've indicated the need for funding for those persons who sit on the various standards committees. But you're not being compensated to sit on your access committee currently. Is that correct?

Mr. Barnes: That's correct. I'm sorry if I misspoke there and so you misinterpreted what I said. It was not for the individuals sitting on the committee themselves but for the establishment of the committees to make sure they are well funded, to make sure they are able to function as they need to function.

Mr. Jackson: Thanks for the clarification.

You're in Peel and you're talking about Hazel McCallion. Of course, her first concern was, "Cam will agree to any kind of regulation, but as long as the province will pay for it." I'm sure that has come up in some of the discussions with your organization. What opinion do you have about the ability of the province to support the new standards and changes? Should that be in the legislation, Glenn?

Mr. Barnes: To be honest, the funding issue for me is one that obviously has a need for careful consideration. However, as an individual with a disability, who acquired their disability almost 13 years ago, it is something that I've heard right from day one: "We'd like to do it but we don't have enough money to pay for it." Quite frankly, I think it needs to be addressed not as a problem but as a solution. We can't have an ODA without having funding to go along with it, and we can't just say, "It's going to

cost too much money, so we can't do it." Accessibility and the Ontarians with Disabilities Act need to become a part of everyday business. It can't just be, "This sector is going to add this much and this much each day or each month or each year as it goes by." I think it needs to become a part of everyday business for every ministry, for every municipality, for every committee, for every area established.

In terms of funding, it's something I've learned—maybe I kind of knew, but I was a little bit naive about the fact that in terms of accessibility committees, when you work for an accessibility committee that is on the region, you always have them talking about the need for funding from the province. Then you've got the municipality, the city of Mississauga, saying, "We need more money from the region." So everybody is saying they need money from everybody else. It's time to sit down and say, "Look, let's give some money out and let's put some money into this bill so that it works properly for everybody."

The Chair: Thank you.

Mr. Marchese: Mr. Barnes, some quick questions to you. Other individuals have commented on the fact that we need some strong monitoring and enforcement systems. The problem with this bill is that with respect to compliance, "A director may review an accessibility report filed under section 14 to determine whether it complies with the regulations," it says "may," "a director may." It's easy to understand that that person might do it or might not; there is no obligation to do it. Does that concern you or do you think it will be OK, that we can trust the government to do this right and the directors to review it, maybe or maybe not? How do you feel about that?

Mr. Barnes: I don't know. If I speak on my personal beliefs—

Mr. Marchese: Yes; personal, of course.

Mr. Barnes: My personal belief: I would like to see it have more teeth to say that they will do it. As an individual who acquired a disability, I've seen two sides of life. I've seen the side of life without a disability and I've seen the side of life with a disability, and quite frankly, they're two completely different lives. I'm almost appalled at the fact that things happen in this day and age that happen in what we don't call well-established countries. I would like to see more teeth behind it to say that it will happen, not that it just may happen.

Mr. Marchese: Nothing in this act says that anything has to happen before 2025, the government argues. But we've got these cycles, these committees that do the standards and accessibility setting, and some of us believe that 20 years in these five-year cycles is rather long. We think they could be reduced. If you had three-year cycles, the whole process would take 12 years. In my view, it's reasonable.

Is there anything in your mind—personal, of course—to think that somehow we need the extra time? And do you think that if we have it in three-year cycles—because, you remember, governments now will have

elections every four years, not every four and a half or five—it would force the government to be able to complete a cycle and even begin another one? Would it not be better to have three-year cycles, in your view, than the five-year cycles?

1030

Mr. Barnes: That was something our committee did talk about, and we were going to put it forth as a recommendation. We decided that we didn't want to push too hard in terms of having a cycle determined before the actual bill is determined. We think that five years is too long as well. We actually talked about four years, but I like your suggestion of three even better. I think if it fits better within the government structure in terms of re-election for the government in power, then three years is definitely something that's doable.

Our discussion was that if you knock just one year off the five-year sectors they've talked about, you're already down to 16, from 20. So I like the suggestion of 12. Maybe we'd fit it somewhere between 12 and 16, with some applications made for undue hardship or inability to transform to the codes set by the standards committee. They could reapply for an extra sector in it.

The Chair: Thank you, Mr. Marchese. Mr. Barnes, thanks very much for your presentation and comments.

CANADIAN AUTO WORKERS

The Chair: The next presentation will be from the Canadian Auto Workers. Good morning to both of you. Please proceed.

Mr. Raj Dhaliwal: Mr. Chair and members of the committee, on behalf of the Canadian Auto Workers we are making a brief, of which you have a copy available.

The Chair: Yes, we do. We need your name too, sir.

Mr. Dhaliwal: My name is Raj Dhaliwal. My colleague with me is Lisa Kelly. We are both going to share our comments, and I would like to start. We welcome the invitation to attend before the standing committee to share our thoughts and concerns regarding Bill 118, the Accessibility for Ontarians with Disabilities Act, 2004.

CAW is Canada's largest private sector union, representing over 260,000 members in more than 2,100 workplaces across the country. Approximately 180,000 of our members are in Ontario. In addition to the auto and auto parts sector, we represent workers in a wide variety of industries and sectors across the country, including aerospace, health care, education, gaming, retail, railways, fishing, mining, airlines, hospitality and transportation.

Our union has a long and proud history of challenging discrimination and promoting equality. Before turning to our submission for Bill 118, I would like to give you a sense of some of the activities we have been involved in on behalf of our members, with a specific focus on our members with disabilities.

We first bargained equity programs with General Motors in 1984, and with Chrysler and Ford in 1987. Since then, we have bargained with many other em-

ployers. CAW's success includes language in our collective agreements providing for return-to-work programs, which include training and accommodation for workers with both work- and non-work-related injuries and disabilities; TTY/TDD phones and vibrating pagers to help our hearing-impaired members and the right to refuse work when being harassed based on disability.

We have bargained preventive measures such as ergonomics requirements and joint labour-management programs in workplaces.

We have specific courses on human rights. Within these courses, we deal with issues facing workers with disabilities, including the duty to accommodate. We recognize that one of the biggest challenges facing people with disabilities is the attitudinal barriers that exist in the workplace and in society,

We hold human rights conferences for our members. We have included disability issues, including mental health issues, as a focus for the last two conferences.

At our education centre, in Port Elgin, we have strived to create and maintain a barrier-free environment.

Through one of our local unions, the CAW sponsors an eight-week American Sign Language course twice a year. We also provide sign language interpreters in our educational courses as needed.

The next section is on the status of people with disabilities. I'm not going to read it, because the numbers are obvious, and we know that people with disabilities face enormous poverty. The numbers are publicly available, and I'm sure other organizations will present those numbers.

I just want to focus a little on the report of the Ontario Human Rights Commission, though. The struggle for workplace rights is reflected in the most recent statistics from the Ontario Human Rights Commission. In 2003-04, complaints on the basis of disability made up the single largest number of complaints, at over 57%, and 77% of those complaints were in the area of employment. It is abundantly clear that the reactive, complaint-driven remedies are not working. People with disabilities deserve strong proactive legislation.

The strengths and limitations of Bill 118: We are pleased to see that the proposed legislation addresses the broad spectrum of barriers that prevent the full participation of persons with disabilities in all aspects of Ontario life. In particular, we are encouraged that the government has heard the call of many disability groups, as well as the CAW, in making the legislation applicable to the private sector.

Although the bill applies to the elimination of barriers in the provision of goods, services, facilities and accommodations, our submission today focuses primarily on workplace issues.

My colleague Lisa Kelly will touch on some of these items.

Ms. Lisa Kelly: We've brought forward a couple of comments on the bill. As Mr. Dhaliwal said, we're going to focus mainly on the bill as it applies to private sector workplace issues.

First, we're happy to see the proposal for the establishment of a standards development committee, as well as an Accessibility Standards Advisory Council. We know that some of the bones of that exist under the existing ODA with regard to the public sector, and we're happy that that's going to be extended to the private sector. We're here to argue for a clear and legislated role for the labour movement in those advisory committees. We think this is important because we have a lot to offer in practical experience around workplace and equity issues.

In addition to having these committees and councils, we also would like the government to actually legislate a joint workplace accessibility committee; so not only have broad standards set in committees but to have a body within each workplace, or workplaces of a certain size perhaps, that will deal with the barriers that exist within that specific workplace.

We think that committee will work best when it is a joint effort of both the employer and the bargaining agent. We can work jointly with the employers in examining the workplace, identifying the barriers and making proposals and timetables to remove those barriers. As my colleague mentioned, we have experience in bargaining these measures in workplaces already, and I think that is something that has been shown to have a successful track record. The labour movement needs to be at the table at the beginning doing an analysis of the barriers and preparing a plan to move forward and opening up access to the workplace for people with disabilities.

1040

One thing, to carry on from the earlier speaker, is that it is very important how this legislation and the actions under the legislation are received. In addition to doing a public campaign, I think campaigns within the workplace have been shown to be very successful, where the workplace individuals are educated in why changes within the workplace might be happening and where we're going together, and the union needs to be involved right from the start to have credibility with the workforce.

There are a couple of areas that we wanted to touch on specifically with Bill 118. On the issue of attitudinal barriers, we think it's very important that we're looking at mobility barriers, things that are fairly easily identifiable—stairs, widths of doorways. But the much tougher barrier and the thing that will really require all of us to put our efforts and our creativity forward is the attitudinal barrier. We commend the legislation for recognizing, not only the width and breath of disabilities that need to be covered, but the breadth of barriers such as attitudinal barriers.

One of the things we are really recognizing within the workplaces we represent is the rising awareness of mental illness. Mental illness, in particular, has its own challenges around barrier elimination. Again, it's something where, from our experience, we have a lot to offer in bringing that barrier down.

On the enforcement issue, again, we are a little bit concerned that the enforcement may not be strong

enough under the bill, as proposed now. We have experience in the fact that voluntary measures don't work. There must be meaningful sanctions or else barriers will never disappear. Under the bill now, inspectors are utilized to enforce the law and we need to know that there is a clear commitment to a proper number of inspectors to ensure that the legislation is enforced.

We've made a comment on the regulations. There is always a concern when a piece of legislation comes forward where, really, the meat of the legislation is going to be found in the regulations. We'd ask that some of that be moved up into the body of the legislation.

The last specific comment I'm going to make is on the timeline, and this is likely something you are going to hear from a number of groups. We believe that 20 years is just too long. We don't think that there is anything in this bill that really expands on existing legislation. It's just there to be enforced in a proactive way. There are going to be some things that are very large changes that may require the 20-year time frame, but we think those are very few and far between. Other measures need to be put in place immediately. I'll turn the mike over to my colleague.

The Chair: You have about a minute left.

Mr. Dhaliwal: Just a last comment: We welcome the opportunity to be active members in the fight for inclusion of persons with disabilities. Part of that, I just wanted to say, is we are working on an advertisement of our own and trying to put it in some publications.

One of the comments made earlier was that the mayor of Mississauga—where I happen to be a resident and taxpaying member—says, "If the province will pay." The last word we are saying is it is up to all of us at all levels of society—be that cities, be that the provincial government, be that other bodies—to share the responsibility. We must contribute toward this. As a resident of that city, I felt it was offensive when one particular mayor tried to say, "We will only do it if somebody else gives the money."

The Chair: Thank you, Ms. Kelly and Mr. Dhaliwal, for making your presentation. There is no time for questions.

CANADA'S ASSOCIATION FOR THE FIFTY-PLUS

The Chair: The next presentation will be from Canada's Association for the Fifty-Plus. Do we have anyone here from Canada's Association for the Fifty-Plus?

Is it Ms. Morgenthau?

Ms. Lillian Morgenthau: Very good.

The Chair: Thank you. Good morning. You can start any time you wish. We will be listening to your presentation. If you leave time within the 15 minutes, they will be asking some questions of you, or making comments. They have a choice.

Ms. Morgenthau: I look forward to it. I must be 40; I need my glasses.

The Chair: We all wear them.

Ms. Morgenthau: Let me begin the formal part. Mr. Chairman, members of the committee, thank you so much for the invitation to be here today. I am Lillian Morgenthau. I am president and founder of CARP, Canada's Association for the Fifty-Plus. We have over 220,000 members in Ontario, so this legislation is of greatest importance to us, as it must be to all affected Ontarians.

CARP is a non-profit association. We do not receive any operating funds from government, which allows us to maintain our independence and neutrality. Our mission is to address and express the concerns of mature Canadians and to provide practical recommendations.

I have read Bill 118, all 30 pages of it, and I must commend those who prepared it.

Accessibility for the disabled means independence. It opens up the door of isolation. Although disability comes in many forms and is not restricted by age, it is nevertheless an inescapable fact that age and the restrictions that come with it do affect health. Accessibility will enable disabled people to participate in services and employment, thereby increasing spending and earnings to the financial benefit of society.

Canadian society will age, as 9.8 million baby boomers, people born between 1947 and 1965, all turn 65 by the year 2020. One out of every four Canadians will soon be over 50 years of age. The statistic from the Ontario Ministry of Finance in fall 2004 is that in Ontario the over-50 population is 3,675,560 people. The numbers of disabled for the over-65 age group are 21% from 65 to 75, 28% from 75 to 84, and 45% over the age of 85.

This legislation is very timely, and it looks to the future. Although my remarks have to deal with the over-50, the recommendations will benefit all ages.

The legislation deals mainly in part I with interpretations of building standards for accessibility. Nowhere did I find standards for municipalities such as sidewalk-accessible curbs, ramps where needed and other easily implemented accessibility improvements. Granted, many of these are available, but not all. This bill should include that.

New buildings, those from approximately 1980, had accessibility built right into them and there was an awareness of the need to consider these improvements, but they still must conform to Part III, accessibility standards, as laid out in Bill 118, and rightly so. However, heritage buildings that cannot conform must have some leeway to remain. Restrictions that are unrealistic must be respected, and our history must not be destroyed. There is no provision for buildings that cannot convert and whose services can be obtained elsewhere. Accessibility is essential and must be available to the public, but we must not lose sight of responsibility where it's impractical. The disabled have the right to use other facilities that are available and are the same.

1050

Under the consultations with ministries section of Bill 118, the delegation of ministers' powers opens the door

to establishing committees that would establish developments for a particular industry. While this is good, because the committee must contain persons with disabilities or their representatives, it does not specify that these persons must be from different disability areas, and not only one.

The whistle-blower protection under the area of intimidation is a needed clause.

The ministry appears to be very bureaucratic and overlaid with too many committees: standards development committees, accessibility advisory committees, the Accessibility Standards Advisory Council, the Accessibility Directorate. Then directors and inspectors, by a power of order, can override all the committees' rulings. So much for committees.

The establishment of these committees does not say if the members are volunteers or are to be paid. This should be established as part of this section in Bill 118.

In the area of classes, as professed in Bill 118, we recognize that there are differences between industries and indeed small business. It is essential that businesses and buildings with large public traffic have washrooms available for the disabled and that some form of accessibility be available from the lobby to floors above. We recommend that municipal offices and corporations such as banks have lowered counters with seating available for the disabled. It's very difficult for many to wait in long lines and look up to and reach high counters. Many of these small adjustments would be easy to install.

A concern we have with this bill is that it will not be in complete force until 2025. Twenty years is too long a window for improvements. Many people who currently suffer with disabilities will be dead. Furthermore, one in four Canadians will be 65-plus and therefore we will be seeing more disabled. Ten years would be sufficient to give government, industry and business the time to make any necessary changes. We also need timelines and markers of progress put into place.

CARP does endorse Bill 118 in principle. I thank you for your time.

The Chair: Thank you very much for your presentation. We have about a minute each. I'll start with the PCs.

Mr. Jackson: First of all, I want to welcome a long-time friend, Lillian Morgenthau, to the Legislature. I can't begin to count the number of times you've come to present on behalf of the seniors you care about so very much. You haven't disappointed us in terms of your having additional insights into the concerns facing so many individuals in our province.

Lillian, you have an ability to set priorities, like what things should be changed first. Could you speak to us about that? Through your magazine and your outreach and advocacy, whether on drug reform or other things, I know you've touched a whole lot of seniors' lives throughout the many years I've known you. Where would you suggest to the government that they begin in terms of priorities: health services? access to education? What are the kinds of priority areas you'd want us to get started on almost immediately?

Ms. Morgenthau: I think, Cam, that if you talk to somebody who has a problem with mobility, all they would say to you is, “I want to get out. I want to be able to move as everybody else does.” Now, they’d move differently; they may move in scooters or they may move with canes, as I’ve had to do. But basically, it’s a frightening thing to walk out of your house and not be able to get where you’re going. So my priority when we talk about disability is we should talk about access.

Health is another area that I don’t think this bill can touch. This is really a bill on buildings, on access, on how to go from one place to another, and I think for that you do have to have one committee. I don’t think you need 10 committees to do one job. I think that if a ruling comes from a committee, it should be a ruling, and not be overcome by an inspector or a director.

Mr. Jackson: Or the cabinet.

Mr. Marchese: Lillian, some quick questions—

Ms. Morgenthau: Quick answers.

Mr. Marchese: Quick answers, exactly. Do you believe members should be paid or should be volunteers on the accessibility standards committee?

Ms. Morgenthau: That’s a very touchy question.

Mr. Marchese: What do you think?

Ms. Morgenthau: Well, I think that you have to pay them.

Mr. Marchese: It’s as simple as that.

Ms. Morgenthau: Certainly, you have to pay their expenses. Parking downtown is 20 bucks.

Mr. Marchese: I hear you. I think they hear you.

The other question is, you were saying some heritage buildings should not be touched in order to create accessibility. I imagine that’ll make sense to a whole lot of people, even though that would create a barrier for some people to be able to get to see these buildings. But if you extend that logic to heritage buildings, would you say the same thing of some businesses?

Ms. Morgenthau: I think, like I said, you have to have some practical recommendations. Some places are being destroyed because they cannot—absolutely cannot. But again, if you’re talking about a public building, there are elevators—small ones—that can be put in. You have to have a brain in your head to decide that you can’t put a huge elevator in a tiny little area, but if you could put in an elevator such as I put into my house, there is no problem. You can always find space for that particular type of elevator. So there really is no building that is not accessible. What is inaccessible is the rules that we put in that we can’t change.

Mr. Ramal: Thank you for your presentation and for coming to this committee to present your thoughts, ideas and recommendations for us.

Ms. Morgenthau: It’s a pleasure.

Mr. Ramal: Welcome. My question is just a continuation of Mr. Marchese’s questions. Before you presented your recommendation, a group of businesspeople came from Yorkville and were talking about how accessibility would hurt their businesses and also that it would be impossible to make their places accessible, even if they

installed an elevator or escalator or whatever. Their stores are very small, very narrow, and then a wheelchair or scooter wouldn’t be able to move inside the stores.

I heard you mention how the heritage buildings shouldn’t be touched.

Ms. Morgenthau: I didn’t say that. That’s not what I said. I said they should be preserved.

Mr. Ramal: Preserved. So what’s your thought about what the Yorkville people—

Ms. Morgenthau: If it’s a business like that, what I also said—and I don’t know whether you listened very carefully. I hope you did.

Mr. Ramal: Yes, I did.

Ms. Morgenthau: What I said was that if the person who has a mobility problem can get the articles elsewhere, they should go there and get them. If you can’t get something, then the business probably should be able to come to you. I don’t know about you, but I find that if you can’t make it to your bank, they always send a clerk to help you out. The same thing would happen with a business. You don’t destroy someone’s livelihood by saying you can’t get into your store. What you say is, can you get this article somewhere else?

1100

Mr. Ramal: If a group of people offers accommodation, do you think they should be exempted from Bill 118?

Ms. Morgenthau: You have to take a good look at it. As I said, there are ways of getting people into your place that may not be exactly what we call—

Interjection.

Ms. Morgenthau: But if you can manoeuvre, do it. If you can’t, then look at it and say, “Can you get this article somewhere else? Can you go to another show?”

The Chair: Thank you for your presentation and for answering our questions.

Ms. Morgenthau: Are you kicking me out?

The Chair: You have done a good job. I won’t argue with you on this one.

Ms. Morgenthau: Thank you very much. And I am available if you wish to call me.

The Chair: OK.

Mr. Marchese: Only to give access to other people.

Ms. Morgenthau: Of course, and they have every right. But call me any time. My door is open.

The Chair: Thanks again.

ONTARIO MARCH OF DIMES

The Chair: Our next presentation will come from the Ontario March of Dimes. Please have a seat. There will be a total of 15 minutes for your presentation and potential questions. You can start at any time. Introduce yourself and let me remind you to speak slowly so that everybody will be able to appreciate your presentation.

Mr. Ron Kelusky: Good morning, honourable members of the committee. It is indeed our pleasure to make this presentation to you this morning. My name is Ron Kelusky. I’m the vice-president and chief operating

officer of Ontario March of Dimes. With me is Mr. Steven Christianson, our government relations coordinator, who will deliver part of this presentation, as well as Glen, Sandra and Spencer McGillivray, who are program participants with Ontario March of Dimes' conductive education program. Sandra and Glen will make themselves available for questions or comments following this presentation.

Committee members, with our words of recommendation and with the suggestions and advice you have received from other organizations and individuals, I would like to remind you that Bill 118 will do more than create a barrier-free Ontario. It represents a template of hope, a newer measure of quality of life. Remember that each of you is writing the future for young Spencer and, in doing so, will help create a society where he will have the same opportunities and chances as everyone else. If you imagine what he can do and what he will become after we remove the barriers in front of him, imagine how richer our society and our economy will be.

Ontario March of Dimes is one of the nation's largest charitable rehabilitation organizations. We deliver programs and services to upwards of 25,000 people throughout Ontario working to build a society inclusive of people with physical disabilities. And that's more than just a mission statement for Ontario March of Dimes; it defines why we provide affordable congregate care facilities, it defines why we administer home and vehicle modification programs all over the province, it underscores our passion and stroke recovery services in post-polio support and through our strategic employment services. More than just a mission, these words embrace our passion for helping increase mobility, motor skills and independence through our conductive education program.

That mission also reminds us that we are and we must always be advocates for all Ontarians with disabilities. Ontario March of Dimes has been at the forefront of public policy advocacy for people with physical disabilities, as well as many other disabilities, for more than half a century. Let us be clear: Getting to this point has been a long, arduous and often painful journey, impressing various governments to embrace and promote accessibility for Ontarians with disabilities.

Ontario's first such legislation, the ODA, passed in 2001, provided at least some legislative momentum and awareness and reminded all of us in the disability community why we had to advocate even harder. We can say today to all of you on this committee that all of our efforts finally seem to be paying off. As you are aware, this legislation represents perhaps the most aggressive public policy attempt to achieve a total barrier-free society with the participation of all sectors. We applaud you and all of the participants and stakeholders who helped inspire and draft this bill.

One such person in our own Ontario March of Dimes family is no longer with us. Some of you might remember the advocacy work of Ontario March of Dimes in the late 1990s, when standing committee hearings were being held for the first ODA. One young woman,

named Janet Youdell, stood before this committee as members listened to her impassioned speech calling for inclusion, accessibility and equality.

Janet was the presenter for Ontario March of Dimes and was reminding members why the ODA was required in the first place. Janet was told by counsellors many years prior that she was unemployable due to her disability. She proved them wrong. She held a number of positions with Ontario March of Dimes for 14 years, helping to make a profound difference in the lives of others with physical disabilities.

Janet lived for nearly 50 years with cerebral palsy, which was sadly worsened by a number of severely debilitating strokes. Many of you who remembered Janet as one of our lead advocates will know that she died just before Christmas. Her legacy, however, remains in the work we are inspired by, in her advocacy here at Queen's Park, in her work reminding governments in this Legislature how we make society inclusive with people with physical disabilities—indeed, how we make Ontario a model society of inclusion and accessibility. So part of our message here today is dedicated to the work and memory of Janet, and part is focused on technical advice.

While we have a number of recommendations designed to strengthen the legislation, Ontario March of Dimes supports the intent, purpose, trajectory and proposed outcome of Bill 118, Accessibility for Ontarians with Disabilities Act. We were instrumental in the province-wide consultations that helped develop Bill 118. We have contributed as key stakeholders in round-table sessions as well, and we have had representation at each ministerial briefing and policy workshop in the fall. We were assisted in developing many technical details in the bill as regards enforcement and compliance measures.

Can the bill be stronger? It can. Can it be fine-tuned? I guess all legislation should be. But, committee members, what you have before you today is a fundamentally sound piece of legislation. Bill 118 represents good public policy and good government.

From a policy perspective, as they say, the devil's in the detail, and my colleague Steve will provide you with some sound and constructive suggestions.

Mr. Steven Christianson: Our first recommendation pertains to consistency of reporting accessibility plans.

Over the fall of last year, Ontario March of Dimes reviewed the accessibility plans of all of Ontario's colleges and universities as part of our research for a submission to the post-secondary review. The results of reviewing these plans were enlightening, and we encourage the members of this committee to review that submission, a copy of which we have with us today, as it speaks directly to issues of accessibility in post-secondary institutions in the province.

The fact is there was no consistency among any of the accessibility plans, whether in format, layout, content, scope, application or time frames. Some of the plans were a few pages in length; others were hundreds of pages. Most plans were posted on-line; some were not. Some plans addressed only physical structures, while

others were treated by their accessibility committees as full, living documents or as a measure of the quality of campus life and inclusion.

We want this committee to be aware that there is at least an effort and awareness among Ontario's colleges and universities that did not exist prior to the enactment of the current ODA. Our research of the post-secondary sector made it abundantly clear that anyone required to file an accessibility plan or report, regardless of sector, would need a consistent reporting system.

We strongly encourage that a very specific guideline or template be provided to institutions that will be required to prepare and file accessibility plans and reports. This desire, in fact, has been expressed by several post-secondary institutions that truly want to advance inclusion and accessibility but, in some cases, need greater guidance.

As we move to our next recommendation, we consider how accessibility standards will be developed, defined and administered. Standards committees are currently provided for in Bill 118. With integral participation and membership by people with disabilities, we feel this is an excellent feature of the bill. To strengthen this component of the bill, Ontario March of Dimes recommends that standards committees be established on an industry-by-industry basis. Some industries and sectors will undoubtedly be more challenging than others, and some perhaps deemed of a higher public priority, such as, for example, public transportation. An industry-by-industry breakdown for standards committees, we feel, represents a far more efficient and effective way of identifying and working toward eliminating barriers.

The Chair: May I ask you to slow down a little, please?

1110

Mr. Christianson: Yes. We also recommend that classes of Bill 118's application in the private sector be considered variously and tailored to the size and nature of the business, which is mostly captured in the current version of the bill. While we do not suggest that the overall time frame be changed or altered in any way, this committee may want to consider the unique challenges that small businesses may face. We have heard from many small business owners who genuinely want to fully participate in achieving a barrier-free Ontario. However, the capital and financial leverage in retrofitting some establishments, especially in older urban neighbourhoods, will certainly be more challenging for the sole proprietor or the ma-and-pa establishments than it will be for, say, the large-sized corporation.

As such, application to Ontario's small business sector may be more effectively implemented if done through a phased-in approach but one that still achieves the ultimate objective of the bill within the overall specified time frame. We believe you will more fully see the merit in this recommendation as we speak to our next point, which we feel are among the critical factors of success.

Public education, outreach and awareness: The success of Bill 118, when it comes into force, will depend in

large part on the awareness and understanding that Ontarians have of the overall effort. Ultimately, implementation is far more effective if the various sectors of Ontario's economy voluntarily buy in and participate. Ensuring that Ontarians are aware of the bill, of its purpose and intent, of its compliance procedures and time frames, will be critical, or as critical, let's say, as notifying taxpayers of new regulations in income tax filing. It will be absolutely critical, therefore, that sufficient and appropriate resources for province-wide communication, promotions, and public education materials be written into the financial implications of Bill 118.

Reporting back to the public: Just as it will be important to communicate to the public during the initial phases of Bill 118's implementation, it will be critical to report back to the public on how well we are doing with the legislation and to what degree we are achieving a barrier-free society. Public reporting and accountability can be accomplished through annual reports tabled in the Legislative Assembly.

Horizontal policy coordination: Through the planning and budgeting systems for each ministry, agency, board, commission and crown corporation, we recommend that a specific budgetary allotment now be made in each provincial budget, as well as in the individual organization budgets, for accessibility planning and implementation. As a cross-cutting piece of legislation, there must be policy coordination along horizontal lines for effectiveness.

Special attention will need to be given to institutions that are publicly funded, such as public transportation entities, colleges, universities, public schools, local libraries etc. To this end, we recommend that the bill include a provision for each ministry to employ or retain an accessibility point person, and that, in coordination with the Minister of Citizenship, an interministerial coordinator be established to identify efficiencies that may help all areas of the government eliminate barriers or keep abreast of issues with other levels of governments that may give added financial leverage, such as the federal transfers of gas tax dollars.

Including barrier-free design services: Bill 118 provides for monitoring procedures through the establishment of enforcement and compliance officers. In the instance of non-compliance, we ask the question, will a barrier-free design expert provide the necessary instruction in order for that company or organization to comply? Just as there will be a funding allotment for enforcement and compliance officers, we recommend the inclusion of funding for barrier-free design experts. We also have to be proactive in implementing this solution. After all, if all of Ontario is to be barrier-free, then the role of the barrier-free design expert will become pivotal.

Incentives: Finally, we strongly agree with the use of incentives as a means of implementing Bill 118 and recognizing success among Ontario's champions of accessibility. We recommend that such incentives be deliberated in cabinet and be subject to cabinet approval and not solely to the minister of the day. We further

recommend the use of tax incentives through the Ontario tax system and reinforced in the provincial budget as a particularly effective means of removing barriers. Imagine an accessibility tax credit. Use of an accessibility tax credit could recognize the costs of construction for an elevator in a public school, for example, or for the retrofitting of the washrooms in a small restaurant, which can help smaller institutions in particular with their planning and budgeting for accessibility improvements. This also requires no cash outlay from the provincial treasury.

The Chair: Thank you. The time is over, unless you have something quick to finalize.

Mr. Kelusky: Just very quick. We would like to achieve a barrier-free Ontario sooner than the 20 years, but we recognize that there are increments of barrier removal written into the bill and significant progress will be visible every two to five years. With the recommendations of the Ontario March of Dimes, as well as the ODA committee, we feel Bill 118 will in fact stimulate changes in our society much sooner.

Bill 118 is more than a bill, it's an accessibility revolution, and a revolution of accessibility is exactly what we need to get rid of the barriers in front of Spencer's future, not to mention millions of others' in Ontario. Thank you, sir.

The Chair: We have your presentation here. Thank you for coming today.

AUTISM SOCIETY ONTARIO

The Chair: The next presentation will be from the Autism Society Ontario. Are they in the room?

While you take your place, just a couple of reminders. Fifteen minutes maximum, including time for questions and comments from members. When you speak, please do not forget that we do have some people with disabilities present. We want everybody to appreciate your presentation as much as possible. Thank you.

If you wish to start your presentation, you can do that. Maybe you can start and they can work on that. Any time you are ready, please proceed.

Ms. Leah Myers: Good morning. My name is Leah Myers, and this is Margaret Spoelstra, the executive director of Autism Society Ontario. I am president of the Durham chapter and, perhaps more importantly than that, I am the mother of a 10-year-old son with autism.

We are here today to offer our contribution to the Ontarians with Disabilities Act, what Autism Society Ontario finds to be some shortcomings and what we suggest in order to bring those shortcomings up to a level that enables Ontario to be accessible to everybody.

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First of all, a little bit about Autism Society Ontario: Autism Society Ontario seeks to provide information and education while supporting research and advocating for programs and services for the autism community. The vision of Autism Society Ontario, also known as ASO, is acceptance and opportunities for all individuals with

autism spectrum disorders. Our mission is to ensure that each individual with ASD is provided the means to achieve quality of life as a respected member of society. The six key areas of focus of our organization are advocacy and support, research, best practice, government relations, public awareness and governance. Our values are respect and support of family and individual choices, informing families, integrity, confidentiality, commitment to continuous improvement, universality and supporting research. So that's who we are and where we're coming from.

A little bit of background about autism: It's a huge topic which cannot be summed up in 25 words or less; however, I'm going to try and give you a very brief overview. Autism is one of several pervasive developmental disorders. "Pervasive developmental disorders" is a diagnostic term that is used to include autistic disorder; Asperger's disorder, otherwise known as Asperger's syndrome; childhood disintegrative disorder; PDD-NOS, which stands for pervasive developmental disorder not otherwise specified; and Rett's disorder.

Why is PDD, or ASD as it's commonly known, important to Ontarians in addressing the needs of the Ontarians with Disabilities Act? We're not just talking about a rare disorder. It used to be considered rare, however it's estimated that today between 20,000 and 70,000 people in Ontario have some form, so it is not rare at all. It's one of the most common developmental disabilities, surpassing even Down's syndrome, cystic fibrosis and childhood cancer. It's very common. In my son's school alone, where there are fewer than 400 students, there are three children diagnosed with some form of ASD. And the number of people being diagnosed continues to increase dramatically.

The nature of ASD is a little bit different. Most of us are used to thinking of disability in terms of wheelchair access, for example, which is very important. But ASD is what we call a hidden disability. Individuals with ASD don't have any telltale signs. There is nothing physical that distinguishes a person with ASD from a person without it. It's a hidden disability. People with ASD tend to have problems, among other things, in the areas of social interaction and communication skills. Those are key. However, within ASD, there is a huge range of ability levels. Communication challenges can range from mild to severe. Approximately one third of individuals with ASD remain non-verbal throughout their lives. A majority of people with ASD have a significant level of cognitive impairment as well as communication disorder, although those with what we call Asperger's syndrome have more normal levels of cognitive functioning, and many of these individuals can in fact be quite brilliant.

Temple Grandin, who is renowned in the world of autism as a person who is living with the disorder herself, has been quoted as saying, "I can remember the frustration of not being able to talk at age three.... I could understand what people said to me, but I could not get my words out. It was like a big stutter, and starting words was difficult.... I can remember logically thinking to

myself that I would have to scream because I had no other way to communicate.”

Because many people with ASD cannot use language in a meaningful way, in fact, they do not have a voice, and we have to be the voice for them so they can speak to these issues.

There are a number of barriers that are facing people who have ASD. By barriers, I don't mean narrow doorways or staircases; I mean barriers that are more attitudinal in nature. Regardless of the functionality of an individual with ASD, these individuals all face very significant barriers throughout their lives. Things that we take for granted can be very difficult for people with ASD, like appropriate education, employment, leisure activities and supported or independent housing for adults. Those things that we all want and enjoy as Ontario citizens remain very elusive to people on the autism spectrum.

It's the view of Autism Society Ontario that much of the current legislation, including the ODA of 2001, does not adequately address the needs of people with ASD. So the question is, how will the ODA make a meaningful difference in the lives of people with ASD? Right now, the ODA overwhelmingly addresses barriers in terms of the physical, but there is little emphasis on the types of attitudinal barriers and policy barriers that constrict the lives of people with ASD. In order to make Ontario truly barrier-free for people with ASD, there are four areas in which changes need to be made to government policy. Those four areas include housing, day programs, the Ontario disability support program and education.

In terms of housing and residential services, historically most children with ASD were at some point in their lives placed in an institution. Today, this is no longer the case, and that can be a mixed blessing. On the one hand, it's really wonderful to see that we don't have to put so many of our children in institutions any more. However, there are consequences of this as well. The reality now is that most children with ASD do remain with their families throughout their childhood and very often well into adulthood. The majority of adults with ASD are not able to live independently. Many require a very high level of assistance with the basic necessities of life, such as dressing, feeding and personal hygiene.

Although adults with higher-functioning autism and Asperger's syndrome can do things like wash themselves, bathe, brush their own teeth and do housework, they may have different challenges. They may have difficulty managing the more intricate aspects of independent living, like household budgeting, household maintenance and developing the kind of social relationships that are necessary to function in society and take part in a meaningful way. The inherent challenges these people have of understanding the motivation and intentions of others have a direct impact on daily interactions, such as paying bills or dealing with sales persons. Developing and maintaining relationships is crucial to success in independent living, and the lack of that is a significant barrier to people who are cognitively more able but who may experience difficulties with social understanding.

At the moment, there are waiting lists of many years to access residential services across Ontario for those who feel that that is best. I notice that we are running low on time. I am going to skip over this. You do have it in your handout.

If the goal of the ODA is to encourage meaningful participation of people with disabilities, it must address government policies that fail to provide for adequate residential and housing services and recognize that appropriate housing and residential services for adults are essential if they are to be participants in the community. We would like to see a range of residential options, and there are some good examples of these, such as Woodview Manor in Hamilton and certain placements with Community Living Ontario. It cannot be underestimated how important housing is for these individuals. Lack of it leads to social isolation for the individuals and for the families looking after them.

Day programs are also very important. At the age of 21, when students are obligated to leave high school, there is nothing available for many adults with ASD, because they cannot hold down a job, because there are no social programs available for them. We need to provide adequate funding for community support agencies to help these individuals.

The Ontario disability support program: The level of financial support for this has not changed substantially in 10 years and, even with a low rate of inflation, this impacts on somebody's standard of living. It leads to increased financial hardship for persons who are dependent upon this. We would like to see a separate income and employment support program rather than a welfare type of system for these individuals, so that they can have the assistance they need to procure employment and to maintain employment. We would also like something that would help companies educate the public in understanding these invisible disabilities, things like job interview assistance and job coaching.

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In terms of education, the ASO submission to the Ontario Human Rights Commission identified four major barriers to appropriate special education for students with ASD. The appeal process is cumbersome and lengthy. There is a terrible lack of specialized training on the part of teachers and individuals working with these students. The funding formula currently discriminates against students with ASD, and enforced short- and long-term absence due to things like suspensions and expulsions for behaviours that are not within the individuals' control are a huge barrier.

The Chair: Thank you very much for your presentation. We do have the package. It's part of the records. Thanks for coming.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair: The next presentation is the Association of Municipalities of Ontario.

While you take your seat, I would remind you that there are up to 15 minutes for the presentation, questions and comments from members. When you make your presentation, if you can keep in mind that we do have people present who wish to appreciate your presentation who may have some disability. If you can speak slowly, please, as slowly as you can—

Ms. Sandra Hames: I've been practising speaking fast so I could get through it.

The Chair: Well, to make sure that all of us will be able to appreciate it. Whenever you are ready, you can start, please.

Ms. Hames: Thank you, Mr. Chairman and members of the committee. My name is Sandra Hames. I'm a councillor with the city of Brampton, chair of the AMO barrier-free access working group and a member of the AMO board of directors. With me is Fran Coleman from the town of Huntsville, who's also on the committee, and Petra Wolfbeiss from the AMO staff.

The Association of Municipalities of Ontario, AMO, is, I believe, well-known to the committee members. AMO has been representing the interests of Ontario's municipal governments and advocating on behalf of Ontario's property taxpayers for more than a century. AMO is pleased to submit its comments on Bill 118 to the standing committee on social policy. It was just under one year ago that AMO had an opportunity to provide input on the ODA, 2001. Since that time, municipalities have accomplished a great deal in achieving barrier-free communities across Ontario.

AMO is pleased that the Accessibility for Ontarians with Disabilities Act contains revisions recommended in our March 2004 submission to the Minister of Citizenship and Immigration on changes to the ODA, 2001. Including the private sector in the application of the proposed AODA recognizes that people with disabilities use a wide variety of services outside of the public sector. Recognizing the importance of flexibility and that one size does not fit all addresses the reality of the wide variations within municipal government, including government structures such as regional governments, districts and counties, geographic location and size.

Still, many considerations remain in achieving the objectives outlined in Bill 118. This submission revisits a number of the recommendations put forth in our March 2004 submission and provides comment on areas of municipal consideration contained in Bill 118.

Municipalities strongly support the vision of a barrier-free Ontario, where residents enjoy equal opportunity and can participate fully in all that our communities can offer. Municipal governments and their residents have embraced the vision of inclusiveness, and many have collaborated through their accessibility advisory committees to create a vision statement for their own communities. The municipal sector looks forward to collaborating with the province and others on strengthening this vision and continuous improvements for accessibility for Ontarians with disabilities.

Perhaps the most important consideration in municipalities achieving barrier-free communities across On-

tario by the year 2025 is the current municipal fiscal context. If it is not rectified, Ontario's municipalities are caught in a fiscally unsustainable position. Municipalities deliver and fund a wide range of municipal services and businesses in our communities on which people rely, but as a result of historic anomalies in financing arrangements and with downloading, Ontario municipalities are in the unique position of being required to subsidize a wide range of provincial health and social services without sufficient means to pay for their own municipal responsibilities, particularly hard infrastructure like roads, bridges, transit, and sewer and water systems.

Municipalities also provide parks, community centres and libraries and, in some instances, human services—for example, public health, social services, transit and paratransit services. The result is that Ontario municipalities have the highest property taxes anywhere in Canada and a growing infrastructure deficit that affects both the health and safety of our residents and the economic competitiveness of our communities. This spills over to the province and our nation and creates a situation that affects communities of every size in Ontario.

In the face of this, our members could be hit with even more provincial costs if the province does not pay its share of the actual expenditures to deliver these services. There is currently a difference of about \$100 million between the actual versus the estimated costs for 2003 alone. For 2004, they are expected to well exceed \$100 million. This will result in a significant property tax hit.

The vision of barrier-free access is attainable if we work together, the province and all sectors supported by a long-term funding program.

Following are a number of recommendations that we believe will strengthen the intent and delivery of the act. It's important that the AODA contain guiding principles and values for the standards development process to ensure consistency across all sectors. As Bill 118 is currently written, it is unclear how inconsistencies in standards proposed by the various standards development committees, which may be presented for approval at different points in time, will be resolved.

In addition, a municipality or an organization may be required to meet several standards. To ensure there is adequate consideration of the impact on municipalities of these multiple obligations, it is recommended that AMO has a seat on all SDCs, which could apply to municipalities, and that AMO be represented on the Accessibility Standards Advisory Council.

Particularly relevant to municipalities, the bill states that accessibility standards may create different classes within a sector based on attributes, quality or characteristics, or any combination of these. This section recognizes the principle that one size does not fit all. We recommend including within section 6 a clause (d), which includes consideration of "the size and financial resources available to organizations." These are fundamental attributes of municipal government.

A further issue with standards development relates to the issue of competing provincial legislation. It is not

plausible to expect the SDCs will have, nor should have, the responsibility to amend provincial legislation or regulations that create barriers to accessibility. However, this issue must be addressed.

Our previous submissions suggested that the Ontario building code be amended so that all stakeholders involved in building and development are using rules that are effective, appropriate and equally applied. Currently, all building professionals rely on the Ontario building code to provide the minimum standards and specifications for accessible design. However, it's also been recognized for years that these standards are not adequate and need to be updated and synchronized with other associated legislation requirements, such as the Planning Act, and the Highway Traffic Act as it pertains to parking.

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Finally, the Ontario Human Rights Code and the Charter of Rights require that laws under Ontario's authority not discriminate because of disability. However, it's up to the individual to take the government to court and litigate on each barrier, one at a time. It is therefore recommended that, as we are suggesting commonality of standards and guiding principles across the SDCs, the government ensure that no laws create barriers against persons with disabilities and recommend that the province streamline legislation to ensure consistency in the removal and prevention of barriers to accessibility.

It's recommended that the area of accountability with the AODA be clarified and that the act designate lead ministries responsible for ensuring accessibility and implementation of the act and of the standards developed under the SDCs. We also recommend the identification of a process to mediate issues within and across SDCs that may stall the standard development process and the subsequent implementation of standards.

The proposed act is not specific regarding the long-term role of the provincial government in its application. It's our assumption that the government will remain committed and engaged in ensuring that Ontario becomes fully accessible to those with any form of disability. The act should clarify the role of the government and relevant ministries in the standard development process and in compliance and enforcement over time, with and across sectors.

We applaud the minister for including enforcement provisions and penalties in the bill. However, as currently stated in the bill, there is considerable flexibility in relation to the three areas of administration, compliance and enforcement under the proposed AODA. We recommend clarification under section 30 regarding who the minister shall appoint as directors; specifically, whether a sector representative, ministry representative, or other.

Additionally, we recommend clarification on who has responsibility for enforcement of administrative penalties and fines. Municipal responsibility for any of the three areas is a major concern. Enforcement of administrative penalties may mean increased costs for building inspectors related to private sector compliance. If the province

proceeds with an enforcement tool that requires municipalities to carry out this duty, appropriate revenue tools and resources to help municipalities meet the requirements must be provided. It must also be recognized that some municipalities may not have the necessary expertise and the resources. In these cases, what is needed from the province is assistance rather than penalties.

We have suggested amending the building code to include construction standards for barrier-free access. If this recommendation is accommodated, then the existing enforcement mechanisms of plan review and permit issuance, building inspections and orders and, if necessary, charges under the Building Code Act could be utilized. This would assist the applicants, as they would not have to make an additional application or have it reviewed by another agency. It would also assist the province by not requiring a separate tribunal to enforce orders.

Additionally, amending the Ontario building code would mean that enforcement of the new standards would not result in increased costs to the municipal building inspectors. Instead of making building inspectors do extra inspections to ensure compliance with building standards suitable for the disabled, if the Ontario building code contained the revised standard, this would mean less work for building inspectors. This would be a cost-effective means of providing enforcement.

I am actually going to go—you have the submission, so I'm going to leave a little bit of time for questions if you have any.

The Chair: Unfortunately, you used all the 15 minutes, but we do have your presentation, and it's part of the record. We appreciate your presentation. Thank you very much for coming today.

DOWN SYNDROME ASSOCIATION OF ONTARIO

The Chair: The next presentation is the Down Syndrome Association. Are they present? Yes, they are. Ms. Linda Bernofsky.

Ms. Linda Bernofsky: Honourable members, committee members and taxpayers, my name is Linda Bernofsky. I'm a member of the Down Syndrome Association of Ontario, which is a charitable, non-profit organization composed of local chapters from across—

The Chair: Ms. Bernofsky, I'm sorry. Let me ask that you keep in mind that there are some people who want to appreciate the interpreter.

Ms. Linda Bernofsky: Oh, sorry.

The Chair: It's all right, if you could go just a little slower, please.

Ms. Linda Bernofsky: Through consultation with the local associations, our board determines the ways it can be most helpful to Ontarians with Down syndrome and their families. Our organization is extremely pleased with this opportunity to respond on the importance of Bill 118, along with so many others who are supporting a strengthened Ontarians with Disabilities Act, 2001. We

thank all parties for voting for this bill on second reading and we encourage you to vote for this on the third reading so it will pass unanimously.

Our organization has seen some of the benefits of the effective work which is being done in preparation of passing of Bill 118. These community planning efforts are beginning to be welcomed by organizations, communities and individuals as they further align themselves toward being a barrier-free society. Many of us who sit on committees believe that this should not take 20 years of waiting for implementation. This lengthy time frame is seen as unreasonable. The time limit on an effective ODA should be shortened to ensure that time is not lost for those who continue to wait. The solution is clear for our young students, who have limited years and no time to spare. Their need for barrier-free accountability is critical for a better life and real opportunities.

Barrier-free education begins with our minister of the child, our Minister of Education and MPPs, whose responsibility it is to direct this province fairly. Proper preparation for life and work occurs in school and in the community, and must be directed by these ministries, so school boards must be made to truly respect our vulnerable students' rights and needs. We need clear wording and enforcement mechanisms within acts, regulations, directives, documentation, funding, communications and clear ministerial direction to eliminate and prevent barriers. We need to ensure that those with disabilities are truly consulted so as to effectively plan and prevent higher future costs. If responsible ministries prepare effectively, it will help to prevent school boards and their staff from straying, wasting, abusing funding and human rights. Barriers in education cost the taxpayers, families, communities, and systems such as justice, social services and health and, most of all, harm the individuals who need their future protected.

I bring with me today a copy of the Ontario Human Rights Commission's recent release called *The Opportunity to Succeed: Achieving Barrier-Free Education for Students with Disabilities*, July 2003, and its companion, *Guidelines on Accessible Education*, September 2004. Also, I have the auditor's report on special education funding, 1993 and 2001.

The Chair: There are people translating. Please—

Ms. Linda Bernofsky: Sorry.

These show the ongoing and immediate need for accountability for those who face daily challenges and attitudes in classrooms.

The auditor's report made strong recommendations for required action by the Ministry of Education against systemic barriers. Why has this costly audit been ignored for the disabled? Wasted taxpayers' money and unaccountable schemes go on; hurtful labels, stereotyping, the need for better individual education planning to access and participate in fulfilling one's potential and the need for proper resources of learning supports and services.

The Office of the Ombudsman called for accountability, fairness, equitable and impartial treatment, honest

and ethical practices, respect, understanding of individual differences and valuing diversity. Yet in the 2002-03 report, Clare Lewis, the provincial Ombudsman, said they had received many complaints regarding school boards relating to resources for special education. Mr. Lewis stated that he advised the minister that, "given the fundamental importance of education in this province," he believes that "parents and in appropriate cases, students, should have recourse to an independent complaint resolution mechanism to resolve complaints about school boards."

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The Ontario Human Rights Commission, the Provincial Auditor and the provincial Ombudsman require that actions be taken to eliminate barriers for the disabled in this vital education sector and for society beyond. Bill 118 must bring accountability and equity to students, staff and taxpayers. Further, Bill 118 must ensure compliance. Without compliance measures, violations go on in human rights and all other areas. Without enforcement mechanisms, all you have is empty words that harm people with disabilities.

Education Minister Kennedy and Mr. Sorbara were both quoted recently in regard to ensuring effectiveness and efficiency for Ontarians. Their words are nothing without teeth and action. We need proper outcomes and accountability measures, with compliance. It has been said that we can judge a society by the way the most vulnerable are treated. Let us be judged by a potent Ontarians with Disabilities Act.

Next, I'd like to introduce Anna Germain. She has the rest of the presentation.

Ms. Anna Germain: Actually, our self-advocates are going to say a brief word afterwards. I think it's very important to give them this first experience.

I need an accommodation here. Either I have to be able to speak quickly and very clearly or I need just a tiny bit more time, because I've cut this down as far as I could. I timed it at 5.5 minutes. But if I have to slow down, it's going to be a little more than 5.5. So it's your choice.

The Chair: Madam, it's your time. I think if you get into it, we can be a little flexible.

Ms. Germain: Thank you.

The Chair: But I would caution you not to go fast, because I want everybody to be able to—

Ms. Germain: OK. We'll go that route, then. Thank you.

Honourable committee members and fellow citizens, my name is Anna Germain. I speak for individuals who have developmental disabilities and need more of a voice. I wish to commend David Lepofsky for the excellent work he has led over the years—quite impressive. I thank all parties for voting for Bill 118 on second reading. Please keep going in this spirit. The issues at stake transcend party lines. I trust that Minister Bountrogianni will take our comments to heart.

Truly, this bill is like no other Canadian piece of legislation—exciting, actually—to boldly go where no

Canadian legislation has gone before. But boldly going does not take 20 years. Timelines, standards, enforcement mechanisms—sounds like action, as long as all the ODA committee's warnings and concerns and a few others we've heard here are incorporated each step of the way. A fair and open process, transparency and accountability, clear wording and true standards are critical. These will prevent human rights abuses and litigation, and will go a long way to rectify the multitudinous injustice. We need a lot more government "shall do" rather than "may do." "Must do" will do the job. We need a strong ODA, a bold ODA.

The Human Rights Code is the law in Ontario, second only to the Canadian Charter of Rights and Freedoms, which is entrenched into the Constitution. A potent ODA will ensure that the code is adhered to and that the most vulnerable Ontarians do not have to turn to the courts and tribunals to simply access that which each one of us is blessed to be able to take for granted.

Developmental disabilities, which imply an intellectual component, are barely hanging on the edge of the radar screen. It is incumbent upon all involved to redress this inequitable state of affairs and ensure that in the months ahead they are not left out, as they still are today. They are the most severely underserved and poorly treated group. Please stop the prescriptive, deficit-based approaches to their education and other needs. Rather, take a strength-based view of their lives and allow them to touch the steering wheel. What our children want and need is citizenship.

The Supreme Court decision of Battlefords clearly states that you cannot discriminate between physical and mental disabilities. It is the law, yet most are unaware or don't care. Recently, the movie theatre industry showed this lack of concern. Most are in direct contravention of the code, yet nothing is done about it.

The code is very clear about the high threshold of the duty to accommodate. Any organization would have to submit an undue hardship analysis to prove whether the required accommodation would essentially change the nature of their business or bankrupt them. In this light, few financial arguments will prevail. Let us not get mired in such arguments.

Most accommodations will be a win-win situation. Businesses will get more patronage as they become more accessible to more people and their friends and families with them.

Some accommodations should be financial. You've heard of the studies showing that people with disabilities live well below the poverty line. When an individual with a developmental disability needs a companion to access or attend a venue—for example, an entertainment venue—the companion becomes the key part of the accommodation. To ignore this violates the code.

It is necessary to ensure that the public comes to understand and respect the rights of people who have intellectual disabilities. To this end, I strongly recommend that an amount be set aside for the purpose of a campaign to sensitize the Ontario public to the realities

and rights and valued citizenship of the most vulnerable of all: people with developmental disabilities.

Much has been said about education. I will simply add that the most recent high-stakes testing has basically shut down all post-secondary opportunities for people with developmental disabilities. Above all students, they are hurt by this testing. In truth, this testing is not about helping any students but about giving an appearance of accountability before an unknowing public.

The Chair: Madam, please slow down.

Ms. Germain: Sorry. Do I need to repeat the last line?

The Chair: No, that's fine.

Ms. Germain: Testing always sounds like an easy sell, doesn't it? All parties know this, but none has had the guts to admit it.

Do the right thing and please eliminate this high-stakes barrier. A real diploma will not guarantee our children a job, but it will go a long way to treating them with dignity.

Our children work harder than anybody to learn, often surmounting huge challenges. Their indomitable spirit is inspiring.

You face a moral imperative. Why is a different intellect so disrespected? Could it be because our society upholds the wrong values? Do we define success in narrow and superficial terms? Is success really about money and ownership? What about human decency, respect, compassion and even altruism?

Full participatory citizenship summarizes the dreams and goals of people with developmental disabilities. Eliminate attitudinal barriers and ongoing harm and give them a chance at a future, a good job and to even pay taxes—soon, not in 20 years.

The Chair: We will allow the children to make statements, if they choose to.

Ms. Sandra Bernofsky: My name is Sandra Bernofsky. I am fortunate to have learned how to read novels, write and multiply and divide. I am one of the rare few who fights hard to stay in a regular classroom with expectations. Most students like me are victims of babysitting, and we copy poor behaviours and mannerisms. We need an ODA so that we'll all have opportunities that are fair and just. Thank you so much.

The Chair: Thank you.

Ms. Germain: Sorry. Matthew has had a rough morning. He's very tired.

The Chair: We thank you for being here just the same. Thanks to all of you for coming. That concludes our morning session.

Ms. Germain: Oh, he just wants to say a few words.

The Chair: Go ahead. No problem.

Mr. Matthew Germain: Ladies and gentlemen, good morning. My name is Matthew Germain. I want to speak to you about why I need you to do a great job.

I want to have a very good future. I am in grade 12. I want very much to graduate so I can go to college.

I love Shakespeare and the theatre. My favourites are Romeo and Juliet and Macbeth. I also like computer class. In college, I would like to study communications.

It will help me get a job in TV or theatre. I am interested in drama also. I am a member of ACTRA and played a part in a short feature film. It was a great experience.

I thank you for hearing me today.

The Chair: Thanks for your presentation. Have a nice day.

We will recess until 1 o'clock this afternoon.

The committee recessed from 1204 to 1302.

OBESITY CARE CANADA

The Chair: If I can have the room come to order, we might be able to start quickly and on time. Thank you.

Good afternoon. Our first presentation will be from Obesity Care Canada, and I believe Brenda Martin is there.

Ms. Martin, I believe you or one of your friends will be making the presentation? That's fine. I want to remind you, though, that you have a total of 15 minutes, including if you wish anyone to ask any questions. That is the limit. So if you want to start talking to us while the laptop is put together, it may be in your best interest. You have to make that decision. At a quarter after, I must see the next presenter. Thank you for coming.

Ms. Brenda Martin: I would ask that the committee members please refer to the packages that are being passed around. They do have copies of the slides that will be shown momentarily on the screen. Thank you.

Good afternoon, members of the standing committee on social policy. We appreciate the opportunity to speak with you about clarifying the intent of the Ontario Disability Act. My name is Brenda Martin, and I represent Obesity Care Canada. It's a newly formed support group for people who are prevented from fully participating in all aspects of society because they are morbidly obese.

As the act stands, it's unclear if obesity is considered an illness or if it must have an accompanying condition, such as diabetes or use of a wheelchair, to qualify as a disability. What we're asking is that the term "morbid obesity" be included in part I under "Interpretation," section 2, "Definitions," subsection (a) under "'disability' means." We note that other illnesses were added to the act following presentations by advocacy groups, so we're here today in the spirit of that, hoping to get "morbid obesity" added to the act.

The World Health Organization defines "obesity" as "an excess or surplus of body fat, compared, for a given height, to average weights from a large population and a body mass index of 30 kg/m² or more." I know what people might be thinking right now: "Who cares about the obese? It's their own fault." Well, this sort of thinking is just plain wrong. Obesity is not a lifestyle choice, and I would invite you to look in your package on page 5. It states: "Obesity is not a simple condition of eating too much. It is now recognized that obesity is a serious, chronic disease."

Why is it important for Ontario to care about including morbid obesity as a disability? If you keep flipping

through, you will see the growing trends since 1985. Keep flipping and flipping to 2000: We go from less than 10% all the way up to over 20%, and that is just the adults of the population. If you counted children in that, it would be significantly higher.

If you use the clinical definition, which is on page 12, of a 40 BMI—body mass index—we currently have 3% of the population in Ontario, or 180,000 people, who are considered morbidly obese right at this time. For your information, we have listed the 10 fattest cities in Canada. Please note, on page 13, that Ontario has three of the top five, St. Catharines coming in at a whopping 57.3%, so we do need to care about obesity in Ontario.

On page 14, you'll see some simple life issues that people who have this disease have to struggle against every day, including finding a job. How would you feel if you had to go to the loading dock to be weighed on that scale? How would you feel if you had to go to Guelph to the veterinarian school, the Large Animal Clinic, for a CAT scan, if that was someone you knew and loved or even yourself.

The one that bothers me the most is that every time someone who is morbidly obese goes to the doctor, there is absolutely no data that shows what effect or how much dosage a drug is going to have: It's the doctor's best guess. If you look on page 15, that's what you will see. There's absolutely no research above a BMI of 30 for any drugs.

On page 16, I would invite you to look at what's called the treatment algorithm, because this is where the misinformation comes. We are always fighting against the idea that it is our choice and that if we did something about it, like eat less or exercise more, we would not be obese. If you look here, and just imagine imposed over top of that the bell curve, you'll notice that perhaps for one quarter of the people who are obese, that may be effective treatment. But for the three quarters of the people who are not in that first section, that is not effective treatment. The only treatment, if you're 40 or more, would be the actual surgery for that.

Attitudinal prejudices that we face every day are hiring prejudices. On page 17, you can see that. When we go for a job interview, before we even have our qualifications looked at, we have people making judgment calls on us.

Our allies, the physicians: If you look on page 18, our allies, the people who should have the information about us, often do not. They have not studied it specially, and they prefer not to treat overweight patients.

On page 19, we have 63% of our nurses who believe that it can be prevented by self-control. This is just not true, and this is why obesity is called the second-class disease, because the misinformation out there far exceeds the facts. We're looking to you today to help us change that.

What's worse to me is the final slide, because I believe that our society is reflected in our children. If you look on page 20, they were asking schoolchildren in 1961—some of you hadn't even been born yet, and one

person said, “Well, did they have obesity back then?” Well, obesity has been around a long time. In the earliest civilizations of mankind known that they’ve found, there’s evidence of obesity—way back, at the origins of man. So when you asked schoolchildren in 1961, when obesity wasn’t even popular, who you would not want to be friends with, the obese were the number one. Nobody wanted to be friends with the fat kid.

Now, in 2001, when they redid this survey, if you look on page 21, you’d think, with the increase of childhood obesity, that children would be more accepting of the obese. But no, we’ve lost even more ground: Still, nobody wants to be friends with that fat kid.

On page 22, these are some of the benefits of the amendment. First of all, it clarifies the intent. It acknowledges that obesity is a disease and not a lifestyle choice, and it removes the remaining barriers. I think the act’s done a very good job of helping us with removing the physical barriers and the architectural barriers, but now our big one is the attitudinal barriers, and that’s what we’re asking for today.

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The disadvantages? I think the benefits of protecting the equality and dignity of obese persons outweigh any perceived disadvantages.

On behalf of the families and friends of people who are obese in Ontario and Obesity Care Canada, we thank you for this opportunity to share our information and we trust that you will help others to look beyond the misinformation and prejudices surrounding this disease by recommending our amendment. If we don’t acknowledge something, we can’t ever hope to change it.

If you have any questions, I would be glad to answer now or after the meeting, and I would be willing to make myself available to participate in any future consultations that may facilitate the insertion of morbid obesity in the definition section of the disability act. Thank you.

The Chair: There are three minutes, and we’ll start with Madam Martel; one minute each, please.

Ms. Shelley Martel (Nickel Belt): Thank you very much for being here today. Over and above the amendment, which I acknowledge is important, it seems to me that one of the biggest challenges is that of public education, so that people understand what obesity is. There’s not much in terms of what’s going to happen once the standards start getting developed to advise people about what the changes are, what they should be looking for in terms of changes, what they can expect, what their rights are. Do you have some advice you can give us with respect to: (a) Should people who represent your organization be on the standards committee, to which I assume you would say yes; and (b) what could we be doing around issues of public education, both for the medical community, broadly speaking, and the general public that would make a difference?

Ms. Martin: I think this committee can recommend that morbid obesity be inserted in the law—that’s the first step—because that is publicly acknowledging that obesity is a disease. That’s the leadership we need. It has

to come from our leadership, and once we have that acknowledged from our leadership, others will follow. It’s like anything else when you want to change attitudes: It has to come from our leadership. So what we’re looking for today is your leadership.

Mr. Peter Fonseca (Mississauga East): Thank you very much for your presentation. Knowing that obesity is an epidemic and looking at morbid obesity, I know our government has taken steps to get rid of certain barriers toward obesity, or those who are going along the obesity chain, and that may be around taking away junk food and pop out of schools. Would you say those were good barriers that were taken out of an institution?

Ms. Martin: Those are physical things you’re taking out? Yes, anything is good. Now, you’re talking prevention, as if it’s our own fault; that if we didn’t eat that junk food, we wouldn’t be obese. So it’s a little bit different. It’s a start, yes, and it’s going to help, but it’s the attitudes. It’s exactly what you’re saying. People think, “We’ll prevent it.” No. Obesity is a disease that you have to manage, but certainly it’s a step.

Mr. Fonseca: I agree with you that we have to take away that stigma and work with everybody in Ontario toward a healthier lifestyle in terms of what we eat and moving our body in terms of activity.

Mr. Jackson: Thank you for your presentation. When I was meeting with the federal transit commission—and I was concerned that we don’t have jurisdiction as a province in those areas—I was impressed however with the fact that they were making provisions in some instances for airlines and, to a lesser degree, for transit—something we have done nothing about in Ontario. Could you briefly comment about, first of all, the successes federally and how that might play out provincially? It seems that’s the one issue of handicapped access where they’ve at least acknowledged and are trying to make an effort. We’re not doing it here in Ontario.

Ms. Martin: Brian, would you like to comment on that? That would be Air Canada.

Mr. Brian Hanulik: My name is Brian Hanulik. I’m with Cavalluzzo Hayes, a law firm here in Toronto, with Ms. Martin. Certainly the Canadian Transportation Agency has recognized that obesity can constitute a disability in the context of that particular act, especially where an individual can make out that their condition impairs their ability to function equally. I think that’s another important step the Ontario government can perhaps look at in terms of eliminating those barriers for people who suffer from morbid obesity.

The Chair: Thank you very much for your presentation.

CANADIAN UNION OF PUBLIC EMPLOYEES

The Chair: We’ll move on to the next presenter, the Canadian Union of Public Employees. While you set up, let me remind you that there are people translating what is said in this room, so keep in mind that there has to be

enough time to translate properly. You also have 15 minutes total, so if you choose to leave some space for questions or comments from members, you can do that. Whenever you're ready, you can start your presentation.

Mr. Jackson: Mr. Chairman, I have a request for information. Please be seated. I didn't mean to interrupt. I would request that research obtain a copy of the federal transit legislation which references obesity so that, as committee members, we can look at that and consider it. Thank you.

The Chair: Please start by introducing yourself.

Mr. Fred Hahn: My name is Fred Hahn. I'm the second vice-president of the Canadian Union of Public Employees in Ontario. I'm here today with Judy Wilkings, who's on my left. She is the legislative liaison assigned to CUPE Ontario as a staff member. I'm also joined by Teresa Colangelo, who is a member of our workers with disabilities committee in Ontario. We really welcome this opportunity to participate in this dialogue on the Ontarians with Disabilities Act and the proposed amendments to Bill 118.

We are, of course, part of this ongoing dialogue, as a union in Ontario. We are the largest public sector union in the province, with some 200,000 members in Ontario and over 530,000 members across Canada. We know that our membership is comprised of a variety of diverse socio-economic backgrounds and that we have many members who are themselves workers with disabilities. We also have workers who provide supports to people with disabilities, in schools across the province, in group homes, in social service agencies, in health care facilities and in other kinds of workplaces across Ontario. So we consider our union to be a fundamental part of the discussion.

We also consider it to be a fundamental part of our mandate as a trade union to negotiate and to make sure that we can enforce collective agreements that are consistent with human rights protections, that ensure accommodation and inclusion in our workplaces, and to make sure that our members with disabilities, as workers, have inclusive workplaces.

We have a historic record in CUPE of being very active in Ontario. We're quite proud of the achievements we've made as a union in helping to advance the interests of persons with disabilities and workers with disabilities, not only in our union but across the province. We've not only contributed to the struggle for progressive laws and policies in relation to people with disabilities, but we've also operated within the existing legislative schemes that provide and facilitate support and accommodation for Ontarians with disabilities, to enable, extend and enhance their working lives and their lives as citizens of the province. We've been vocal in recognizing where systemic exclusion of persons with disabilities from the labour force and from other places presents problems for us and for our members, and we think for everyone in Ontario.

In light of the 11 principles of the Duncan resolution and various recommendations submitted to the Ontario

government last year, we really see the amendments in Bill 118 as a very positive step forward. We specifically want to commend the government for making the bill applicable to both the public and the private sectors, for drafting a very broad and inclusive definition of disability and for demonstrating an inclusion that ensures that provisions of legislation are enforced. But we still perceive that Bill 118 is actually a work in progress and we'd like to offer some suggestions, in a respectful way, for amendments to the legislation.

The bill requires the development and implementation of accessibility standards to be achieved in a very broad time frame, and we believe that time frame needs to be tightened up. It needs to be done in a much more timely manner. In particular, we're recommending that the standards development committees should be required to develop their standards and the accessibility requirements within two years, which would be under the mandate of the current government, and that would include a process of public consultation. We believe that's a real way to demonstrate overt commitment to people with disabilities.

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We believe that the bill ought to require the full participation of unions and professional associations in any of the development and implementation of the accessibility standards for unionized workplaces. CUPE Ontario endorses the position taken by the Ontario Federation of Labour on this matter, and we strongly recommend that unions participate in the accessibility framework in a twofold way:

Unions and employers should be required to negotiate accessibility plans for each unionized workplace. In accordance with the Ontario Human Rights Commission's Policy and Guidelines on Disability and the Duty to Accommodate, accessibility plans would provide for barrier-free, inclusive and accessible workplace design, the removal of any existing barriers, and the accommodation of remaining needs of workers. To ensure consistency within an accessibility framework, the plans would also accord with the standards established by appropriate other pieces of legislation and the bill itself under the standards development committee.

Union representatives should be included as members of the standards development committee under section 8 of the bill.

The concept of accessibility plans is based on the pay equity plan framework established under the Pay Equity Act. The plans would allow unions and employers to work together to ensure that each individual workplace is fully accessible, inclusive and barrier-free.

By including unions as participants in the development and implementation of accessibility standards, the government of Ontario would ensure that the process benefits from the vast expertise of unions in Ontario in addressing and promoting the needs and concerns of Ontarians with disabilities in relation to accessibility matters, such as return to work, modified work in the workplace and any other workplace accommodation.

Indeed, it's critical that Bill 118 explicitly provide for union participation in the accessibility framework. The Pay Equity Act provides useful guidance in that respect.

We're also recommending that the minister retain experts to provide advice to members of the standards development committees, and that the bill provide directly for reasonable public funding and support for matters related to the achievement of accessibility standards. These should include education and awareness campaigns, the implementation of accessibility standards in the workplace and for both public and private spaces, training and skills development programs for individuals working with persons with disabilities, and the work of disability advocacy groups.

Further, we're recommending that the bill require that all current Ontario legislation be reviewed and all future legislation being drafted be reviewed in a manner that will ensure that Ontario law fully accords with the requirements of a barrier-free, accessible and inclusive design for workplaces and public spaces.

We recommend that the bill be more clear and specific in provisions, particularly in relation to the administration and enforcement of the bill. We strongly recommend that in relation to administration and enforcement there be an amendment to Bill 118 and that it be modelled after parts IV and V of the Pay Equity Act. Specifically, revisions should include: provisions to establish an accessibility commission consisting of an accessibility hearings tribunal and an accessibility office to administer and enforce the proposed act; provisions establishing the composition, powers and duties of this new hearings tribunal, and provisions establishing the composition and powers of the accessibility office; and provisions establishing a complaints process under the proposed act, including provisions related to the filing, investigation, mediation, hearing and resolution—either through settlement or penalty—of any complaints such that a person or an entity may complain that there's been a contravention of the accessibility standard, the act or its regulations, and any other order of the commission.

In conclusion, CUPE Ontario is very thankful to have the opportunity to submit the above comments for consideration by the standing committee. We really, again, want to commend the government for progressive strides that are reflected in Bill 118, but we also clearly want to emphasize what we see as the critical importance of amendments to this bill, to ensure union participation in the development and implementation of accessibility frameworks, and to make sure that we can strongly have amendments that would guarantee financial support for accessibility frameworks and greater accountability and enforceability of the act.

CUPE Ontario presents these submissions not only on behalf of the 200,000 members we have in the province of Ontario, but we believe that these amendments would benefit all Ontarians, particularly those with disabilities. As dedicated advocates of the struggle against discrimination and injustice, we're committed to pursuing a progressive social, economic and institutional reform to

create communities and workplaces in which everyone can equally participate and equally flourish. Thank you.

The Chair: Thank you, Mr. Hahn. There are two minutes left, and I'll start with Mr. Jackson.

Mr. Jackson: Fred, thank you for your presentation. David Lepofsky will be here later this afternoon, and he has indicated that there were some sections of the previous bill that were put in there specifically for CUPE and OPSEU workers, in particular section 8, which says the government of Ontario shall accommodate the accessibility needs of its employees in accordance with the Human Rights Code. That was specific. It went further to say, when you're applying, there has to be full accommodation. Then there's a third section, which says that Management Board is directed and must provide the funds to each ministry in order to achieve that. Are you aware that those three sections are being deleted in this new bill? Are you aware of that?

Mr. Hahn: Yes.

Mr. Jackson: Are you OK with that?

Mr. Hahn: Part of what we're concerned about would be an overall way in which the bill doesn't have teeth.

Mr. Jackson: That's not what I'm asking you. I'm asking you, as a CUPE—I fought hard to get this section in. It was one of the biggest fights I had. Specifically, it was put in because there was discrimination, when I was minister, trying to get someone to help my unit, and I couldn't get that person hired. I had to pay for it separately. I was offended by it. I was hurt by it. The fact is that this is a level which the chief commissioner from the Human Rights Commission has said is essential, and it's being removed from the bill.

We're not talking about teeth here. We're talking about not having to send all of your members down the road to Keith Norton, when you can file a grievance and it will cover you. This is a monumental piece of this legislation. We're not saying whether the old bill was good; there were some pieces in it that Mr. Lepofsky says must be retained.

The Chair: Thank you, Mr. Jackson. Ms. Martel.

Ms. Martel: Thank you for being here today. Let me deal first with the negotiated agreements in the workplace, which I agree with. Just to be clear, so that no one can say there would be duplication of this effort, if you're collectively bargaining agreements and then a standards development committee is also studying standards, you could collectively bargain a settlement in your workplace, and whatever new standards are developed could then be applied to the collective agreement at a later date so that the collective agreement is consistent with the standard; I'm correct?

Mr. Hahn: Absolutely.

Ms. Martel: That would be the best way to do it?

Mr. Hahn: That would be the best way to do it. In fact, that's the way we recommend our locals do it under the pay equity framework as well.

Ms. Martel: Why do you think it's important that you be able to collectively bargain for removing barriers?

Mr. Hahn: Unions have the responsibility to represent the workers in the workplace, including those workers with disabilities. That's why we collectively bargain in terms of our collective agreements. If there are standards and provisions that are put in place without involving unions, there may be many complications. There may, in fact, be levels of expertise that unions have by representing front-line workers that would actually make it easier to have accessibility plans for each workplace and actually make their implementation easier and smoother for the workplaces.

Ms. Martel: It could be more specific to the challenges in that workplace.

Mr. Hahn: That's right.

Mr. Ramal: Thank you for your presentation. I just want to go back to the old bill, ODA. You mentioned very clearly that it had no teeth. It didn't matter what element, what subdivision or what section was in it; there was no value, because it had never been enforced. How do you see, in comparison to Bill 118, the enforcement mechanism in it, and do you think it's the only or best way to eliminate the barriers for the future?

Mr. Hahn: Part of what we're concerned about with the proposed bill is that it talks about the fact that regulations may be implemented to aid in enforcement. It doesn't say they will be, and it isn't clear what they would be. Part of what we're trying to say is that rather than allowing regulations which may or may not be implemented, the government draft a bill that is up front, that actually puts mechanisms in place in the bill itself, that articulates timelines that are more immediate and that also articulates a process by which people can be sure and understand how they could complain or get assistance in terms of accessibility, time frames and workplace- and community-based plans.

The Chair: Thank you very much for your presentation.

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CANADIAN PARAPLEGIC ASSOCIATION ONTARIO

The Chair: The next presentation will be from the Canadian Paraplegic Association. You have 15 minutes for your presentation. Please keep in mind that someone is translating.

Mr. William Adair: Mr. Chairman, committee members and guests, on behalf of the Canadian Paraplegic Association Ontario, I'd like to thank you for the opportunity to address the standing committee on social policy this afternoon. My name is Bill Adair. I am pleased, as the executive director, to represent the views of our organization, along with Linda Kenny from our staff. I bring regrets from the vice-chairman of our board of directors, Lynda Staples, who is ill today and not able to make it.

The Canadian Paraplegic Association was founded in 1945 by returning World War II veterans. For the first time in history, people with spinal cord injuries lived

beyond their injury and banded together in mutual support. A movement built on the values of peer support, advocacy, independence and enhanced quality of life was born. These values have remained the cornerstone of the CPA ever since.

Those early pioneers who formed our organization provided an exemplary legacy, rising above oppression, removing barriers, promoting inclusion and persevering over adversity. With no legislation, no human rights protection and no real political will, they succeeded in forging a path that has benefited many Canadians with disabilities.

With the introduction of Bill 118, we honour the legacy of our founders and begin to build a province that recognizes the equality and inherent value of all citizens. Sixty years of providing services to people with spinal cord injuries and other physical disabilities have given us the experience, expertise and credibility to understand many of the barriers faced by Ontario citizens. We do not propose to represent the interests of all Ontarians with disabilities; however, we are supportive of the need to effect a change that will enable all Ontarians to achieve equal opportunity to fully participate in the rights and obligations of citizenship.

CPA Ontario has long championed the need for strong, effective legislation that promotes inclusion, and we once again want to endorse the 11 principles put forward by the ODA committee. Over the past decade, we have worked with the ODA committee, played a part in lobbying government, participated in the hearings of the standing committee on finance and economic affairs in 2001, attended round-table and public consultations last winter and were very honoured to sit in the Legislature on that historic day last fall, October 12, when Bill 118 was introduced.

CPA Ontario is pleased to lend its support to Bill 118. We commend the Ontario government, and particularly Minister Bountrogianni, for leadership in bringing this legislation forward. I also want to congratulate the former government—in particular you, Mr. Jackson, whom I've had the privilege of working with for many years—for laying the foundation with Bill 125, the Ontarians with Disabilities Act, 2001. And, Mr. Jackson, I just want to recognize our former colleague and co-worker, Darrel Murphy, who would be very proud of the progress we're making here today.

We applaud the position taken by the New Democrats in championing the rights of people with disabilities, and we appreciate the support of all three parties and their membership in supporting this new bill. We're hopeful that when this legislation is again before the House for third and final reading, it will once again pass on a unanimous vote.

Ms. Linda Kenny: CPA Ontario strongly supports the introduction of Bill 118. This legislation, for the first time in Ontario history, has the potential to enshrine the rights of all our citizens, including the 1.5 million Ontarians who live with a visible or invisible disability. Stakeholders from all facets of our province have embraced the

intent of this legislation. The act calls for a new Ontario to be built over the next 20 years. CPA Ontario believes this time frame is a necessary one to enable a fundamental change in attitude. The bill proposes to achieve a significant shift in the social and physical structure of our province, whereby all citizens are committed to creating a barrier-free environment that will support full participation in the rights and obligations of citizenship.

If I may, I'd like to digress for a second and just tell you a quick story that may illustrate that although we have come very far, we still have a long way to go. Just last week, we had a staff going-away luncheon for someone who was leaving. Three of our staff attended that luncheon, having travelled there together in one person's accessible van; all three of those staff use wheelchairs. Because of the snowbanks, they were unable to use street parking—the snow was all piled up on the street—and they went to an accessible spot at the nearest parking lot to the restaurant. The accessible parking spots in that location were either in use or had snow piled in them. The alternative, which might have been to use other surface parking, was not allowed to them by the attendant because he said it would take up two spots, and therefore he'd lose revenue. As a result, they spent most of the lunch hour driving around in circles at Yonge and Eglinton looking for a place to park. So although we've come a long way, I think we still have a long way to go in terms of attitude.

CPA Ontario shares the government's dream of an Ontario in which all its citizens belong and feel welcome, truly eliminating all barriers, be they physical, attitudinal or communicational. It is the intent of CPA Ontario to work with the government, private industry, disability organizations and people with disabilities to implement a strong and effective AODA in this province.

Our board, staff and members have thought carefully about this legislation. We have not come here today to provide a legal analysis or a clause-by-clause review; rather, we have prepared some important thoughts for your consideration. These are points that our members have told us matter to them. They are points that CPA Ontario believes will strengthen the effectiveness of the AODA, and they are offered to the committee for its deliberations.

First, that the Ministry of Citizenship and Immigration perform a lead role amongst all government ministries in providing for interministerial co-operation and new ways of working that will lead to the elimination of barriers and the prevention of new barriers. We know that services for people with disabilities fall under a broad range of ministries and funding formulas. Navigation of the system is, in itself, a significant barrier for the uninitiated. It is exhausting, and it can be ineffective. Harmonizing of services and supports is essential.

Second, that the Ministry of Citizenship and Immigration provide the resources necessary to ensure that people with disabilities have the opportunity to participate significantly, equally and effectively at the sector tables. This may entail providing consumer compensation, leadership training and support services.

Third, that the work of the sector tables proceed forthwith to develop and implement standards that are effective and achieved in the shortest time frame reasonable and possible, and that specific, meaningful targets are set to be achieved by 2007. Much concern has been expressed regarding the timelines. We understand the importance of balancing the needs of all stakeholders; however, it is our contention that there is sufficient knowledge, goodwill and momentum to demonstrate some early successes. Our members feel a sense of urgency to see those early and tangible results.

Fourth, that the Ministry of Citizenship and Immigration provide the necessary resources for organizations representing people with disabilities to participate effectively at the sector tables and to enable those organizations to work co-operatively to build leadership amongst their membership. Ultimately, the success of this legislation will rest with the ability of people with disabilities to participate equally at the table today, tomorrow and for all the tomorrows to come.

Fifth, that the legislation and its regulations are structured in such a way as to ensure progress toward the ultimate goal, regardless of who forms the government of the day. We have witnessed a collective acceptance of the intent of this legislation by all three parties. It is our hope that future progress will not be hampered partisan politics.

Sixth, we believe that equal focus and attention should be paid to the elimination of attitudinal and communicational barriers, as it will be to physical barriers.

Seventh, that the government of Ontario provide for an effective complaints mechanism to address issues of inaccessibility. If the Human Rights Commission is deemed to be that body, then the government of Ontario must ensure its practices are timely and fully accessible by people with disabilities.

Finally, that the Ministry of Citizenship and Immigration provide for an annual evaluation and public reporting of progress toward the elimination and prevention of barriers.

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Mr. Adair: Much debate has centered around the time frame in the act. Some have expressed concern that 20 years is too long for people with disabilities in Ontario to wait for full citizenship. CPA Ontario sees the year 2025 as the end point, the year that all citizens of this great province can be assured that they will be able to participate fully and effectively without concern for barriers: physical, communication or attitudinal. This legislation will enable a social transformation in our collective understanding and our acceptance in the conscience and in the hearts of all Ontarians. Along the way, however, there are many opportunities for progress and for success.

The legislation calls for setting sector tables and the development of accessibility standards. These will be the tools of change. CPA Ontario is eager to work with the government to develop these standards and to ensure people with disabilities have a real and significant voice at the table. As has been debated in the Legislature,

access means more than just building a ramp or widening a doorway. Access truly means ensuring there are no barriers to full participation in our society as a result of having a disability.

The AODA is not, however, about empowerment for people with disabilities. Rather, it's about equality: equal opportunity for people with disabilities to fully participate in the rights and obligations of citizenship. The dictionary definition of the word "empower" reads, "to give authority to or power to, to authorize." It would be erroneous to assume that we can or that we need to empower people with disabilities. To do so would imply that there is a group of people who have more power or a superior status than others in society—that is, people with disabilities—who are less than equal. On the contrary, the AODA will create an environment where people with disabilities will enjoy equal footing with other key stakeholders in order that we can all work together with the same level of responsibility and power. Together, we will build a better understanding of barriers, develop successful strategies for avoiding and removing barriers, jointly manage implementation and celebrate success.

So the concept of empowerment comes from a paradigm that assumes people with disabilities will only have power if it is given to them by able-bodied citizens. The paradigm presented in the AODA correctly assumes that all people are equal, regardless of their ability, and that by working together we will successfully educate people in all communities across our province, change attitudes and build an Ontario where inclusivity is the norm.

Before I close our comments, I'd like to share some borrowed words of wisdom from General George S. Patton, who our founding fathers and mothers in World War II had the pleasure of benefiting from. General Patton said, "Never tell people how to do things. Tell them what you want them to achieve and they will surprise you with their ingenuity." Ontarians know what they need, Ontarians are eager to transform our society, and the government, through Bill 118, is giving us the means to do so. We're anxious to start on this historic journey. We will surprise ourselves with our own ingenuity.

Thank you very much for your attention and best wishes for continued success.

The Chair: Thank you for your presentation.

COUNTY OF SIMCOE ACCESSIBILITY ADVISORY COMMITTEE

The Chair: The next presentation is from the county of Simcoe accessibility advisory committee. I believe they're here.

In case anyone needs assistance, there are two individuals at the back of the room who are available for any assistance within the building. So if you do, please let me know.

I can also remind you while you get ready that there is a translator for what you say, so keep in mind that she needs time to translate. You can proceed any time.

Mrs. Sandra Johnston: Honourable members of the standing committee, thank you for allowing me to come today and address my pleasures and concerns with Bill 118. My name is Sandra Johnston, and I am here today wearing two hats. I would like to begin my presentation by discussing the concerns and recommendations as the chairperson of the county of Simcoe accessibility advisory committee. I would then wish to take on a more personal role in discussing trepidations I have with Bill 118 and my recommendations for amendments. I'll be illustrating my thoughts using examples. This will be followed by a short question-and-answer session, if time allows.

As chairperson of the Simcoe county accessibility advisory committee, our committee has found that Bill 118 is a wonderful bill and certainly a huge improvement on the current Ontarians with Disabilities Act, 2001. However, we have some concerns. Our main issue is that of compliance orders. Subsection 21(4) is not clear on what action can be or will be taken if there is an authorized issuance of an order against an organization that isn't complying with an applicable accessibility standard.

How were the standards determined? How is Bill 118 actually enforced? How does an organization know if they are in fact included in the standard, and how will a minister or the standards committee inform organizations of inclusions and timelines for compliance? Who can report organizations for non-compliance? An inspector may enter a premise without warrant and demand or seize documents relating to removing or preventing barriers. Can an inspector come without notice or without compliance periods explained to the offender?

This brings me to subsection 38(3), which states the maximum fine is \$50,000 per day for a person who does not obey an order, or \$100,000 for each day that a corporation does not obey an order. What are the minimum fines? Who sets these fines? How are the fines determined?

Another concern is that Bill 118 does not state time frames for the proposed regulations. How will organizations be notified of what changes must be made and by when? Bill 118 must set precise time frames by which the government of Ontario must implement each step necessary to carry out this bill's main essentials.

Also, Bill 118 should have key targets that must be implemented by certain time frames throughout the bill's 20-year completion period. This process will help to ensure that the progress is consistent, meaningful and definitely with merit.

Under the current ODA of 2001, each municipality of 10,000 or more residents must have an accessibility advisory committee. The role of this committee is to make recommendations to the council of their municipality. However, the council may or may not take any of these recommendations into consideration. What re-

course do the members of the accessibility advisory committees have?

Subsection 29(5) of Bill 118 should reflect positive changes in that the councils have to give reasons for rejecting recommendations in a reasonable time frame; say, a period of one month. This will help members of the committees in making further recommendations or revising advice already given.

Subsection 29(3) reads: “A majority of the members shall be persons with disabilities.” The following should be added: “These members must be able to fully participate in the needs of the committee.”

Section 8 of Bill 118 concerns standards development committees. Who will be responsible for setting up such committees: each municipality, the provincial government, or maybe both? Possibly each county will have its own standards development committee. Bill 118 doesn't state how many committees there should be or a timeline for setting up these committees. What will these committees actually address? Will there be separate committees for the public and private sectors? More information is needed about these committees, and who will be responsible for having them.

On behalf of the Simcoe county accessibility advisory committee, I thank you for giving me the opportunity for sharing some of our comments and concerns. I will now switch hats and speak to you about concerns I have as an individual with a disability.

As I have mentioned, I am the chairperson of the Simcoe county AAC. I also sit on the Simcoe County District School Board accessibility advisory committee, and I am past member of the city of Barrie accessibility advisory committee and past social action director for the county of Simcoe Multiple Sclerosis Society. I am also a public education trainer for the Simcoe County Association for the Physically Disabled, working to bring sensitivity awareness about people with disabilities. It has been a pleasure sitting on these committees and carrying out the work of the current ODA.

1350

The proposed Bill 118, which I hope will be the new Accessibility for Ontarians with Disabilities Act, 2004, gives me enormous hope for the future of people with disabilities. If this new bill is passed, independence and freedom will not just be on the minds of people with disabilities; it will be their reality. For that, I wish to commend all of those people who have been involved in bringing this bill to fruition.

I would ask that you take a few moments and imagine the following: One day, you're out with your spouse, shopping and enjoying lunch. The next day, when you wake up, you cannot get out of bed. Your legs are so weak that they cannot support you. You can no longer walk. You need help with everything—with bathing, dressing, even transferring to using the toilet. After weeks of hospitalization and tests, you are diagnosed with multiple sclerosis. You are now a person with a disability.

Time goes on, and you adjust to your own environment. However, the outside environment is a whole new,

inaccessible world. You can no longer hop in the car and go shopping, because your wheelchair doesn't fit in the car; you need a van. You need someone to be able to transfer you into the van, and then they must be able to load your 260-pound power wheelchair into that van. You cannot access public transportation, because you live in an area to which transportation is not offered.

Time goes on, and you fix the problem of no vehicle and no person to help you. You can finally go shopping or maybe out to dinner, but wait—you arrive at the store to realize there are steps into the store; can't shop there. You go to the mall; there are no steps into the mall. Your companion or spouse parks your vehicle, unloads your chair and helps you into it. You're on your way to a long-awaited shopping adventure. But wait—you can't get in the doors because someone has blocked the ramp with their vehicle. After all, they're only running into the mall for a moment or two. You have to wait by their vehicle and hope that they're not too long. It starts to rain. What do you do?

Finally, they come and they move their car, all the while, not daring to even look you in the eye. You decide to visit the washroom in the mall to dry off and, well, do what you do in the washroom. Great—there are two doors to get through and no electronic buttons to help you in. The washrooms are gender-specific. How do you get in and out, again, by yourself? Your spouse can't go in the washroom with you, because that's not socially acceptable. You eventually get in with the help of a stranger. You get to the accessible stall, only to find that your chair can't fit through the door, or maybe it fits through, but you have no room to transfer. Ugh. You just want to go home. So much for a long-anticipated shopping adventure.

This is only one incident that has happened to me. I have many more stories for you, but obviously, not the time to share them. I can't tell you the number of buildings, such as stores, restaurants, theatres and hotels, that I cannot go to because they are not accessible. Bill 118 can make a huge difference. There are a few areas of Bill 118 that I would like to address.

Section 4 states, “This act applies to every person or organization in the public and private sectors of the province of Ontario to which an accessibility standard applies.” I would recommend that the last few words, “to which an accessibility standard applies,” be taken out. That way, there is no question to whom this act is referring. It should refer to everyone, each and every one of us.

Bill 118 doesn't sufficiently address the barriers that persons with disabilities face in the design, development and construction of buildings in the public or private sector, including residential development. It has been my experience that the experts involved in these areas are familiar with the Ontario building code, but not what is actually needed for barrier-free design.

My recommendation would be that those people working in the building environment be trained on barrier-free design. Developers of residential sub-

divisions should have at least one model or at least a blueprint on a barrier-free-designed home—

The Chair: I would just ask you to slow down.

Mrs. Johnston: OK, sorry—available to anyone wishing to purchase such a home. I also think that the Ontario building code should be updated and coordinated with the standards set out in Bill 118. Other areas that are not addressed are the design and manufacture of products for sale to the public, as well as barriers impeding access by persons with disabilities to transportation.

This now brings me to the standards development committees, which is section 8 of Bill 118. It is of extreme importance that the standards committees, and also the Accessibility Standards Advisory Council, include consultations with persons with disabilities. Will these committees address such things as transportation and the building environment? They should also address employment issues, and the retail or private sector, to name but a few. How does an interested person get on a standards committee? This should be a quick, thorough process. Who will have a standards committee? Each municipality, the county, or is it just government level?

The ODA of 2001 states that each accessibility advisory committee is made up of volunteers. These volunteers must often finance their own expenses in participating with the accessibility advisory committee. The current ODA of 2001 does not provide funding to municipalities for members of municipal accessibility advisory committees; however, there is provincial funding for members of the accessibility council of Ontario.

Bill 118 should again reflect positive changes, and I recommend that councils pay fair compensation and fair expenses to the members of their AACs. There should also be funding allotted for the participants of the standing committees. This will take into account the number of volunteer hours that a person gives and the effort it takes to participate in either of these committees. It has been my experience that the volunteers of the AACs do the majority of the work, preparation and research time, while the staff of the organizations attend the meetings for which they are paid.

One other recommendation I would make under Bill 118 is to stipulate a minimum number of meetings that an organization may have of the accessibility advisory committees per year. One committee that I currently sit on has not met for seven months. How is anything supposed to be accomplished if the committee is not meeting?

It is frustrating to be on a committee whose chair does not make accessibility a priority. Frankly, subsection 40(1) of Bill 118 scares me. This section gives the provincial cabinet power to pass regulations, and again I quote, “exempting any person or organization or class thereof or any building, structure or premises or class thereof from the application of any provision of this act or the regulations;”

To me, this could potentially destroy the effectiveness of Bill 118. There should be no exemptions, period. Otherwise, we are not going in the direction of having a

totally barrier-free province. Every organization, whether public or private, must be accessible under the Ontario Human Rights Code. Why make it complicated by having such a provision in Bill 118? Every organization, public or private, will have the benefit of having people with disabilities access and use their establishment and spend their money. Yes, an organization or person may have to spend money to make their place accessible under the act, but they should realize, as the old saying goes, “short-term pain for long-term gain.”

My last recommendation for Bill 118 would be to make sure that it is written in such a way to ensure that future governments cannot change it to not implement the prevention and removal of barriers for people with disabilities. The same would be for the standards committees: make sure that they cannot be disbanded and that the political theories of future governments do not interfere with the agenda of Bill 118. This will ensure that the standards committees do what they are set up to do. Also, make sure that people with disabilities are included in the standards committees and are fully able to participate.

Again, I would ask that you take a moment and imagine this: Bill 118 was passed and accepted unanimously. It’s a few years down the road. Your spouse calls you from work and asks you to go meet him or her at a restaurant for dinner, and then a movie. You can go. There is transportation to take you. The restaurant is fully accessible, including the washroom. You can get into the movie theatre and watch a movie, something you haven’t been able to do for years. You are actually having a spontaneous date with your spouse. How wonderful and free a feeling it is.

With the passing of Bill 118, our Ontario can become fully accessible for everyone. With your help, this really can become my reality. Things that able-bodied people take for granted will be available to me and my peers. Your reality can become my reality. Please make it happen.

1400

The 20-year time span is a long time in my world, but it is better than nothing. We have come a long way in the past few years, especially with the inception of the ODA of 2001. We’re headed in the right direction. People with disabilities do not want special treatment; we just want equal treatment.

Thank you for giving me the opportunity to speak with you today. I have discussed the concerns and recommendations there are as a chairperson of an AAC, as well as my personal feelings regarding this issue. I can’t tell you how grateful I am to be able to be here.

I’d just like to leave you with this thought: The transportation issue I mentioned—my husband took the day off work today so I was able to be here. Otherwise, I wouldn’t have been able to come. He knew how important it was that I was able to do this. Thank you, Tom.

The Chair: Thank you very much for your presentation, Ms. Johnston.

ONTARIO HOSPITAL ASSOCIATION

The Chair: We will be moving to the next presentation, and that is from the Ontario Hospital Association. Are they in the room? Yes.

You can start any time you're ready, sir. Keep in mind that the translator needs time to do his job.

Dr. Gaétan Tardif: Good afternoon. On behalf of the Ontario Hospital Association, I'm pleased to appear before you this afternoon to offer recommendations on Bill 118, the Accessibility for Ontarians with Disabilities Act.

My name is Dr. Gaétan Tardif. I'm vice-president of medicine and physician-in-chief at the Toronto Rehabilitation Institute and director of the division of physical and rehabilitation medicine at the University of Toronto. With me today is Elizabeth Carlton from the Ontario Hospital Association.

I'll keep my comments quite brief; going against the grain of a university professor, who usually is a little long-winded, and hopefully we'll be able to engage in a dialogue at the end of my comments.

I want to start by taking the opportunity to talk to you about what hospitals are doing to enhance accessibility for persons with disabilities within their facilities and the challenges that we currently face.

The OHA and hospitals are very supportive of efforts to enhance accessibility for persons with disabilities. Serving the special needs of their patients, clients and communities is integral to the mandate of hospitals. Indeed, when you think of it, every patient who comes through the hospital doors has an impairment, whether it is of a temporary or a more permanent nature. Hospitals have, therefore, consistently strived to ensure that the needs of all Ontarians are met, through such initiatives as the construction of new facilities, refurbishment of existing facilities, or simply the manner in which we provide service.

With the enactment of the Ontarians with Disabilities Act, the hospitals have been preparing their annual accessibility plans to identify barriers in their policies, programs, practices and services, as well as ways in which they can minimize and eradicate these barriers.

To assist hospitals in preparing annual accessibility plans required by the ODA, the Ontario Hospital Association collaborated with the Ministry of Citizenship to prepare a tool kit, which included the sample plan for hospitals to follow, frequently asked questions, as well as additional resource material. This was distributed to all hospitals in March 2003.

Since the enactment of the ODA, the OHA has also held several conferences on the act and related disability planning. These conferences have educated hospitals on their legislative obligations, provided a perspective from the community, and offered instructive lessons learned from other sectors. The OHA and its member hospitals thus appreciate the importance of making public facilities more accessible and have done much to promote best practices in this regard. But we really want to be able to

do more. For this reason, we very much want to ensure that laws to enhance accessibility are effective, that they meet the needs of Ontarians with disabilities and the goals of legislators and, more importantly, that they stand the test of time. To do that, we believe that legislation must be both balanced and workable.

Bill 118, as currently drafted, has many commendable features. For example, the definition of a barrier as "anything that prevents a person ... from fully participating in all aspects of society" is one that we endorse and that I personally, as a health care practitioner, certainly fully endorse.

We also support the establishment of accessibility standards developed by sector-specific committees composed of persons with disabilities, representatives from that sector and related ministry representatives, and then vetted by the public. We believe that this is an approach worth exploring. There are several issues that may need to be clarified in this regard. The first relates to the identification of sectors: Would hospitals be regarded as one sector or be part of overall standards for health? We also wonder whether it might be useful to set out criteria to guide the committees in the development of those standards and to ensure a consistent and balanced approach. Another issue that needs to be considered is what happens in the event that consensus could not be achieved. How would such a situation be addressed? The legislation is not entirely clear on this point.

I want also to touch briefly on a concern we have respecting enforcement of the bill. As a clinician, I have difficulty with the notion that an inspector would be able to enter a clinical environment where care is being conducted without the consent of the patients. The issue needs to be carefully considered and clarified.

We will be elaborating on these issues and making suggestions for possible amendments in our written submission. But in our remaining time with you, we would urge you to look beyond the legislative provisions of Bill 118 and think for a moment about its potential applications. The reality that cannot be ignored in the effort to enhance accessibility is available resources. Change cannot be achieved simply as a result of the best efforts of committed individuals. They must also be given the necessary tools to make change happen. Many of you are no doubt aware of the pressures hospitals are currently facing to decrease their expenses. In many hospitals, this has meant the reduction or elimination of important initiatives, particularly those that do not involve a health care professional in direct provision of care. This is unfortunate, but it's a reality we must contend with in the current fiscal environment.

Hospitals are forced to make tough decisions about how they spend money, and unfortunately, accessibility is and will remain one of the many competing demands in the long list of critical issues demanding our attention, such as patient safety, staff safety, quality of care and a few others. When you factor in the fact that most hospitals were built over 40 years ago, the cost entailed in reducing physical barriers alone is daunting. We

therefore believe that to be truly effective, initiatives to enhance accessibility must acknowledge these very real challenges and provide practical solutions.

Too often, new legislative requirements translate into costly initiatives in the absence of new funding. The result is that those responsible for implementing the legislation are given an almost impossible task. As I stated earlier, hospitals are natural champions of accessibility for all but are constrained in their ability to do what truly needs to be accomplished. With Bill 118, we really do not want to be set up to fail.

We would therefore suggest that consideration be given to the allocation of dedicated funding for the implementation of new accessibility standards and their supporting technology, be it for the installation of accessible washrooms, the redesigning of Web sites, the hiring of sign language interpreters, all the way to the application of artificial intelligence technology that can allow people with physical or cognitive impairments to manoeuvre safely and independently in our society.

We would also hope that much-needed educational materials and supports, so integral to combating attitudinal barriers, will ultimately be developed at a provincial level by the standards advisory council. These would be invaluable to those working within a limited budget and would ensure a more consistent approach to accessibility across the province. These resources need to be available to all sectors. While we believe that the health care sector should be exemplary, we also want to know that when patients return home to their communities, they have the supports they need to live full and independent lives. The Ontario Hospital Association and hospitals are committed to doing whatever is necessary to make hospitals more accessible to the disabled, but we need your help to make that a reality.

Once again, thank you for the opportunity to appear before you. I would certainly welcome questions, if we have time.

1410

The Chair: We have one minute each, and we'll start on the government side.

Ms. Wynne: I take your point about resources. I'm looking at this tool kit that you included in the package, and I just want to get a handle on the difference between the reality, if and when this bill is passed, as opposed to what we're living under now. This is a template for a hospital's planning process. So a hospital could go through this planning process, and then what would happen to the plan?

Dr. Tardif: That's an excellent question. All hospitals are mandated to develop accessibility plans. Certainly, I've helped and I've asked some of my colleagues to develop these plans. You identify a lot of barriers within your hospital. We have not really had a lot of feedback on these plans from government, from the Ministry of Health.

Ms. Wynne: So the plans were developed without relation to a standard and you haven't got feedback on

them, and the hospitals could implement or not implement.

Dr. Tardif: It would be helpful to have best practice examples from the ministry on that topic. Hospitals have implemented a lot. I know that from talking to colleagues, and I know that in my own environment we do that. It's been a very interesting process, in that you do identify things you never realized, once you spend a few hours. You need to actually think about it.

Ms. Wynne: But it was a plan, not an implementation.

Dr. Tardif: Correct.

The Chair: Mr. Jackson.

Mr. Jackson: Just to build on Ms. Wynne's point, the original purpose was to prioritize which areas of the province would move toward standards, and hospitals were deemed to be one of the first priorities. The reason wasn't just because of accessibility; it was because the province was investing hundreds of millions of dollars in new construction and the point was that we really wanted to try to get the new construction to conform to the best possible standards, because there are standards all over the place. Unfortunately, cabinet didn't support the notion that over a 10-year period, X and Y should be done, because the hospital association at the time said, "Look, we don't even have an inventory. We don't know what the standards are. We need to create them."

I think what's insightful here is three things. The ministry reacted quickly and worked with you directly on a tool kit so that you now have your inventory. That means, once you have a standard, you can now go out and cost what it would be to get you up to that standard, both in retrofit and in new construction. So that progress has been made.

The issue I'm having a concern about is that this will no longer be relevant or be utilized, given that the requirement to file plans is being dropped in the new legislation. Now there are a lot of good things in this legislation; I'm not here to suggest a wrong point. What I'm trying to say is that we're hearing we need a process to audit what's going on. We need people who are, to the best of their ability, skilled at understanding disability issues, which the people who worked on this document of yours have now become, in hospitals all across Ontario, and who are now in a position to say: "Do you know what? We can do a better job to this standard. We're now ready to do it. We've been sensitized. We've been trained. We've got a coordinated process." That was step one.

My concern is that we are now taking the Ministry of Health off the hook for governments of any stripe to make the political decision. Where is our priority? Are we going to put more money into MRIs, or are we going to put more money into making our hospitals more accessible? The public can never understand that question if it can't first quantify the need and determine just how much it might cost. Society will make those decisions, but what we're losing here is the ability for us to raise the question publicly, because the work hadn't been done. The first phase is done.

We now move to the second, which is the standards, but you in the hospital sector have to implement that. That's really what I want to thank you for, because you've done early work. Unfortunately, for the last year and a half, work such as this has been stopped in the college sector and the other sectors that were required to do it under the old act, but you did comply with it. I want to publicly thank you for your early work, and I hope it doesn't go unnoticed and unused.

The Chair: Ms. Martel.

Ms. Martel: Thank you for being here today. My concern would be how we ensure that what you did—because you had a responsibility to develop accessibility plans—is work that is not lost. How do you see the accessibility plans that have already been developed across the hospital setting fitting into the government's proposal for the development of standards?

Dr. Tardif: We'll give you some more concrete ideas within the written submission; however, the hospitals have found that process of having a plan quite useful, so it might not necessarily be something that needs to be dropped in its entirety.

Ms. Martel: I hope not.

Dr. Tardif: There might be a way to continue, even for the hospitals to continue to know where they can do better and be able to cost some of the capital expenditures that are required. If you cost all of it, it will be a scary number. However, there might be some easy wins. There are examples of recent easy wins, not in accessibility but, for instance, in targeted funding. We have nurses who are getting older and hurting themselves. So what happens? There are a certain number of electrical lifts that are being funded. Hospitals have no choice but to do this. I think there are limits on what should be prescriptive in a global budget. However, accessibility being prescriptive with the funding might be an excellent idea.

The Chair: Thank you very much for your presentation.

SENECA COLLEGE

The Chair: The next presenter will be Seneca College.

While they set up, may I remind the presenters to moderate their pace so that all the people in attendance are able to understand and appreciate the presentation equally. That's the way I started saying it yesterday, and I changed it this morning. We'll go back to the old line.

You have 15 minutes in total. If you leave some time, the members will be able to ask you questions. Proceed whenever you're ready.

Ms. Kim Raymer: Thank you, Mr Chair. My name is Kim Raymer, and I'm a resolution officer. With me are Cindy O'Brien, acting director—we're both from the Resolution, Equity and Diversity Centre—and Mr. Arthur Burke, director, Counselling, Learning Centre, Disability and Health Services, Seneca College of Applied Arts and Technology. On behalf of the Presi-

dent, Mr. Miner, our students and our employees, we thank you for the opportunity to come before you today and present Seneca's position on the proposed legislation, Bill 118, Accessibility for Ontarians with Disabilities Act, 2005.

Seneca is the largest college in Canada, with more than 100,000 full- and part-time students on campuses across the greater Toronto area. In addition, Seneca employs over 1,400 full-time employees. Seneca welcomes and supports people with disabilities in all academic, business and hiring activities as part of our ongoing commitment to diversity. Therefore, our accessibility planning not only includes our students but also our employees. Seneca's teaching and learning environment continues to strive for inclusivity at all levels.

After the introduction of the Ontarians with Disabilities Act, 2001, Seneca College set about to review its position, to ensure that persons with disabilities have an equal place in its academic setting, in both employment and education. Seneca recognizes that people with disabilities offer an untapped source of talent, skills, abilities and experience that add value in a competitive workplace setting. People with disabilities, especially our youth, are seeking the opportunity to obtain a post-secondary education to ensure that they have the skills necessary to be successful in the workplace.

Organizations with broadly inclusive workplace cultures increase tangible results, which include improved productivity, quality and morale, as well as an enhanced reputation as an employer of choice.

Seneca applauds the government for its work on Bill 118 and looks forward to its proclamation as law. Seneca College embraces the proposed legislation, as it inspires us to accept the challenge of ensuring the continued success of our students and employees.

Recent statistics at Seneca reveal a remarkable increase in the number of students who are currently accessing an educational accommodation. Fourteen years ago, Seneca reported 150 students with identified disabilities accessing educational accommodations. Today, that number has grown to over 1,500. In addition to our student accommodations, the college has assisted over 200 employees with workplace accommodations.

1420

Accessibility planning at Seneca has always been a priority for both students and employees. Since the mandate of the Ontarians with Disabilities Act in 2001, Seneca has taken an even broader approach to accessibility. Some examples of our commitment to accessibility include:

—Compliance upgrades to our physical environment are underway, with some completed. Renovations and new construction projects have assisted with meeting compliance requirements. Outstanding items requiring a significant financial investment are awaiting funding or inclusion in regular upgrading and maintenance.

—Assistive technology has been installed on student computers at all campuses, in computer labs and the learning commons areas.

—In addition to the ongoing counselling support students with disabilities receive, Seneca now employs learning strategists and an assistive technologist.

—The college offers a peer-mentoring service in addition to specialized academic programs such as the college vocational program and the general arts and sciences transitions program. These two programs offer support and academic opportunities for our students with learning and physical disabilities. Additionally, our Redirection Through Education and our Work on Track programs offer academic opportunities for persons with mental health histories.

—The college is now able to conduct full psycho-educational assessments, screen students for learning disabilities like ADHD etc., and do full career assessments on site.

Due to time constraints, we have chosen to focus on the following points, which we believe would strengthen the bill and ask for your consideration.

Will the college be restricted from dealing with community contacts, for example, co-op placement opportunities, contracted services and potential graduate employers that do not meet the mandate of this legislation?

We ask for guidance where health and safety concerns may be in question with respect to allowing a student to pursue an education where there are expectations of medical fitness. What will be the expectation of post-secondary institutions in these situations?

Will information for services offered externally, such as health care services for attendant care and transportation needs, be consistently and centrally organized and coordinated through one office?

Will access to information about funding offered externally—for example, OSAP, special-needs bursary and transition bursaries—be consistently and centrally organized and coordinated through one office?

Will textbook publishers be considered service providers under the legislation? If so, will they be mandated to provide textbooks in alternative formats to government-funded educational institutions?

Will educational institutions that are graduating architects and other professionals in the design and construction industry be required to include a subject on accessibility standards in their curriculum?

In light of Bill 118, does the Ontario building code establish satisfactory standards? Based on our experience with physical access upgrades, we ask that the Ontario building code be examined to ensure it meets the compliance requirements of this legislation.

We know that this committee is fully aware of the importance of funding. As you can appreciate, funding is one of the most prominent issues for post-secondary institutions. If traditional post-secondary institutions are to become fully accessible to all people regardless of disability, the funding required to meet the compliance obligations of Bill 118 must be reviewed. If additional funding is not available, then meeting the five-year target

dates set for implementation of standards will be difficult to achieve.

Seneca College is fully committed to implementing the requirements of Bill 118. As previously mentioned, Seneca College embraces the proposed legislation, as it inspires us to accept the challenge of ensuring the continued success of our students and employees. We ask this committee to review the comments we have identified and consider addressing these concerns in the legislation. We appreciate the opportunity you have given us to voice our support for the legislation.

The Chair: Thank you for your presentation. There is about a minute each, and I'll start with Ms. Martel for the questioning.

Ms. Martel: Thank you for being here today. Can I just bring you to point number 1, your first concern? I'm not clear that I understand it, and I wonder if you can explain it to me again and tell me what in the legislation gives you the concern that those people who come to you from co-op placements etc. would not have employers—I use that in the broadest sense—who would be under the legislation?

Mr. Arthur Burke: Generally, what happens currently—let's assume that we have a floral designer, that there is a co-op placement with a floral designer. I don't know if you've been to a florist lately, but generally speaking, if you can get in, the facility itself is not necessarily accessible: the height of a counter, for example, that you would design your floral design on, etc. These items present an issue for us as to that co-op accessibility. There are numerous others: Veterinary technicians, for example, face a similar type of thing. So when you address the issue of accessibility, you're talking about more than physically being able to walk in or roll in the door and use a washroom when it comes to issues of co-op and employment.

Mr. Jackson: I want to commend your sector, because you've done a good job with your accessibility plans and, more importantly, accessibility planning. I remember the first university I visited as minister was Lakehead. They had—I'll never forget it—a 10-year plan, and they were two years into it. No one had asked them; they took it upon their social conscience. And they affirmed what you said in your final recommendation: "Cam, we can't do it in five years, but we believe we can do it in 10 years, because we can't rely on government to be there for the money. It's a commitment we're making to our students."

I never forgot that, and I spent a little more time there as I tried to understand just—but what I was impressed by was the number of students who were unable to participate in their academic life unless the colleges confirmed—and as you know, there was a large capital expenditure and it was important that those monies be spent with this understanding.

Do you support the notion that accessibility plans and accessibility planning be continued in this legislation, so that you can tell the government, "This is what we can do, but we may need some help with these other areas as part of this process?"

Mr. Burke: Yes.

The Chair: Mr. Leal.

Mr. Leal: I want to thank the group from Seneca for their submission today. About a month after I was appointed parliamentary assistant to the Minister of Training, Colleges and Universities, I had a wonderful tour of Seneca with President Miner, and I was certainly impressed. Seneca is certainly at the forefront of integrating disabled students into the academic programs. But I will certainly commit to you today that I will take to Minister Chambers the seven points you've raised about Bill 118 and have our ministry review the very important issues that you raised within those seven points.

The Chair: Thank you again for your presentation.

1430

GLASNOST COMMITTEE

The Chair: The next presentation will be Patients' Right to Effective Treatment. I will remind you to moderate your pace so that all people in attendance will be able to understand and share the presentation equally. You have 15 minutes in total for your presentation and questions. Start any time you're ready, Madame.

Ms. Helke Ferrie: Good afternoon. My name is Helke Ferrie. I'm speaking on behalf of Patients' Right to Effective Treatment, but this is part of a group so I'll just give you an introduction to that. I am actually representing the Glasnost Committee, which consists of a number of groups: the Ontario Medical Association section on chronic pain and the Ontario Physicians' Alliance—between them, that's about 1,000 doctors; Citizens for Choice in Health Care—that organization is familiar to you through the support they gave to the Kwinter bill, the health freedom bill, that became law in the Medicine Act in 2000; an organization called RAINET, which works for people with multiple chemical sensitivity; then Patient's Right, which works particularly with asthma patients; a group called Patients and Friends of Dr. S. Kooner; and then myself, Kos Publishing. I run a publishing company devoted to books on medicine and the politics of medicine.

The Glasnost Committee was formed in the year 2000. The word "glasnost" is Russian and means "transparency." It became known worldwide through Mikhail Gorbachev. We chose this word in order to draw attention to the need for transparency in the politics of medicine. The doctors and patients of these groups felt very strongly that certain reforms were necessary with regard to the regulation of medicine in Ontario. The health issues for which we were seeking help from the Ontario government starting at that time were specifically for three problems: chronic pain, multiple chemical sensitivity and asthma. Patients in these areas were experiencing special hardships, as were doctors practising in those specialties. We published a report, the Glasnost Report, in 2001, copies of which went to all the MPPs of the Ontario Legislative Assembly. It can be

downloaded from my Web site, and you will have a written version of what I just said where you can look that up.

Over the past five years, a lot of changes have happened, most for the better. For example, multiple chemical sensitivity is now based on international consensus that defines its diagnostic criteria. Canada's Department of Human Development and Resources has recognized this diagnosis as a valid medical condition eligible for disability pensions. I was recently contracted by the HRDC to coordinate the development of guidelines for their 400 intake workers across Canada who handle applications from people with an MCS diagnosis.

Pain now has the internationally accepted designation of being the fifth vital sign. Following a report by Senator Sharon Carstairs on chronic pain, new guidelines were drawn up for doctors across the country, and the chair of our organization, the Glasnost Committee, Dr. Peter Rothbart, has been intimately involved in that.

Finally, asthma has become a major focus internationally and also here in Ontario because of its dramatic rise. In Ontario alone, in the last five years it has risen by 35%. The World Health Organization has designated it as an epidemic. International research and the recent report by the Ontario College of Family Physicians prove now beyond any reasonable doubt that environmental toxins are the major causal agents of asthma. We had a press conference here at Queen's Park last November, and our group was kindly invited by the Ministry of Health to become involved with Ontario's asthma task force as well as the review of the current treatment guidelines.

When we were made aware of Bill 118, we were delighted, because MCS—multiple chemical sensitivity—pain and asthma are among the invisible disabilities. Our position is as follows:

(1) Accommodating invisible disabilities has the inevitable effect of introducing into society a major ripple effect of preventive medicine.

(2) It makes good economic sense. Sometimes a very slight accommodation makes the difference between a person being on a disability pension at home and that same person being a taxpaying citizen involved in meaningful work in society.

My remarks are of necessity general, primarily because the excellent report done by the Ontarians with Disabilities Act Committee covers some of what we thought and a lot of what we didn't think of, and we are delighted to learn so much from the report. The Glasnost Committee absolutely endorses and supports this report. I would like to mention that one of the provincial representatives and the founder of the Essex-Windsor part of the ODA committee, Mr. Dean LaBute, is also the chair of one of the groups that started the Glasnost Committee.

I will make a few comments about the three invisible disabilities.

First of all, chronic pain: Modern medicine has made tremendous advances in handling this problem. People thus afflicted do not need to be shut away from society like the classic—

The Chair: Excuse me. Could I ask you to slow down a little, please, so I can appreciate what you're saying? Thank you.

Ms. Ferrie: OK. People afflicted by chronic pain do not need to be shut away from society like the classic invalids of 19th-century novels. I personally know several chronic pain patients who work full-time and pay taxes, contribute to society according to their gifts, and manage. I am not an expert on such problems; however, the Ontario Medical Association chair of chronic pain, who is the chair of the Glasnost Committee, is indeed such an expert, and there are more than 300 doctors in Ontario who specialize in pain medicine and who are part of that OMA section. I understand from them that accommodating such patients is not necessarily costly, certainly not difficult, and often requires simply some education on the part of the people who employ them.

Multiple chemical sensitivity is the second item. You wouldn't know from looking at me that I am a person with an invisible disability. I became severely ill with multiple chemical sensitivity in the mid-1990s. I was unable to drive a car, unable to do my own shopping or even to read. It stopped my work at the University of Toronto, where I was at that time pursuing my Ph.D. in anthropology. I became ill as a result of pesticide and heavy-metal poisoning. Today, I still would not be able to work in a typical office in downtown Toronto. A few hours in a room like this one, with several people wearing scented products, will still produce a migraine, often lasting several days. And if exposed directly to a person wearing aftershave lotion, I will rapidly develop difficulty in breathing, muscle twitches, double vision and stomach cramps. Through proper treatment by a doctor trained in environmental medicine, I am now functional and put up with the occasional attack of this type because I recover rather quickly. Speaking in support of this bill today, for example, is important enough to risk a migraine.

I am running a publishing company devoted to books on environmental medicine, and I pay taxes. About a third of our house is now my office. Occasionally, I find that my needs are already met, because so many people have this problem now. For example, the big office buildings in Ottawa housing the HRDC all have a scent-free policy. I return from meetings at the HRDC as fit as when I left for Ottawa.

In the late 1970s, this MCS problem hit the Environmental Protection Agency headquarters in Washington, DC. New carpeting had been installed with the typical neurotoxic glues. More than 600 EPA workers became so seriously ill that two thirds of them had to be accommodated by being allowed to work from home, which is what they still do to this day, and the EPA is no worse for it. This may merely serve as one example.

Finally, asthma: Asthmatics usually know exactly what triggers an attack, and accommodation is in most cases not difficult at all. One example is cleaners. It would in most instances be cheaper to use an environmentally friendly cleaner for windows, furniture and

floors, thereby also keeping the air breathable for asthmatics. Plain vinegar kills surface bacteria more effectively than any cleaner containing chlorine. Institutions, daycare centres, old age homes, schools etc., would save the employer and the government a pile of money in medical expenses as well as administration costs by switching to cleaners that don't pose hazards to asthmatics. That's only one of many possible examples.

In conclusion, these invisible disabilities are increasing in number. Eventually, as we are cleaning up the world's environment, they will undoubtedly decrease. But things are going to get worse before they get better; therefore, this bill is very important. Accommodation is not necessarily more costly, because in most instances it involves more often than not refraining from certain practices. Accommodation also prevents new cases of MCS and asthma from developing, because medical science and toxicology now know that frequent exposure in low doses causes MCS-related illnesses. And in most cases it is pollution that causes asthma, and that can also be prevented. Accommodation is thus also an instrument for prevention.

Unexpected additional benefits also arise. Building ramps for wheelchairs have been shown to assist mothers with baby strollers, trolleys carrying all sorts of goods, and are welcomed by people with arthritis or recovering from a knee or hip operation. The same is likely to happen from accommodating invisible disabilities.

It is, of course, crucial to the success of this bill's intent who the chosen experts are. Recently, the Supreme Court ruled on just what constitutes an "expert"; that definition should be followed. Experts should be people who have these disabilities, as well as those who work in the relevant areas of medicine.

The Glasnost team requests that this committee consider including us in the process of making this bill a reality. We have much experience with these particular invisible disabilities, as well as access to experts whose knowledge would be helpful. Thank you.

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The Chair: Thank you very much for your presentation. We have about a minute and a half each, and I will start with Mr. Arnott, please.

Mr. Arnott: I don't have any questions, but I wanted to thank you very much for participating in this important process and offering us your professional advice and expertise.

Ms. Martel: Thank you for being here today. You were naming the groups involved in the committee at the start, and they're on Hansard, but I did not catch them all. What would be the overall membership, then? Did you mention that and I missed it?

Ms. Ferrie: I cannot answer that exactly, but the two big professional organizations are the OMA section on chronic pain and the Ontario Physicians' Alliance. Between them, that's approximately 1,000 doctors. At Citizens For Choice in Health Care, I really don't know. Research Advocacy is actually an organization that works for people with MCS and takes them through the

various court procedures, appeals, workers' compensation and so on. So it's a professional group of people who help them; it's not actually membership. And then Patient's Right to Effective Treatment was the group that presented the 1,600 signatures in the petition on November 22 here at Queen's Park. Patients and Friends of Dr. S. Kooner are somewhere in the range of between 2,000 and 3,000 because they're his patients in the Windsor area and he's an asthma expert. Kos Publishing is, again, a company.

Ms. Martel: There's a broad number and range of expertise that the government could call on, either to sit on the standards development committee or to provide expertise to those committees as well. So that's good for us to know, and we appreciate very much the offer of that expertise. Thank you for being here.

Mr. Ramal: Thank you for this detailed information, which was actually new to me. I was just listening to you and it was well detailed. I have a question: How many people are suffering from MCS and asthma across the province? How can we identify the problem and then eliminate it?

Ms. Ferrie: I cannot answer that for Ontario with regard to MCS but I can give you the EPA estimate that the United States made, and it's probably similar for Canada. Depending on whether you're talking about the severe cases of MCS, people who literally can't function in the outside world, or whether you're looking at MCS on a broad spectrum, the EPA estimates that 14% of the population has this condition. For Canada, I can't answer that.

Mr. Ramal: I'm talking Ontario; I'm not talking Canada.

Ms. Ferrie: There was a report done in Ottawa in 1999, I think it was, where an organization was hired to do this kind of assessment, and the estimate was that about 6% of the Canadian population suffers severely from MCS.

The Chair: Ms. Wynne, a quick one, please.

Ms. Wynne: I just wanted to comment. One of the things that's interesting about this presentation—and we had someone talking about environmental sensitivity yesterday—is that in fact the accommodation could solve the problem, and you talk about that. So is one of the standards that we should be looking for sort of looking out into where we get to a point where these problems don't exist? Is that the kind of thing—because this kind of accommodation is different than the physical accommodation that we talked about around paraplegics or other folks.

Ms. Ferrie: You've asked a very large question.

Ms. Wynne: Well, you raise a very big issue.

Ms. Ferrie: I won't be able to answer it in a hurry, but I can give you a short answer. We do have the Environmental Health Clinic that is attached to the University of Toronto, and Dr. Lynn Marshal, who also is at the university, is an expert in this. In fact, she was one of the group of people who established the international guidelines for the diagnosis of this condition. She's someone who would really be able to help you with exactly that.

The Chair: Thank you very much for your presentation.

ONTARIO RESTAURANT HOTEL AND MOTEL ASSOCIATION

The Chair: The next presentation is the Ontario Restaurant Hotel and Motel Association. Please start whenever you're ready. I would just like to remind you to moderate your pace so that all the people in attendance are able to understand and appreciate the presentation equally. You have a total of 15 minutes. Please start whenever you want to. Thank you.

Mr. Terry Mundell: Good afternoon, Mr. Chairman and members of the committee. Thank you very much for allowing me to be here today. My name is Terry Mundell, and I'm the president and CEO of the Ontario Restaurant Hotel and Motel Association. I'm joined today by my colleagues Fatima Finnegan, manager of education and professional development, and Michelle Saunders, government relations advisor. It's my pleasure to have the opportunity to speak with you regarding Bill 118, the Accessibility for Ontarians with Disabilities Act.

The Ontario Restaurant Hotel and Motel Association is a non-profit industry association that represents the food service and accommodation industries in Ontario.

The Chair: Mr. Mundell, could I ask you to slow down a little, please, so that we will be able to appreciate the presentation fully, all of us.

Mr. Mundell: My apologies. With over 4,100 members province-wide, representing more than 11,000 establishments, the ORHMA is the largest provincial hospitality industry association in Canada. Ontario's hospitality industry is comprised of more than 3,000 accommodation properties and 22,000 food service establishments.

The ORHMA was pleased to participate in the ministry's consultations for this piece of legislation and supports the intent of the Accessibility for Ontarians with Disabilities Act. The ORHMA urges this committee and the government to proceed cautiously, taking into consideration the varied realities of the business community as well as the uncertainty that will continue until all of the deliverables of the sectoral plans are fully understood.

For the business community to make investments and to fully support the legislation, we need certainty on a number of fronts: certainty that there is clarity and a shared understanding of the meaning of disability and accessibility; certainty that sectors will be defined and identified through an appropriate process; certainty that the government will support the private sector's efforts in moving toward accessibility; and certainty that the government will ensure that its policies and requirements mesh into a comprehensive vision.

The accepted definition of disabilities as shared by both Bill 118 and the Ontario Human Rights Code is daunting and is not well communicated outside of government. The average Ontarian has their own understanding of the definition of disability and, almost with-

out exception, whenever this issue is raised in meetings the question is asked, "What does the government mean by disabilities?"

The government must engage the public in meaningful dialogue. It's not sufficient that there be a definition of disability; rather, it is imperative that there be an understanding of disability and disability issues. We need to help Ontarians understand what it is we mean when we use the words "disability" and "accessibility."

Upon the passage of the legislation, some of the early work that must be done is the establishment of sector- or industry-specific standards development committees. The hospitality sector includes the full spectrum of food service and accommodation establishments. The ORHMA therefore submits to the committee that consideration be given to how sectors will be identified. For example, there are different operational perspectives for quick-service and fine-dining establishments. There are different operational perspectives for establishments owned and operated by large chains or independently. There are also different economic realities and issues around access to resources in different parts of the province.

The government must also be mindful of the competitive nature of our business. The ORHMA is concerned that the process for identifying sectors has not been laid out and suggests that this, in and of itself, will prove a challenging task.

The membership of the ORHMA is comprised of all segments of the hospitality industry province-wide, from large multinational hotel chains to small rural motels, from quick-service to fine-dining to family-casual restaurants, both chain and independent. Like many industries, different segments of the hospitality industry have varied experiences and therefore differing capacities to address accessibility issues in depth.

As you will all likely know, over the last two years, the Ontario Human Rights Commission has examined the issue of accessibility within several fast-food restaurant chains. Establishments were audited for elements such as handicapped parking spaces, ramps, appropriate counter level heights, legible menu boards, accessible washroom facilities and appropriate seating arrangements. Over these years, these chains have had dialogue with the Human Rights Commission on issues such as identifying and addressing barriers, staff sensitivity training, acceptable design standards, accessibility reporting and the duty to accommodate.

The majority of our industry is independently owned and operated and may yet require further discussion to be fully able to address the issue of accessibility and meet standards. The government must consider the reality of these operators, dealing with items such as landlord-tenant agreements and limited access to capital funding that could potentially affect one's ability to meet a standard.

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Throughout our industry, access to capital has been and continues to be a serious problem for operators. In 2004, the pre-tax profit rate for the food service industry

was 4.3%. For the pub and tavern sector, it was 3.7%. The ability to access capital funding depends on return on investment and it continues to be a barrier for us. The government must ensure that there are supports in place to assist the business community in meeting the standards resulting from the legislation.

Accessibility requires vision and dedication. It also requires commitment from all parties. The government must also provide the private sector with the certainty of knowing what is required. A comprehensive review of policy is needed to ensure this. It's currently possible to be in full compliance with the Ontario building code but not with the Ontario Human Rights Code. Bill 118 provides another layer of policy and regulation. Furthermore, the authority of municipalities to develop their own standards could result in more confusion. The business community needs certainty in the fact that there is one set of rules: one set of rules that apply province-wide and one set of rules that we can invest in.

As the minister indicated in her statement to the Legislature on December 2, 2004, throughout the ministry's consultations they heard from Ontarians with disabilities of the need to include the private sector in the legislation, as well as the need for strong enforcement measures. The government must keep in mind that the different segments of the private sector are, rightly or wrongly, just beginning to enter into the dialogue. They have different capacities to meet standards.

The ORHMA urges the government to focus on compliance and not merely enforcement. The legislation provides inspectors with sweeping powers and sets out significant maximum fines. But this should be about true accessibility and compliance, not just focused on enforcement, inspections and penalties. The government must ensure that there are supports in place to help industries and businesses become accessible.

In closing, while the ORHMA supports the principles of Bill 118, we suggest to this committee that the vision of accessibility is only achieved with the buy-in of the private sector. To truly gain that, the private sector requires certainty that there is but one provincial body establishing one common definition of disabilities and accessibility and one set of rules and standards that apply throughout the province. The ORHMA has concerns with the capacity of the private sector to implement the government's vision, as standards and cost implications will not be known until sector plans are complete. For the business community to invest, there must be certainty.

Our association and our industry look forward to continuing to work with the government on these issues, to continuing to work on sector plans, and we urge the government to immediately engage both the private sector and the public in meaningful and ongoing dialogue.

Thank you very much for your time.

The Chair: We have a minute and a half each, and we'll start with the government side.

Mr. Leal: I understand the American disabilities act, which was the product of Senator Kennedy and Senator

Hatch, who were the authors of that legislation, incorporated a provision for tax credits for businesses to allow them to comply. Would you like to see that approach perhaps incorporated into this bill?

Mr. Mundell: Thanks very much for the question. There are a couple of issues around affordability. The first one is, we have to understand the sector plans. Once you understand the sector plan, you start to understand your capital requirement. There is a huge issue in the hospitality industry to access capital, particularly if you look at return on investment, since what we went through with SARS, the power blackout and all those other issues. Tax credits are indeed one method, one avenue, that could affect the private sector and help them get on with some of the important work that's needed to comply with this legislation.

The Chair: Mr. Craitor, just a quick question.

Mr. Craitor: The community I represent, Niagara Falls and Niagara-on-the-Lake, is world-class. Everyone knows the address. We are projecting that up to 25 million tourists will be coming through our community, so I just want to make some really quick comments to you.

From my perspective and from the businesses I hear in my community, one of the best investments they can make is making their facilities open and accessible for the disabled. Those people look forward to coming into our communities and having facilities that they can access. So I look at it as an investment, not as an expense.

The other thing I want to comment on is, you made a statement in your presentation that the government will have to ensure that its policies and requirements mesh into a comprehensive vision. I just want to share with you that the intent of this legislation is not for the government to come up with policies and procedures; it's to set standards by working with all sectors. At the end of the day, all the sectors—whether it's the private sector, the disabilities sector, the government sector—will set the standards, and that will take the disability bill forward. We will do it in consultation. That's the intent of the bill.

The Chair: Thank you. Ms. Martel.

Ms. Martel: Thank you for being here today. I don't think I understood your concern regarding how the sectors would be identified. This is on your page 3. You talked about "different operational perspectives for quick service and fine dining establishments" or "for establishments owned and operated by large chains or independently." But if I just talk about physical barriers—whether there are handicapped parking ramps, appropriate counter space etc.—that would be applicable whether it's family-owned or a chain. Can you clarify what your concern is there in terms of how the sector is identified?

Mr. Mundell: Thanks for that question. There's no doubt there are some issues that would be common across the whole sector. Again, I think the key to this is to understand how the sector plan would be developed for different sectors within an industry. Quite frankly,

there are some differences within the industry in how they operate and function. I think what you need to do is try and identify, first of all, what those common elements are, as you spoke about earlier, and then what are those elements that may be a little bit different pertaining to each sector—define them in the sector plan and then understand how you would deal with them as an industry on a go-forward basis. So you really need to be careful. One size doesn't necessarily fit all, I guess, across our sector and the business community.

Mr. Jackson: Terry, welcome. You are aware that yesterday the minister confirmed to the committee that the first standards committee would be the hospitality sector in the province. You are aware of that?

Mr. Mundell: Yes.

Mr. Jackson: In your brief, you expressed some concerns, and virtually all the reports that have come forward have indicated that we should maybe get the membership and terms of reference and get things all done within a three-year period instead of the first five-year planning period. Did you have some comment about that? If there's a brief answer, then I can ask you a question about the merging of the Human Rights Code requirements, the building code requirements and this legislation's requirements and how that might happen.

Mr. Mundell: I think the key to success in this is developing the sector plans, and I think you need to take the time to do it right. We're aware of the minister saying our industry would be the first to comply. We've made some significant moves in the hospitality industry, with accessibility checklists which are available on our Web site, with disability sensitivity training which we run across the province, with Access Canada. These are all programs that we utilize today. I think the real key is going to be to get the sector plan done and do it right. It's going to take an enormous amount of work. We're prepared to commit to doing that, but we need the time to do it right.

The Chair: Thank you very much for your presentation.

ANTI-ABLEISM COMMITTEE

The Chair: We will move on to the next presentation, and it is the Anti-Ableism Committee. Are they present in the room? Thank you. You can have a seat here, sir. Take your time. Whenever you are ready, you can start. You have a total of 15 minutes to make your presentation and, if you want, for the membership to ask questions. The only thing I ask is if you could please moderate your pace when you make your presentation so that we will all be able to appreciate the presentation. Please proceed when you are ready.

Mr. George Wallace: Thank you. The Anti-Ableism Committee, the AAC, is a group of tenants and staff from the Toronto Community Housing Corp., the largest housing provider in Canada, concerned with accessibility issues for tenants with disabilities and seniors aging in place. The committee seeks to create conditions where all

tenants living in the Toronto Community Housing Corp. are treated as equal, without discrimination; have an opportunity to advocate for themselves; and control decisions that affect their lives, as well as having the physical access and support they need so that they can be an integral part of their communities.

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The Anti-Ableism Committee would like to thank you for this opportunity to discuss our response to the amended Ontarians with Disabilities Act, ODA 2001, now called the Accessibility for Ontarians with Disabilities Act, or Bill 118. Members of the Anti-Ableism Committee have spent an extensive amount of time reviewing the text of both of these legal acts. We have four major areas of concern: scope of the AODA; communication, including both the language used in the law and how that law is communicated; enforcement of the regulations; and timelines for the obligations set forth in the AODA.

The AAC recognizes that the AODA is a significant improvement over the previous ODA legislation, as it now pertains to every person or organization in both public and private sectors of the provincial economy. However, this applies only to those entities to which an accessibility standard applies. It is only after an accessibility standard has been developed that the AODA in fact applies to a person or organization, as section 62 states. Therefore, the AAC strongly recommends that the wording in the application section to which an accessibility standard applies be simply removed. Further, in the bill's application, the term "public and private sectors" needs to be clearly defined to avoid confusion in their interpretation.

The development of these accessibility standards will take time, as standards development committees are established for each industry, sector of the economy or class of persons or organizations, as specified by the minister. Once formed, these committees propose initial accessibility standards and submit them to the minister, who then ensures that the public has at least 45 days to respond with comments to the respective standards development committee before the committee re-evaluates the standards and submits the finalized version to the minister, who in turn gives it to the Lieutenant Governor in Council to grant royal assent, making the accessibility standard an official regulation.

We also have problems with the content and scope of accessibility standards in that an accessibility standard may be general or specific in its application and may be limited as to time and place (subsection 6(8)) and may define a class of persons or organizations according to any attribute, quality or characteristic (subsection 6(6)) to include or exclude (subsection 6(7)). These variances seem to provide loopholes that can weaken the impact of this bill. Already each standards development committee has their own terms of reference determining timelines for the process of implementing their sector's accessibility standards by outlining long-term accessibility objectives and progressive time frames, to a maximum of

five years from each previous target date. It will be several years before the standards development committees enact the first set of accessibility standards that will undoubtedly not include all the persons or organizations that will eventually be covered under this act.

The AAC recommends that the target dates for each stage of the accessibility standards development be shortened significantly and that the appointment of the standards development committee members be completely complementary to ensure consistency. Five years is too long for the disabled to commit to any project.

The AODA gives the standards development committee the responsibility for developing accessibility standards for their sector, but then leaves it up to the government to decide whether or not to adopt them as formal and binding regulations (section 6). We advocate that all finalized accessibility standards become mandatory and made into regulations after public consultation.

The AAC is concerned with AODA's vague phrases on language, leaving too much open to interpretation. Throughout the act there are numerous instances where "may" or "shall" are used to describe the duties of those implementing the provisions. "May" presumably gives an option of performance, while "shall" denotes a requirement, but both words cloud the intent and legally have different interpretations.

This act is to benefit all Ontarians by providing accessibility to Ontarians with disabilities with respect to goods, services, facilities, occupancy of accommodation, employment, buildings, structures and premises, section 1. What does "benefit all Ontarians" really mean? The previous ODA states "the right of persons of all ages with disabilities to enjoy equal opportunity and to participate fully in the life of the province" and mainstream society without barriers or discrimination (preamble and section 1). The purpose of the act highlights the government's vision and why it is being enacted. While the AODA recognizes existing legal obligations imposed by other legislation, it clearly states that if this bill is in conflict with other regulations, it supersedes all of them so as to provide the highest level of accessibility for persons with disabilities (section 39). The intent of the AODA is anti-discriminatory to secure greater rights for those with disabilities. The AAC believes that the purpose should be restated to include the wording "barrier-free" and to make these intentions indisputable.

The AODA definition section has some surprising omissions. This act maintains the same definition of disability as the ODA and the Ontario Human Rights Code, even though the intent of the law is to be inclusionary rather than exclusionary. The definition of "disability" does not include all types of disabilities, like invisible disabilities such as chronic pain; chronic fatigue syndrome; bipolar disorder; intermittent, cyclical, episodic or progressive conditions; or environmental disabilities, to name a few. The AAC recommends a broader definition of disability that focuses on restrictions to participation.

While the definition of "barrier" means "anything that prevents a person with a disability from fully partici-

pating in all aspects of society because of his or her disability,” including physical, architectural, information or communications, attitudinal and technological barriers or those in the form of a policy or practice, there is no mention of socio-economic barriers that nevertheless do prevent many citizens from participating in society to the degree that they choose. Although the government’s intent is to create a barrier-free environment, this wording does not appear anywhere in this act despite its being an underlying concept.

Probably the most glaring omission in definitions is that of accessibility, despite the title of the act beginning with this very word. The AAC is particularly concerned that accessibility is properly defined to avoid problems with the interpretation and future litigation and the smooth administration of the law. A clear understanding of the definition of accessibility is also critical to the standards development committees establishing accessibility standards. Working with Toronto Community Housing Corp., the AAC advocates for a barrier-free environment in the housing portfolio and tenant involvement in decisions affecting their community in cooperation with the tenant participation system. We further strive to make accessibility a priority in all TCHC planning and hope governments and the private sector follow our example, knowing that the population is aging and that their special needs will increase exponentially.

We are also concerned that vague language affects the ability to enforce the act or its intentions. It creates many loopholes for disinterested parties to escape providing the fundamental rights of persons with disabilities. For example, it is left up to the Lieutenant Governor in Council to make regulations defining the terms “accessibility” and “services” for the purposes of this act, if he so chooses (section 40).

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Central to the act, these definitions must be defined at the beginning to avoid confusion. It is crucial that persons with disabilities know what services will or will not be covered by the AODA. Another confusing term is “occupancy of accommodation,” which is used in section 1, but later in the bill, only the term “accommodation” is mentioned. Does this refer to housing or to the duty to accommodate special needs? It should not be left up to the administrators or others to define these terms.

In the ODA’s preamble, the government of Ontario states that it “is committed to working with every sector of society ... to move towards a province in which no new barriers are created and existing ones are removed” and where persons of all ages with disabilities can “participate fully in the life of the province.” They also promised “continued leadership in improving opportunities for persons with disabilities.” None of these commitments or intentions are reiterated in the AODA, so one wonders if the government will uphold its previous and present promises or whether this omission is the government’s attempt to weasel out of their responsibilities and duties.

We believe that the government needs to improve its communication of the act to the public. In the ODA, the

Lieutenant Governor in Council could not enact any regulation before a draft of it had been published in the Ontario Gazette and “interested persons” had been given “a reasonable opportunity” to make comments on it to the Accessibility Directorate (section 23).

The AAC felt that this publication was too obscure to the general public, including the disabled. They did not have access or an opportunity to respond to drafts. This clause has been removed from the new AODA, but we contend that the public should still be able to review all proposed regulations, as well as accessibility standards.

The AAC believes that there must be a communications strategy, involving a variety of mediums, to educate the general public about their responsibilities and the AODA’s implications on their daily lives. To guarantee universal access, this act must also be communicated in alternate formats, not simply limiting access to government Web sites. It is imperative that the government realize that not all persons with disabilities can afford to have a computer with Internet capabilities that will accommodate their special needs or pay for the monthly hook-up charges.

The previous ODA specifically alluded to alternate formats in terms of provincial government Internet sites being available in a format that is accessible to those persons with disabilities, as well as government publications being made accessible within a reasonable time to persons with disabilities or their representatives who have requested such, unless it is “not technically feasible to do so” (sections 6 and 7).

The AODA only mentions document formats in section 35, but we agree with its expanded application to include any “notice, order or document” within the jurisdiction of the act being provided to persons with disabilities or those that request alternate formats on their behalf “within a reasonable time” and no other restrictions being placed on availability. We advise that the widely accepted terminology, “alternate formats,” also be added and “reasonable time” be defined in terms of number of working days.

The purpose of the AODA clearly provides for the involvement of persons with disabilities in the development of accessibility standards; however, there are only three formal ways that persons with disabilities can participate in the development and implementation of this bill. First, persons with disabilities can participate as members of a standards development committee (subsection 8(4)). Secondly, the disabled community can also provide input once a proposed accessibility standard has been publicized. Finally, they can participate by being one of a majority of members with disabilities on a municipal accessibility advisory committee (subsection 29(3)). But what is the composition of each standards development committee and municipal accessibility advisory committee in terms of number of members, percentage of disabled persons and range of disabilities represented on that committee? What is the selection process for these committees? The disabled community should also be members of the remaining administrative

hierarchy, such as inspectors or tribunal members, so that their views are represented.

The Chair: Thank you, sir; if you can wrap up. I think we already have what you are reading, so it's part of the records. If there are any other comments you want to make, the time is over.

Mr. Wallace: I would like to make a comment, but it might not be acceptable.

The Chair: Try us, please.

Mr. Wallace: The timelines are so widely spread in Bill 118 that it would leave one to think that some of our legislators are hoping that euthanasia comes into vogue before any real action is taken.

The Chair: I thank you for your comments. Thank you for coming.

CANADIAN FEDERATION OF INDEPENDENT BUSINESS

The Chair: The next presentation is the Canadian Federation of Independent Business. Are they present? While the Canadian Federation of Independent Business gets ready, I just want to ask that you moderate your pace so that all the people in attendance will be able to appreciate your presentation, and I thank you for that. There is a total of 15 minutes. If there is time left, there will be questions for you. You can proceed.

Ms. Judith Andrew: Good afternoon, Mr. Chair and members of the committee. I'm Judith Andrew, vice-president, Ontario, with the Canadian Federation of Independent Business. We appreciate the opportunity to appear today on Bill 118, the Accessibility for Ontarians with Disabilities Act. You have in your kits the statement I would like to deliver today, as well as some additional supportive material on some aspects of the legislation and related policy.

The proposed Accessibility for Ontarians with Disabilities Act is actually a fine example of how the best of motives gets translated into unworkable policy. On behalf of CFIB's 42,000 Ontario member businesses, we must advise that this legislation is not only unlikely to improve access in small businesses for people with disabilities, but despite everyone's best intentions it may well worsen matters.

Small businesses have no quarrel with the government's stated goal of "acting to transform Ontario into an accessible society for people with disabilities." No one would disagree that the lofty objective that "every Ontarian should have the opportunity to learn, work, play and otherwise participate in society to their fullest potential."

The proposed solution—to achieve accessibility for Ontarians with disabilities within 20 years by developing, implementing and enforcing standards respecting goods, services, facilities, accommodation, buildings, structures, premises and employment, addressing the full range of visible and invisible disabilities, including physical, sensory, hearing, mental health, developmental and learning disabilities—is not only a monumental task, but from

the small business standpoint, we believe it's wrong-headed.

It is clear that the government plans to create a massive new regulatory bureaucracy. Initially, we are told that the budget of the disability directorate will be quadrupled, and this is just to get the accessibility standards development process going. In full swing, that massive bureaucracy will require organizations, including private sector firms and perhaps every one of the 329,000 businesses in Ontario, to file reports confirming their compliance with accessibility standards, plus make those reports publicly available. Enforcement will include spot audits and the use of tough penalties for non-compliance. I might add that you have, in a profile of business in Ontario, three quarters of businesses in this province that have fewer than five employees, so they will be considerably challenged with that kind of regulatory requirement.

There will be an important exception to the compliance rules, so-called incentive agreements—the special deals the government does with certain organizations. Since it's impractical to make individual arrangements with hundreds of thousands of small firms, the special arrangements to be excused from the filing or the reporting requirements will tend to benefit large organizations.

Based on our understanding of how the standards for accessibility will be developed in the first place, we anticipate that big businesses will also have an advantage. As with every committee that is ever struck, large organizations, which have the personnel with time to serve, will enjoy strong representation on the accessibility standards development committees. Unless 98.5% of the representation on those committees actually draws from smaller firms, large organizations will enjoy disproportionate influence on those influential bodies. If those large organization representatives do their jobs on the committees, they will argue for high standards that mesh with what their companies are actually doing. And if the standards are so high and so difficult to comply with as to wipe out their smaller competitors, some people will say that's the price of social progress.

1520

There are some small business considerations here. Working to improve the integration of people with disabilities into life and work in Ontario is important. A few words about why small businesses are positively inclined to address this challenge and how they can be supported in their effort are warranted. Small to medium-sized business owners are community-minded people. Therefore, they are generally positively disposed toward giving a neighbour an opportunity. They know that such positive actions are typically rewarded by strong employee contributions and unflagging commitment to the firm. CFIB has been told by representatives of organizations charged with helping people with disabilities find employment that it's often easier to conclude arrangements directly through the small firm owner-manager than it is to get

various management-level approvals in a larger organization.

With nearly half of small businesses in the province of Ontario facing shortages of qualified labour, small business people cannot afford to be capricious in their hiring decisions. Small and medium-sized firms already draw disproportionately from non-traditional employment groups: youths, seniors, newcomers etc. In order to attract and retain good people, small firms try to make practical arrangements that respond to employees' needs.

One of the impediments to small business growth is the load of government regulation and paperwork, a burden that Premier McGuinty promised to lessen. CFIB has argued for streamlining government regulations to those that are essential, while dealing with certain matters in other ways. Improving access for people with disabilities is one of those areas where we believe that much more will be accomplished with information, education and practical supports—real assistance—for small businesses and their prospective employees and customers with disabilities.

Even if a small business owner thought to check out the Ministry of Citizenship Web site and the related Accessibility Ontario Web site, there really is very little there that is geared to small business. On a recent Web search, even the search engine in the directory for "accessibility" did not produce any programs offering practical advice or financial support for expensive accommodations. So we offer these considerations:

Disability legislation must not compromise the Ontario government's goals for a strong economy, job creation, high-quality services and a balanced budget. It isn't a matter of pride that Ontario is on the way to having the most stringent, difficult disability legislation on the planet. Worsening the regulatory overload will harm the small business sector and its capacity to provide jobs, economic growth and the usual gusher of taxes to the Ontario treasury.

There is a need for a range of approaches to prevent and remove barriers, including public education, technical assistance, partnerships and incentives. Legislation is the least promising and the most damaging choice for the small business sector. Why is the government seemingly determined to spend many millions of dollars on enlarging the bureaucracy rather than channelling those funds to practical assistance and incentives such as tax support to help people deal with barriers and accommodations?

If anything can be worse than government regulation, it's industry self-regulation. The government must not cede the powers to set standards to a handful of larger business organizations who may not be concerned with the welfare of their smaller counterparts. We are concerned that heavy-handed regulation will discourage the sector that is best positioned to improve the circumstances for people with disabilities.

We offer three recommendations:

CFIB recommends that the Ontario government adopt a different strategy for small business, sparing them the

compliance burden—and simultaneously, the government the enormous enforcement burden—proposed in the legislation.

The government is advised to build on small firms' natural inclination to improve access for people with disabilities. We recommend improved information, practical support and incentives geared specifically to smaller firms. For the small business sector, the approaches need to be understandable, practical and easily actionable.

Finally, CFIB suggests that the government and its agencies lead by example, with standards and achievements on accessibility being set and met, including in what we understand is a very key area, public transportation.

The Chair: Thank you for your presentation. We have a minute each, and we'll start with Ms. Martel.

Ms. Martel: Thank you for being here today. I'm going to focus in on your point that "legislation is the least promising and the most damaging choice for the small-business sector." I guess my reality is I that just don't see a lot of change in a lot of businesses in terms of being accessible, both in terms of hiring people with disabilities or making businesses accessible, be it a lower counter, a door that people can get through or a ramp so they're not right up against a curb. If you don't have legislation that's going to force that change, how long will it take and how do we ensure that people will comply so that disabled people can be not only customers but employees in small businesses in Ontario?

Ms. Andrew: You say you don't see change. Actually, we asked for the experience with the former piece of legislation—what the results were with that—and that didn't even cover the private sector. We could not get a substantive answer from the ministry. It seemed that they have very limited experience with one year under the former legislation. So we actually don't know the impact of legislation on the public sector, much less what it will do in the private sector.

I guess our argument is that it's unlikely to help the situation if what you're doing is foisting a massive regulatory bureaucracy on organizations that have fewer people than the numbers sitting on your side of the table. They don't have personnel departments; they don't even have personnel specialists. They have a really practical need to continue running the business. The notion of sending reports in and facing inspectors and fines is just contrary to the kind of thing they'd like to do if they were actually supported in this by the government, rather than regulated.

The Chair: Mr Ramal.

Mr. Ramal: Thank you for your presentation. I was listening carefully to it. It's well-detailed and well-explained statistically. You have a concern about Bill 118. You think its going quickly will affect the business community. We listened to many presenters in the morning. They were talking about the bill not going fast enough, in order to implement it, because the disabled community needs it as soon as possible. Don't you see implementing the bill over 20 years as taking into consideration the

business community's phasing in the cost over the years and also the business community having all its places accessible as an investment that would increase business?

Ms. Andrew: Well, first of all, in respect of the people who say this isn't going fast enough, I can certainly imagine that there are huge frustrations there and they want to see things happen immediately, if not sooner. Our point is not that what you are proposing as a phase-in time is too short or too long; we really think a regulatory solution is not the answer. There are so many regulations in this province that it's impossible for a given small business to even know the regulations that apply to that business, much less be in compliance with them. It's pretty much impossible for the government to enforce those regulations.

What we need is a streamlining of the regulations and much more compliance assistance from government, rather than a whole new bureaucracy. Government is putting all its eggs in the "Let's hire a ton more public servants and charge around the province and lay fines and so forth" basket, rather than saying, "Do you know what? The small business sector creates the jobs in this economy. They provide opportunities and tax revenue for Ontarians and the province. What can actually help them do better in this area? They have a shortage of qualified labour. How about something like a matching service, a recruiting mechanism, to help small businesses find people who are looking for opportunities?"

1530

The Chair: Mr Jackson.

Mr. Jackson: Judith, I was intrigued by your statement on page 1. You've been told that the budget for the disability directorate would be quadrupled. We've been trying to get costing for this bill and for the directorate. I'd be intrigued to know how you know that, when we've been told we can't get access to it.

Ms. Andrew: The day the legislation was announced, I came here and asked a senior public servant in the area how much it would be, and that's what I was told.

Mr. Jackson: They must really like you, because they won't tell us. Anyway, I'll leave that for a moment.

Ms. Andrew: Maybe it was a mistake to have told you.

Mr. Jackson: I mean all of us, because it was a request for all members of the committee to have that information. Apparently, we're not to get it.

The second, brief question: I'm intrigued by your suggestion that exemptions would favour large corporations. We know there is a section here that says the government is going to be able to take whole sectors and say, "You do not have to be covered by this legislation." You've indicated in your brief that you think that will favour larger companies, when in fact historically in Ontario, whether it's workers' comp or pay equity, it always deals with, "Exempted are companies of five employees and less." I am intrigued by that. I'm not debating it with you, but how do you come to that conclusion?

Ms. Andrew: Some of the documentation we have seen suggests—in fact, there was a Q&A we saw that asked, "Will mom-and-pop organizations be exempted?" The response was, "No, they need to participate in this like everyone else." So it's our understanding that there won't be any broad-based exemptions, and in fact that this incentive agreement idea is more to reward certain organizations for whatever they may be doing in the area, and it's impractical to do that with thousands, or hundreds of thousands, of firms.

The Chair: Thank you very much for your presentation and for answering the questions.

TORONTO DISTRICT SCHOOL BOARD

The Chair: The next presentation will be from the Toronto District School Board. As you take your seats, I would remind you that there is a total of 15 minutes for your presentation and potential questions. I'd ask that you moderate your pace while you speak so that all of us are able to appreciate the entire presentation. You may start any time you're ready.

Mr. Bruce Davis: Thank you very much, Mr. Chair and members of the committee. My name is Bruce Davis. I am a trustee with the Toronto District School Board. I'm also a member of the special education advisory committee at the board and chair of the school board's facilities and operations committee. I'm pleased to be here.

I'm joined by Mr. Dave Rowan, who is the executive superintendent of special needs and support services for the board and co-chair of our accessibility committee. I'm going to turn things over to Mr. Rowan to start off.

Mr. Dave Rowan: Members of the committee, as Trustee Davis and I make our presentation today, I think it is very important to have a bit of background information on the Toronto District School Board and the parameters we presently deal with on a daily basis.

At present, we serve over 280,000 students. We have 30,000 permanent staff, which includes 17,000 teachers and another 13,000 non-teaching support staff members of our outstanding community. We support approximately 35,000 students in the Toronto District School Board who learn in different ways and are under the umbrella of special education—that's 35,000 students. To support those students, we have roughly 2,200 dedicated professional teachers, many of whom start their careers in their first or second year without special education qualifications, and a further 19,000 educational assistants, CYWs and other support staff who are assigned to schools to support our students.

On top of that, in the area I have responsibility for we have 300 professional support staff. That includes, under the umbrella, occupational and physical therapists, speech and language pathologists, social workers and psychological services psychologists to help our students. Even with that amount of staff, we continue to have and struggle with maintaining our assessments at the current

level, and have a huge backlog which hurts us in supporting our students.

We have worked closely over the years with our parents and agencies that represent members on our special education advisory committee and have developed a special-ed plan that supports our students through a wide variety of programs and services, from a range of what we call intensive support programs, which would be small-class placement, right to a total inclusion focus in regular classes, often with additional support to those classes to help those students.

We have, since ODA first was established in September 2003, struck an accessibility committee with representation from every department in our board, SEAC members and members of the community. We had that plan developed and updated this fall and it is ready to be shared with our trustees and board within the next two to three weeks.

Although the bill will deal with all the things that we have to deal with in our umbrella—the goods, the services, the facilities, employment and accommodation—which will impact on our 35,000 students, and that's part of our daily goal, Trustee Davis will present a more focused area, and that is regarding the aspect of the Toronto District School Board's buildings and accessibility.

Mr. Davis: Just to give you the scope, we're talking about 557 schools. We've got 600 buildings. We probably will be the organization with the single biggest implementation challenge when we look at this legislation. Of the 557 schools in operation right now, we believe 159 currently are accessible. The previous government-approved funding of I believe it was \$4 million for a special one-time program to bring some of our buildings up to speed. We're spending \$700,000 this year and for the next three years to modify our buildings. We've estimated that to bring all of our buildings up to the requirements will cost about \$250 million, just to bring our buildings up to what we believe they require to be accessible. At that rate of spending, \$700,000 a year, to get the \$250 million that we need will take, I approximate, 357 years and a couple of months, for us to bring our schools up to standard.

This is a major implementation challenge for us. These challenges are on top of chronic building systems failures that we already face. Even with the funding that this current government has approved—a special \$200-plus-million fund for capital improvements—even after that money is spent after four years, we will still have a backlog of \$1 billion in major capital improvements required. That's not even including the accessibility portion. Major building systems failures: We're talking about boilers; we're talking about leaky roofs. You may have seen something on TV last night. One of our schools was profiled. The roof leaks, there's mould in the classroom, and this is where all of our children are learning, whether they're special-needs children or not. So in addition to the \$1 billion that we anticipate, we

expect another \$250 million to bring our buildings up to a standard that we would feel comfortable with.

In closing, quite apart from work that we're doing with children in the classroom and the backlog of assessments, it is not adequate, it is not enough to pass legislation and to pass paper. It's not adequate. It's not good enough. We need the resources to go with it. And we're very supportive of this legislation; let's not be wrong about that. The board would like to participate on the sectoral committee with respect to the education sector because we believe we can be helpful in terms of how to do this, but we absolutely need you to speak to your colleagues. We need the resources. We want to do this before 357 years. We absolutely want to get started right away and we need your help to do that.

We'd be happy to take any questions.

The Chair: There are two minutes each, and we'll start with Mr. Jackson.

Mr. Jackson: Bruce, thank you for being here. Dave, yesterday I downloaded your last public report, because when I was coming up with the concept of filing these reports, your presentation perfectly fitted the reason for it, and that was that we have identified a sector, they are reporting on the accessibility inventory of needs that need to be met, and Trustee Davis has already quantified approximately what that would be. Give or take the government's ability to audit and to make sure there's a common standard, we can actually now point out that for us to make that sector accessible, that's what it will cost, reasonably. So that was the genesis of it.

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You are about to finish your second-year plan, correct? So my question to you is simply this: Do you feel that it has been a worthwhile exercise to get your entire system focused on an audit of your programs to determine what needs to become accessible in order to prepare for an environment in which legislation, we hope, will guarantee that you'll be required to do that? We'll deal with funding in a moment, but at least you'll have legislation that says, "This is what you must do," a standard, and you can then say, "Well, this is what it'll cost us to do it." You really need to know both elements of that in order to get to the third element, which is, "It will take us 10 years," it will take us 20 years, it will take us 350 years to do it.

And for the record, congratulations. You're the chairman of this committee and maybe Trustee Davis might explain to me why no trustee is on the committee. Or maybe it has changed.

Mr. Davis: On the accessibility committee?

Mr. Jackson: Yes, on the one that's doing the audit.

Mr. Davis: The two staff chair the committee, but I'm not sure—I sit on so many committees.

Mr. Jackson: No, you're not on the list.

Mr. Davis: The short answer. Do you want to speak to the worthwhile—the whole issue of the audit?

Mr. Rowan: There's no doubt that it was a worthwhile process to go through. Without giving names, we have for the very first time a clear understanding in our

committee from business, from purchasing, from all sectors of our board that, in fact, to be very honest with you, probably hadn't made the consideration or have in the past looked at the consideration for employees with severe disabilities and how to support them, the purchasing aspect. It was a wonderful process to put through, have the discussion and bring to fruition many of the issues in those areas. So yes, quite worthwhile. A long process but very much worthwhile, I think, in our system for understanding the broader parameters of students, staff and parents who have disabilities.

The Chair: Thank you. Ms. Martel?

Ms. Martel: Part of the concern that I raised before with the OHA—or they raised with us and I'll raise with you—is that the OHA as well did a significant amount of work through their toolkit process because they were obligated to do so as a result of the current legislation, and that information is sitting and waiting in terms of what would need to be done. Now we have a new process that we're going to embark upon. What would your concern be, or how do you see, maybe, more importantly, the work that you're doing now fitting into where the government wants to go so that you don't have to repeat this process and we don't lose the work and the expertise that's already been gathered over the last two years?

Mr. Davis: We're going to build on the work that we've done. We want to participate in a sectoral approach to solving this for school boards around the province. We have some common themes. We're not going to undo the work that's been done; we're going to build on the work that our staff has done and that has been done by other school boards. The short answer is, we can build on that. Not every school board will be able to solve this exactly the same way, but there are things we can learn from other organizations and from the work that's been done in the past.

Mr. Rowan: If I could just add to it—and I agree with Trustee Davis. But also, given the size of our board, when I read through the bill and looked at the parameters to be a municipality, with 10,000 employees or whatever, I mean, we could almost look like our own municipality and develop our own plan. It is important, I think, to reiterate that we need to play a role, hopefully, in the sector for education, because no two boards are alike. I won't put Toronto as any different other than that we have unique—different, unique—obstacles because of the size application. It's not because of how we serve children. We're all serving children the best we can through the accommodations and modifications in every school board. But there are some newer boards that are growing and don't have as many problems.

Ms. Wynne: Thank you, gentlemen. Nice to see you. I am painfully aware of the issues that you are confronting, having sat with you at the table. I guess my question to you is—because I know you believe in having a vision; I know you believe that we need to know where we're going. Given that this legislation would build on the plans that have been put in place in previous years—there's no intention and there's no provision for those

plans, that work, to be thrown out until new regulations are put in place when the standards are set. I would expect it goes without saying that you would have input into those sectoral committees. Certainly, as a Toronto member, I will be advocating for that. I would argue that the Toronto District School Board is unique in terms of its size and also in terms of the fact that you have more retrofitting to do than new building. New building is a very different case.

I guess my question to you is, as in all sorts of areas in education, is it not better to have something to work toward? Is it not better to have a regulatory framework in place that makes it clear where we should be going and what the standards are so that we can work toward that? I understand the funding issues, but is it not better to have that clarity in place?

Mr. Davis: It is, and it sets an obligation for us and it sets an obligation for you, really. So if it's not there, look around. We know where the money is coming from.

Ms. Wynne: Yes, but without those standards in place, Bruce, where they haven't been in place before, as with smoking legislation, for example—

Mr. Davis: Things slide. If we don't put our stake in the ground—we're very supportive of this idea of putting your stake in the ground and let's focus resources. To put your stake in the ground without backing it up leaves us all missing the standard.

Ms. Wynne: So we work together on that piece.

Mr. Rowan: If I can just add very quickly, there is a difference between—and I totally agree, the five years is necessary—what we do in education and what the parents need tomorrow, and that's always been our focus. We can have the plan, we can have the vision, and it is necessary to have the standards in place and to continue to strive toward that. But from our standpoint, there's always a difference in what school we choose and where it is and what the parents need on a daily basis and that's our biggest obstacle, to be honest with you, what we can do. But if it's articulated and it's planned—

The Chair: Thank you very much for coming and answering the questions.

ONTARIANS WITH DISABILITIES ACT COMMITTEE

The Chair: The next presentation will be from the Ontarians with Disabilities Act Committee. Again, you have 15 minutes total. We already have your material, thank you. You can start any time you're ready.

Mr. David Lepofsky: We've provided fresh copies for the members of the committee, if the clerk could make sure you have them available.

Good afternoon. My name is David Lepofsky. I'm chair of the Ontarians with Disabilities Act Committee. To my extreme right, physically but not politically, is Lorin MacDonald, a law student and an active member of the ODA committee from London. To my immediate right is Catherine Bremner, mother of a child with a disability and active regional contact for the Ontarians

with Disabilities Act Committee in Durham region. To my left is Patricia Bregman, active Ontarians with Disabilities Act Committee member and one of the country's top legal and policy thinkers on disability issues.

The Ontarians with Disabilities Act Committee is a voluntary, non-partisan coalition of individuals, both people with disabilities and people without, and many community organizations across Ontario which organized over 10 years ago for the sole purpose of winning the enactment of the legislation that you now have before you. We have been involved in and indeed spearheaded this campaign for over a decade and are delighted to have reached the point that we have, of having this bill now before your committee for consideration.

The ODA committee wants to commend the government, Premier McGuinty and Minister Bountrogianni for bringing forward Bill 118 after holding effective, open consultations, after bringing to the table all the major stakeholders: people with disabilities, people from the business community, from the municipalities, hospitals, those you've heard from and will hear from before this committee. For the first time ever they were brought to the table to discuss how such legislation should look. The significant progress in this bill is due to that consultative process. We want to commend all three parties for having voted in favour of this bill on second reading. We hope you will do the same on third reading.

We also want to commend all three parties for their unanimous recognition now that the existing Ontarians with Disabilities Act, 2001, must be strengthened.

Finally, we thank you for holding these hearings, for holding them across Ontario, and for making them open, accessible, and from our understanding, for the first time ever, televised gavel to gavel even when hearings are held outside of Toronto.

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Let me take our time to cover the key points in our amendments package. Our amendments package, which you have before you, reflects not only months of our preparation now, but over a decade of consultations at the grassroots around the province, in an effort not to ask what would be best for people with disabilities but what would be best for us, large and small business, the broader public sector and the government.

We are pleased to see that our amendments, or the core themes in them, have been echoed, reflected and endorsed by many an organization that has already come before you, not only from the disability perspective but from other perspectives as well.

We are also delighted to be able to table with you an amendments package that we believe is reasonably tailored, where possible, to reflect specific amendments that two of your parties, the Liberals and the New Democrats, tabled three years ago when the previous bill, Bill 125, was before the Legislature. You'll see that fully 12 of our proposed amendments reflect those earlier matters, which both the Liberals and the NDP were not only prepared to vote for in 2001, but which in the 2003

election were promised to us as being the minimum of what new legislation would reflect.

Let me try to focus on what we believe to be core priorities, which are reflected not only in our brief but in the message you've heard from so many others. I do not put them in order of priority among themselves. In offering them I speak in general terms, because in each case we offer you specific suggestions but are attempting to be as flexible as we can as to how they are achieved.

First, it is widely recognized that while the bill sets an end date for when accessibility is to be fully achieved, and sets one specific timeline, the interim framework for standards development committees, it does not set time frames for other major steps the government must take when implementing this bill. We propose that to the time frames that are in the bill should be added more time frames to cover each major implementation step. We are flexible as to what they will be because we don't want to come up with things that are unrealistic and that will fail.

We also note that while some other presenters have focused on reducing the one interim time frame in the bill, five years, to three years, given the actual framework of the provision that that is found in, reducing it from five years to three years doesn't actually accomplish anything in terms of the rate of barrier removal. In fact, it may slow things.

Our second proposal or theme in our amendments: We propose that each major phase of this bill's implementation be undertaken in an open, accessible and accountable way. There are several ways to do that. One is to make sure that the standards development committees actually meet in the open so that we can see what they're doing, large and small business can see what they're doing, media can see what they're doing, everybody can see what they're doing. There should be no secrets here. There is nothing to be secretive about. Openness promotes accountability and confidence. Those who have come before you expressing worries about what this bill will achieve will have those worries reduced, we believe, when they see how it operates in practice. Openness only makes for better, more effective decisions, and confidence. Openness also means that the standards development committees and the other major bodies that will have a role in this should have a mandate, indeed a duty, where appropriate, to consult with stakeholders, including people with disabilities. We've learned through this process of developing this bill that both openness and consultativeness work.

The third priority or theme in our amendments is that the process of developing standards should be more arm's-length from the government. That's not to say that it should be totally independent of government, and that's not to say that government shouldn't have an important place at the table. However, it would be more appropriate that the process of developing recommendations to government be done outside government, with government taking part. Of course, what government then does with those proposals is something which would take place in government and for which government would take the

credit or the heat. In our brief, we propose one way of doing that, but, frankly, we are open to any number of other approaches.

Fourth, as you've all identified through your questions, the core of this bill has been the development of standards. Until standards are developed, this bill doesn't require anyone to actually do anything. That is leading some to have concerns about the 20-year end date. If people saw more progress sooner, the 20-year end date would be less of a concern. Moreover, standards cannot solve every kind of barrier. Therefore, we propose that the bill be enhanced to provide measures which can be implemented even before standards are set—because that could take years—and which will particularly help address both preparing people for the standards process once they're enacted and address barriers which the standards may not be able to cover. Again, our brief has specific proposals.

Fifth, our second-last area of priority builds on something that many have said for years about this kind of legislation, but none have actually covered the way we'd like to see it covered in the future. It is said over and over again that we need to educate the public on disability and accessibility. That's true. Leaflets, lectures, TV ads and so on have been tried in the past, both by the public and the non-profit charitable sector. They're helpful, but they're transitory. We propose something new. We propose that the bill implement a permanent, long-term, mandatory education program targeting two communities that can make a difference.

The first: kids. Let's have kids grow up learning about this in school, not for months or weeks, but maybe for even just a day or two. Let's have a mandatory curriculum. It could be set locally, or the province could offer an option. It would help the next generation of kids know more about this than any of us ever did before they become employers, store owners and so on.

The second target group: professionals who could make a difference. We propose that in future, those who are going to get a licence to practise in a profession that can make a difference in terms of accessibility should have as part of their training learning about accessibility. The prime example—we propose others—is architects. Put simply, in the future, no one should be able to get an architect's licence or other permit to design the built environment if they haven't at least learned how to design a barrier-free built environment. That will require some changes. The best people to design that curriculum are the professional bodies themselves. That's what we propose.

Finally, our last area of recommendation: Because we're embarking on a 20-year enterprise, we need an independent process to monitor how we're doing—not a large bureaucracy; it may not even have to start for several years—something that could be the conscience of the province, to commend those who are doing well, to egg on those who could do more, and to give us all suggestions of what could be done. There are many ways to do that. Generally, that's our proposal.

Let me conclude in one paragraph, if I may, by saying that this is now a good bill. With our amendments, it can be transformed into a legacy bill. It can be a legacy for those who brought in the bill, for all who voted for it, for all of us who've campaigned so long for it, and for the many people who fought for this bill but, sadly, did not live long enough to see it passed into law.

We thank you for this opportunity to present and would be pleased to do whatever we can to help this committee with its deliberations.

The Chair: Thank you very much, Mr. Lepofsky. You have used all of the 15 minutes, but you certainly made your points very clear. We thank you for coming with your friends.

The next presenter will be the Barrier Free Consumer Advisory Committee. While they are being seated, Mr. Jackson, you had a question?

1600

Mr. Jackson: Yes. With respect to the information, I would like to—

The Chair: Can I ask people, if you wish to speak, to go outside of the room, please, so we can continue our meeting. Thanks very much, again, for coming.

Mr. Jackson.

Mr. Jackson: Mr. Chairman, as the next group is preparing, I would like to move:

That the standing committee on social policy invite Mr. David Lepofsky, chair of the Ontarians with Disabilities Act Committee, to be given sufficient time to provide a detailed technical briefing to the social policy committee when the Ontario Legislature reconvenes; and further

That during clause-by-clause consideration of Bill 118, the social policy committee grant Mr. Lepofsky and the Ontarians with Disabilities Act Committee standing before the social policy committee for purposes of providing comment and to assist the social policy committee through the amendment process and final votes; and further

That sufficient time be taken by the social policy committee during clause-by-clause consideration to ensure that all matters presented during public hearings to strengthen Bill 118 are fully considered.

I have a copy of that which I will give to you, Mr. Chairman, and to the clerk.

The Chair: And your intention is to debate the motion or to receive it and—

Mr. Jackson: My suggestion would be not to debate it at the moment, because we have other deputants, but make it the first item of business when the Legislature reconvenes and we're called forward. We can debate it at that time.

The Chair: At the committee level?

Mr. Jackson: Yes. It's a motion for the committee.

The Chair: That's the motion. Everybody gets a copy. So it's deferred. Is there any discussion on deferral of the motion? Anyone in favour of the motion to defer? We're deferring the discussion for later on. That is the motion.

Mr. Jackson: To the first item of business when we reconvene, when the House is in session.

The Chair: OK. The only question I have is whether anybody has any comments on the deferral motion; otherwise we'll take a vote on the deferral motion. Anyone in favour of the deferral motion?

Interjection.

Mr. Jackson: No, to defer—

The Chair: Yes.

Mr. Jackson: Oh, to a time. Not to defer; to defer to that time.

The Chair: To defer it to the first committee meeting.

Mr. Jackson: Thank you.

The Chair: That's what you said.

Mr. Jackson: Yes.

The Chair: Everyone in favour? It carries. Thank you.

BARRIER FREE CONSUMER ADVISORY COMMITTEE

The Chair: The next presenters are ready? You have 15 minutes total, and of course we need to borrow three extra minutes from there. Please proceed when you're ready.

Ms. Heather Green: Before the time starts, I just want to make two points. I was late for my previous presentation because of Wheel-Trans, and the gentleman beside me, I forgot which side his hearing aid was in, so he wasn't aware that I was sitting beside him to continue part of the presentation. So those are barriers that we have to face all the time.

The Chair: Thank you for letting us know. Go ahead, please.

Ms. Green: Representing the Barrier Free Committee, on my right I have the executive director, Anne Johnston, of Anne Johnston Health Station; I have Gita Lakhanpal, an OT there; and members of the Barrier Free Committee: Marie Recker, Jenny Clement, Bill Van Steenderen and myself, Heather Green.

The Barrier Free Consumer Advisory Committee, BFCAC, is a group of persons with disabilities and clients at the Anne Johnston Health Station who work in an advisory capacity to this community health centre. They differ from hospitals to provide primary health care with a team of health care professionals, but at the same time concentrate on health promotion and education with a focus on prevention by offering a variety of programs and workshops that relate to local community needs.

All CHCs are community-based and client-centered, and have advisory committees comprised of clients, community volunteers and representation on the board of directors, with staff support. One of 22 CHCs in the GTA and over 55 in Ontario, the Anne Johnston Health Station is unique in that it not only provides services to clients within a geographic catchment area but also serves a particular population. Their target profiles of clients are youth aged 13 to 24 and seniors aged 55-plus, including the frail homebound, within the north Toronto area. Those with disabilities from across Toronto can access

AJHS services if they have a disorder or syndrome that is neurological, neuromuscular or the result of a spinal cord injury.

Unlike many other health centres or hospitals, AJHS has attendant care, health care providers specialized in dealing with the disabled community, accessible clinic rooms, and examining tables and weight scales that can accommodate mobility devices so that physically disabled clients can access health care in a barrier-free environment. Other services provided at the centre include nutrition advice, health care promotion and prevention groups, advocacy, counselling, and various workshops teaching self-advocacy. This is vital to one's sense of well-being, as the client can focus purely on health care issues rather than being frustrated in dealing with physical, technological and attitudinal barriers.

As one of three advisory committees representing the target populations, the BFCAC appreciates this opportunity to express its concerns related to the Accessibility for Ontarians with Disabilities Act, AODA. The BFCAC is particularly concerned that the AODA is the best legislation possible to guarantee the fundamental rights of those with disabilities and seniors becoming disabled. Our principal concerns deal with how the law is written, the limited involvement of persons with disabilities in the development, monitoring and review of accessibility standards, the lack of specifics regarding timelines, and how this law will be implemented and enforced.

As persons with disabilities, we could not believe that the definition of "disability" was not redefined despite objections to its exclusionary definition in the last deputations of the ODA. It follows a medical impairment model of attempting to list all the different types of physical, sensory and mental disabilities. However, with scientific discoveries and medical advancements, new diseases and syndromes are being identified continuously. Left out of the definition were invisible disabilities such as chronic pain, chronic fatigue syndrome and environmental disabilities, as well as many other disabilities that are periodic, cyclical, episodic, intermittent and progressive in character.

As a group, we advocate that this definition of "disability" follow a social perspective which does not label individuals but rather views disability as a socio-cultural problem, with society having deficits in accommodating the disabled rather than the individual being the root of the problem. A 2001 government of Canada sponsored survey, Participation and Activity Limitation Survey, or PALS, defined disability as an activity limitation or participation restriction associated with a physical or mental condition or a health problem. If the AODA definition of "barrier" were added to this definition so that physical, architectural, information or communications, attitudinal and technological barriers, as well as those originating from policies, practices or socio-economic status, were removed from all aspects of society, then the definition would include many more groups.

We would also like the term “barrier-free” added to the definition of disability. Then the purpose stating “to benefit all Ontarians” in terms of accessibility would be more meaningful, as no one would be left out of participating in society, both in the public and private sectors.

The BFCAC does not want the definitions of “accessibility” and “services” for the purposes of this act left up to the Lieutenant Governor in Council to clarify. These must be defined in the beginning of this act, as they are central concepts, and the standards development committees cannot proceed with establishing accessibility standards without first knowing what these terms mean. The disabled community, as well as those who provide goods, services and facilities, also need to know what their rights and responsibilities are within this legislation, and cannot do so without knowing what “accessibility” and “services” mean.

The AJHS and BFCAC advocate the World Health Organization’s definition of health. Health is not merely the absence of disease.

The social determinants of health include access to housing, employment, income and recreational activities, to name a few. Employment and higher education are areas where people with disabilities face many barriers, specifically attitudinal and systemic. The AJHS hires people with disabilities in meaningful positions. In other work environments, people with disabilities, if they are hired at all, are often given mundane tasks. Many organizations and institutions of higher learning discriminate against people with disabilities when they do not permit flexible hours or provide attendant care, transportation and physical accommodations, or do not hire people with disabilities who have the necessary training and education. These policies reflect attitudinal barriers.

People with disabilities are also prevented from working due to the policies that reduce their income supports. Invisible barriers, such as attitudinal, plus obvious physical barriers need to be addressed in education and awareness programs to the general public and to all goods and service providers within the economy. The AODA has the potential to address these barriers that affect the social determinants of health, and to promote equitable and meaningful participation of people with disabilities within the community.

1610

Our committee is concerned that there are limited opportunities for the disabled community to actively participate in the implementation, monitoring, evaluation and review of this bill. As the AODA now stands, people with disabilities can participate in only three different ways, by providing comments and suggestions after a proposed accessibility standard has been made public or becoming members of a standards development or municipal accessibility advisory committee.

We are worried that the accessibility standards are being publicized on the government Internet Web site, when many people with disabilities do not have regular access to or own a computer with Internet capabilities

that meet their special needs, or cannot pay for hookup charges. The BFCAC recommends that all accessibility standards be posted in major provincial newspapers, free weeklies and disability publications such as Ability magazine; on local, ethnic and Ontario legislative television channels; and in memos sent to all disability organizations so that their members can be notified about legislation that affects them directly. Hard copies, alternate formats and other languages must also be available at the Accessibility Directorate for any documents pertaining to this act.

Our group feels that the composition and selection process for these committees and for other parties responsible for this bill needs further clarification. What is the total number of members, percentage of disabled persons and range of disabilities represented on these committees? These committees should reflect the size and diversity of their community. The BFCAC advocates that the majority of these committees be made of disabled persons representing a cross-section of disabilities, ages, ethnic cultures and socio-economic status. People with disabilities are the real experts in terms of accessibility, identification and prevention of barriers. We overcome barriers in our activities of daily living.

We would also like the selection process to be transparent and not confined to high-profile members of society. Everyone with a vested interest, requisite skill set and appropriate experience should be able to apply for these positions. The disabled population must also be represented across the AODA administrative structure, such as inspectors, tribunals and the Accessibility Directorate.

To encourage the participation of the disabled, who are often under-represented and disadvantaged, our committee recommends that expenses be reimbursed and honorariums that do not jeopardize their ODSP or pension plans be considered for those who participate on these committees or who offer their expertise in any consultations.

The BFCAC rejects the long-term time frame of making Ontario fully accessible by January 1, 2025, in favour of 2015. We feel that too much time has already been wasted trying to get accessibility legislation in place, and that many disabled persons will not be around to see the benefits of this law. There are no short-term timelines in this act except annual reports once accessibility standards are established.

We need both the public and private sectors to get to work now making their buildings, premises and surrounding environments accessible. Further, we need access to goods, services and facilities as the general public now enjoys. The disabled should not have to go farther to get to a ramp or to the back of a building to get inside so we can participate fully in every aspect of society.

In the previous ODA, the provincial and municipal governments, public transportation organizations, hospitals, school boards, colleges and universities were required to prepare and publicly submit annual accessibility

plans developed in consultation with people with disabilities. In this new legislation, only persons or organizations in the public or private sector that are included in established accessibility standards—through regulation which may never happen or will be enacted years from now—have the obligation to submit such reports.

The BFCAC advocates that all parties currently obligated to submit accessibility plans continue to do so until such time that the substituted accessibility reports become law. The private sector should also start accessibility plans/reports and should be notified that this is now required. Otherwise, when the ODA is repealed, accessibility will be put on hold until the AODA infrastructure is fully in place, which may take some time. Accessibility reports should, at the bare minimum, contain measures, policies and procedures to identify, remove and prevent future barriers to accessibility, with annual timelines and projected long-term timelines, keeping in mind some barriers take longer and cost more to remove.

Our group is most concerned that there is no formal review process in this new bill, unlike the old. There also needs to be an independent review process within five years of its enactment and continuous review shortly thereafter. The public must be part and privy to this process. We, the disabled community, can best determine if the law is working to improve accessibility and if barriers are indeed being identified, removed and prevented.

In terms of enforcement, the BFCAC is concerned that under the ODA legislation there were no regulations enacted or offences proclaimed. We do not want to see this repeated with this bill, as much of it depends on the enactment of regulations. Accessibility standards must be established and enforced within a short period of time thereafter. The AODA has very few details as to how the penalties will be applied, who will enforce them and how these enforcers are selected. Such details must be in the bill itself to avoid needless litigation later.

In conclusion, we the disabled want to be part of the mainstream and must have input into this law now and on an ongoing basis to do so. We need to be part of the deputation and ongoing consultation process. Thank you.

The Chair: Thank you very much for your presentation. You have used all the time for the presentation. Thank you again for coming earlier. We'll move on to the next presentation. We do have your material already.

ONTARIO NETWORK OF INDEPENDENT LIVING CENTRES

The Chair: Next is the Ontario Network of Independent Living Centres. Is Sandra Carpenter here? We have two people who will be able to assist.

Ms. Carpenter, as you get ready, just a little reminder that there is a total of 15 minutes. If you could make sure that everybody present will be able to appreciate your presentation, it would be appreciated very much.

Ms. Sandra Carpenter: Mike Murphy should have been added to the agenda.

The Chair: Any time you are ready, you can proceed.

Mr. Mike Murphy: I'd like to introduce myself. I'm Mike Murphy, the chair of the Ontario Network of Independent Living Centres. With me today, as we know, is Sandra Carpenter, policy analyst with the Ontario Network of Independent Living Centres.

The Chair: Can you bring your microphone closer, sir, so that they will be able to hear you at home, while watching TV?

Mr. Murphy: OK. Is that better?

The Chair: Yes.

Mr. Murphy: First of all, I'd like to congratulate you all for unanimously voting for Bill 118 and getting us this far along in the legislative process. It's truly been an informative process and a collective process that's been a long time coming. We will not complain about the time frame. We know things take time; we just need to be careful in ensuring that action is done at all stages. Although many of us will not be here in 2025, to us the value of this initiative is the legacy that this will leave for future people with disabilities. They will be beneficiaries of the foundations that we are laying today.

ONILC, the Ontario Network of Independent Living Centres, is comprised of 11 centres across Ontario, from Thunder Bay in the north across to Ottawa and as far south as Niagara. The Ontario Network of Independent Living Centres facilitates the sharing of information, experience, expertise and resources between these centres. For example, the Ontario Network partners with the Toronto centre, which is contracted by the Ministry of Health to operate the direct funding program. Direct funding enables people with disabilities who need assistance with activities of daily living to hire and manage their own attendants.

We're also responsible for the accessibility audit program, which trains staff in all of the centres to perform accessibility audits of buildings. This program may be uniquely situated to help with the implementation of the AODA once it is proclaimed. I'll let Sandra speak a little more in detail.

Ms. Carpenter: As the bill is currently written, it's highly permissive. In fact, subsection 6(1) states, "The Lieutenant Governor in Council may make regulations establishing accessibility standards." Then it follows, saying what the standards should be. But there is nothing that says they "shall" enact an accessibility standard once it's in place. We ask that the committee question this fact. It does not appear that we've achieved the right balance of obligations and options.

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We would also like to point out that barriers are being erected by this very government faster than we can put legislation in place to prevent them. A concrete example of this is the recent cancellation of Ontario's workplace accessibility tax credit, and you have to wonder why. It couldn't have been a cost-saving move because nobody made a claim in 2003. Nevertheless, it seems to our community—and it would be to employers too if they knew about it—that it's very contradictory to cancel this

benefit on the eve of passing into law a highly progressive disability accessibility bill.

Another example is the Ministry of Health's reorganization. They're calling it a transformation of health care services, which is largely a medical model type of service. I won't go into a lot of detail about that, but basically, anything conceived of as a medical model, as the previous deputant outlined, actually creates more barriers for us, not fewer.

Priority needs to occur now—not when this bill is passed, but now—so that nothing proposed or enacted by the Ontario government erects further barriers to people with disabilities and threatens the pursuit of our equal participation in society.

We remain puzzled on two additional fronts: Does this bill effectively sunset in 2025? And how is a complaint, individual or otherwise, lodged or filed? There is an appeal process and a tribunal set up for people who want to argue against an order filed against them for accessibility, but there is nothing on the other side that enables people to complain about a lack of access.

The current ODA has addressed how other pieces of legislation have to be amended, and I think a section similar to what's in the ODA should be in Bill 118. For example, the Ontario Ministry of Health is currently rewriting the Long-Term Care Act. How are we to be assured that nothing in the process of rewriting this act will conflict with the goal of the AODA?

Many of us were directly involved with the creation and implementation of either the Advocacy Act or the Employment Equity Act or both. Neither of these acts was even fully implemented before being dismantled by government. The speed with which these two key pieces of legislation were scuttled was mind-boggling. We recommend, therefore, that this bill contain significant review clauses, for a host of reasons. Firstly, as we approach 2025, in the best of all worlds we may not need this type of bill but may need something else. This bill needs to be protected from future ideology, which may simply find disability and disability access too expensive. This legislation must not be repealed without other new legislation to replace it. Review clauses are needed because, although there are some timelines and goals in this legislation, there is no way to assess to what extent the goals have been met.

To conclude, we want to see a process developed to bullet-proof this act against the ideology of tomorrow so that we will not see its premature repeal. Secondly, we are concerned that the right balance has not been achieved between the permissive aspects of the bill versus the prescriptive aspects. We feel that this act, given the 20-year time frame, is too permissive.

Finally, we want to point out that this government is actively erecting further barriers to our full participation—not on purpose, but accidentally. This bill needs a section to address that and to amend other legislation to ensure that it remains compatible with this act and its goals. Ultimately, to ensure that, this legislation should enshrine that all existing and new cabinet submission

documents and policies be measured against their capacity to create or remove barriers for people with disabilities.

We would like to see an act where a significant majority role for people with disabilities is enshrined throughout the process. We have an exclusive interest in its successful implementation, because success to us doesn't just mean within the highest profit margin.

Thank you for the opportunity to make these remarks to you today. If there's time, we will take some questions.

The Chair: There is time, about a minute and a half. We'll start with the government.

Ms. Wynne: Thank you for being here. The issue of putting mechanisms in place to protect against future ideologies: What would that look like? Have you got language around that?

Ms. Carpenter: For example, you could have something in this legislation that specifically says, "This act cannot be repealed unless you put another piece of legislation in place." There is a democratic legislative process that is consultative in nature, then it still has to pass first, second and third reading to be proclaimed. That in itself would protect the act against a premature repeal.

Ms. Wynne: I guess what we're counting on is that we're putting legislation in place that will invoke an attitudinal shift that will make it impossible for future governments to go backwards. To give credit where credit is due, we are building on a societal move that has been in place for a number of years. We may not agree with the previous legislation, and we're building on that, but there has been a societal attitude that we need to move forward on this. Is that fair?

Ms. Carpenter: Well, we've witnessed the backlash that can occur. I was at other committee presentations around the Advocacy Act when it was put into place, and around the Employment Equity Act, and that stuff was just pulled away.

Ms. Wynne: Fair enough. We'll take this comment, because certainly we would not want that to happen. Thank you.

The Chair: Mr. Arnott?

Mr. Arnott: Thank you very much for your presentation this afternoon. I enjoyed listening to it. I think the Ontario Network of Independent Learning Centres has brought a unique perspective to this discussion.

My sense is that you're somewhat skeptical about the government's intentions, notwithstanding all the statements that have been made. For example, you talked about the wording in the bill, that one section said the Lieutenant Governor in Council "may" create these standards, as opposed to "shall." You are quite skeptical. Is that true? Or what's going to happen going forward?

Ms. Carpenter: I wouldn't say I'm a skeptic, but I'm a realist. I also worked for the Ontario government for 10 years and I know how priorities are set. I know how an innocent little word like "may" can be interpreted, for what may seem like a good reason, but people put

barriers in place for people with disabilities without even realizing what they're doing.

The Chair: Ms. Martel?

Ms. Martel: Thank you for being here today. With respect to that very section, I did raise that concern yesterday morning with the ministry staff, and there was an extended discussion about why this may or may not be able to be changed. But I think some other wording is going to come forward, because it should say "shall" and there shouldn't be any question that the standards have to be enforced and be passed.

My question has to do with the complaint process. You're quite right: There's nothing in here for individuals to make a complaint about a standard not being implemented, what effect that has on them etc. The suggestion by the ministry yesterday was people could pursue this through the Ontario Human Rights Commission, which I am completely opposed to. There are lots of problems with the commission, and I don't lay the blame on the staff of the commission. I don't want to be sending people there as a consequence of this bill, because those complaints will go nowhere. Do you have some sense about what kind of complaints process could be established that would actually provide for issues to be adjudicated and resolved in a timely fashion?

Ms. Carpenter: I think there should be a tribunal just for those reasons as well, so that disabled people, either individually or collectively, can specifically talk about a standard that should be created, rather than an individual accommodation or disability barrier.

I see this as something that should be compatible with the Ontario Human Rights Code, but not replace it. I see this as a very different bill. It's more like an implementation bill. If the Human Rights Code had been enabled many, many years ago, when they came up with the decision, if it had had a general application rather than an individual application, you wouldn't have to have a bill like this today.

The Chair: Thank you very much for coming.

1630

NATIONAL FEDERATION OF THE BLIND: ADVOCATES FOR EQUALITY

The Chair: We will move on to the next presentation, the National Federation of the Blind: Advocates for Equality. There is someone there to assist you, sir. Whenever you are ready and feel comfortable, you can start. You will have 15 minutes to make your presentation and potentially answer some questions.

Mr. John Rae: Could we have some assistance in distributing these, please?

The Chair: Yes, and someone will adjust the microphone closer to you so that we can hear.

Mr. Rae: Good afternoon, members of the committee. Thank you for this opportunity to be here. My name is John Rae. I'm the national president of the National Federation of the Blind: Advocates for Equality.

Ms. Marcia Cummings: I'm Marcia Cummings. I'm the national secretary. Can everyone hear me?

The Chair: Somebody will move your microphone for you.

Ms. Cummings: Can we have another one?

The Chair: There are two microphones there.

Ms. Cummings: Thank you. Are both of these on?

The Chair: Yes, both of them are in the right location.

Ms. Cummings: I'm the national secretary. My name is Marcia Cummings.

Mr. Rae: For the benefit of the people who are in the room and those who are still watching this across the province, we have asked that a summary of our brief be distributed to members of the committee. What they will quickly discover is that we are providing them with a synopsis in our preferred format, namely Braille.

Ms. Cummings: But John, they can't read it.

Mr. Rae: None of them?

Ms. Cummings: No, not as far as I know.

Mr. Rae: Not in 2005?

Ms. Cummings: That's right. They can't read it. It's useless. It's like it's firewood.

Mr. Rae: But it was the best we could do in this short time. It was the easiest way we could produce it.

Ms. Cummings: Yes, but it's useless.

Mr. Rae: I hope it's not useless.

For members of the committee who are wondering where we are going with this, or are starting to feel a bit of discomfort or even a bit of annoyance at us, those reactions are all fine from my standpoint. In case you're wondering what the point of this was, so far this exercise has covered two elements. One is the framework of the bill, and secondly, the results that we, the disabled community, expect.

What we tried to do by this little skit was not only to give you something a little different at 4:30 in the afternoon on the second day of hearings, but also to try and put a bit more of a human face on the results of the kind of exclusion and deprivations that we constantly live with.

I've got good news for you. If you had a few negative feelings during what we presented, the good news for you is that they will go away, and they will go away quickly. But those sorts of things are what we have to live with. We go and meet with governments, municipalities and other service providers, and very often we get to a meeting and we're provided with reams and reams of this stuff—print, material that we can't read—at a meeting we are expected to participate in and want to participate in. And I must tell you the result of that, the effect of that, and this is what's important; this is why this bill must be amended and strengthened. The effect of that is demeaning, a feeling of being discriminated against and directly excluded from processes we should be a part of. That's got to stop. That was the point of that exercise.

The NFB AE is a consumer organization. We are an organization of persons who are blind, partially sighted and deaf-blind. I emphasize that one little word "of"

because it's important. We are a consumer group. We are an organization of people who live our lives as people who have disabilities. We believe very succinctly that we are our own best spokespersons, and as a consumer organization, we believe we are the legitimate spokespersons for our part of our community.

Consumer groups like ours must be an integral part of the standards development committees. In fact, we believe that consumer groups should form the bulk of the disabilities portion of those committees. So far, of course, the committees are to consist of government, a large sector of disabled people, we think, and the business sector. We think there's one sector missing: In sectors where there's significant unionization, a role for labour should also be considered.

To make those committees work, government is going to have to provide some funding, especially to organizations like ours. Many of us are small and our organizations are already very busy. To make it possible to devote the time that will be needed to do the research and to participate in those communities, some funding has to be provided.

Ms. Cummings: We are here discussing making Ontario fully accessible, and yet no one so far, that I know of, has given a definition of "accessibility." So we thought we'd try and craft one to give you something to work from, because we believe that it needs to be spelled out as an integral part of the act for those of us who don't know what it is. We believe that accessibility is full access and the ability to access and make use of products, services, programs, premises, all of that. The important thing is that we be able to do it independently and with dignity.

There is a difference between being able to get into a building and being able to get into one accessibly. It can be as simple as having to be carried up a flight of stairs versus going up a ramp, or in terms of a restaurant, say, having to get someone to read me the menu versus being handed a Braille menu with up-to-date pricing and item information and being able to read it for myself. There's a difference there.

We want to put a face on what accessibility is and what a good Bill 118 should mean to blind, deaf-blind and partially sighted people in Ontario. It's certain things like Braille and large-print menus in restaurants, and that on public transit you don't have to go through a memorization process to make sure you get where you're going, because the subway drivers don't call the stops 50% of the time. It's things as simple as that: being able to get on a really crowded streetcar and not have to work my way to the front door so I can ask the driver to let me off at a stop that's a half-hour away; he should be calling those stops for everyone, for the person at the back who can't see out the window and then sees the sign of the place as they pass and for us who can't see the signs at all. Those are some of the things.

Education: If we can't get our textbooks on time, we can't go through the course material at the same rate as everyone else, so we're not going to be able to achieve

the same high marks. Perhaps it would be good to note that textbook publishers should be considered a service, so that service could be made accessible and regulated to be accessible.

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Workplaces: Accessibility in the workplace to someone who is blind or visually impaired, partially sighted or deaf-blind means that your technology is not allowed to change so that it all of a sudden becomes inaccessible to you for business reasons. Believe me, that is happening on a widespread basis. Companies are going to solutions that make great business sense but put us back in the Stone Age in terms of equality.

Voting: Voting's good. I can't vote by myself yet. I'd like to be able to. I'd like to be able to vote independently and privately like you can, but they haven't come up with a system that works.

I'll just hand it over to John and let him wrap it up.

Mr. Rae: To make some of these things come about—after all, this is not the first attempt to improve the lives of people with disabilities. We've gone through amending the Human Rights Code, we fought and achieved coverage in the Charter of Rights, and so on and so forth. We had employment equity; we lost employment equity. Way back in 1981, the international year talked about full participation and equality. That is some 23 long years ago. Old-timers like me still remember that time, remember the promise and remember how discouraged and disillusioned we were when that promise remained unfulfilled. This bill must not do that again to us. This bill has brought us new encouragement, and it must be strengthened and made more specific.

A couple of things happened this morning. There was talk about business, talk about costs. If we expected this work to be done overnight, I think the issue of cost would be a more legitimate issue, but we're talking about 20 long years, a long time. Certainly there must be benchmarks along the way, clear ways for the community to see and measure progress. There must be annual reports tabled in the Legislature so that the public can see these benchmarks.

There must be a way for the disabled community to bring complaints. The bill does not currently provide for that. There must be one tribunal. After all, we don't want different adjudication bodies handing down different rulings. That's not useful. After all, the business community keeps telling us that it wants to know what's expected of it. That's reasonable. We agree with them on that one. So it's important that one tribunal be established, one that understands disability issues, one that has a good number of persons with disabilities as part of it.

The same goes for the inspectors: When the positions are eventually created, extensive outreach to our community must be done and real efforts must be made to hire a reasonable number of us in those jobs. In short, the kind of participation that we're likely to see on the standards development process must continue throughout the whole process.

Another critical part is education. Everybody in this province must know about this bill, must know what is expected of them. Although we're talking about changing behaviours—that's important—changing attitudes is also part of it, focusing on kids, on new professionals, on the education system. I just wish that when I went to school, there were more teachers that looked like Marcia or me in the education system. That would have provided us with more role models, more inspiration and of course more jobs.

If ever our community needed a push, it's in the area of more dollars in our pocket. That involves jobs. The Ontario public service must become more of a model employer. It must set the standard. Also, I think it's incumbent upon politicians like the Premier, like ministers, to bring together the business community, to make it clear that the government is committed to change and that part of that change involves bringing more of us into all segments of the community, whether that be the classroom, the community or, especially, the workplace.

The Chair: Thank you, Mr. Rae and Ms. Cummings, for your presentation.

Ms. Cummings: Can I just make one final comment? Please remember: Nothing about us without us.

Mr. Rae: And one final comment: We haven't forgotten your preferred alternative format. We have a few copies of our brief for you, which I would ask be distributed and examined. Thank you very much for the opportunity to appear.

The Chair: Thank you again. They will be distributed to all of us.

RETAIL COUNCIL OF CANADA

The Chair: The next presentation is from the Retail Council of Canada. Are they in the room? Is that Mr. DeRabbie? Whenever you are ready, you can start your presentation.

Mr. Doug DeRabbie: Good afternoon. My name is Doug DeRabbie. I'm the director of government relations for the Retail Council of Canada. Thank you for the opportunity to appear before you today. I will try to move through the presentation quickly so we have some opportunity for questions.

The Retail Council of Canada has been the voice of retail since 1963. We represent an industry that touches the daily lives of most people in the province. Like most associations, we are not-for-profit and are funded through dues revenues. Our 9,000 members represent all retail formats: mass merchants, independents, specialty stores and on-line merchants. Approximately 90% of our members are small independent retailers and over 40% of our membership is based in Ontario.

The retail industry is a dynamic and fast-paced industry. Nationally, it contributes more than \$330 billion annually to the economy, which represents about 5.6% of the GDP. In Ontario, the retail sector contributes more than \$125 billion annually to the economy, representing more than 5% of the provincial GDP.

Despite its significant size and scope, retail really is dominated by small business. The majority of our members employ fewer than four people. You will notice in our submission under graph 1 a column entitled "Indeterminates." These are actually companies with no payroll, so they are sole proprietorships, mom-and-pops. They don't have a payroll. They don't employ a single person. Approximately 70% of the retail sector has sales of less than \$500,000, and 89% of the retail sector has sales of less than \$2 million. So this is really small business we're talking about. We talk about Wal-Mart or The Bay or Sears, and they are really in the minority at 3% of the industry.

Retail is Ontario's second-largest employer, with almost 750,000 employees. I think that's actually a little-known fact, but we rank right behind manufacturing, and you can see that in scale, well ahead of health care, the tourism industry and others. It's a huge industry in terms of employment.

Before I begin to discuss the legislation, I would like to take a few moments to talk about accessibility in the retail sector. The general approach of RCC and its members is to ensure that people of all abilities have equal access. In attempting to achieve this objective, retailers have generally focused on three major areas: barrier design, servicing customers with disabilities and employing persons with disabilities. In each area, retailers have been faced with both challenges and opportunities. Through their experience, we have learned that, in large part, the key to overcoming the challenges and seizing the opportunities is through providing flexibility, increasing education and awareness and keeping the lines of communication open between the retail community and the disabled community.

Regarding barrier design, there are a number of issues facing the retail community, including providing access for both customers and employees, the need for differing standards for various retail formats and ensuring sufficient time to implement any legislative requirements. There is also the issue of distinguishing between the interior of the store and access to the store. This is important, as most retailers, even large ones, do not own their property. Rather, they tend to be tenants in a general purpose space that is designed, built and owned by someone else. One possible option that could be explored to address this issue is to look at enhancing customer service as an alternative to the removal of barriers.

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With respect to servicing customers with disabilities, RCC's members currently have a number of initiatives in place. For example, some retailers encourage customers to approach the front desk, where an employee will assist with shopping or filling out a job application. As well, some employers are training employees on how to interact and communicate with customers with disabilities. Certainly there are additional opportunities for businesses to increase staff awareness and sensitivity through seminars as well as through information and training manuals.

On the matter of employing people with disabilities, the retail sector is facing a growing labour supply crunch. Attracting and retaining quality people has become a key competitive issue. From a strictly business perspective, it is in the industry's interest to ensure that it is tapping into all areas of potential labour supply, including those Canadians who are disabled.

Although eager to learn more about tapping into this sector of the workforce, employers are not currently utilizing the skills and abilities of persons with disabilities to their fullest potential. To turn things around, employers will need more comprehensive and readily available information about the workplace needs of persons with disabilities.

Also important will be increased partnerships among business, government and community organizations to promote hiring and retention of persons with disabilities through better information and supports for employers.

Finally, communications must be a priority in order to educate employers and dispel the myths surrounding the potential of persons with disabilities to work, as well as the perceived costs to employers to carry out workplace accommodations. Modifications to the workplace may be perceived as an unjustifiable expense to employers, given the proportion of employees with disabilities. However, many workplace accommodations are low in cost, and some, such as flexible hours, work-sharing and modifications to the workplace, do not involve excessive expense to the employer. Promotion of the actual costs versus the benefits of workplace modification, and possibly tax incentives for employers who undertake accommodations, may result in an increased willingness of employers to provide accommodations.

Turning our attention now to Bill 118, RCC congratulates the minister for introducing legislation that is fair and balanced and that ensures that people of all abilities have equal access. We support the creation of standards development committees. These committees will provide an important forum for the dialogue that must take place between the business community and the disabled community if we are to develop meaningful standards.

As was noted earlier, the retail sector's contribution to the daily lives of Ontarians cannot be underestimated. With annual sales over \$125 billion, over 85,000 establishments and almost 750,000 employees, the retail sector reaches every corner of the province.

Accordingly, we are recommending that a standards development committee for the retail sector be established. We would further recommend that such a committee begin its work by focusing on the following areas: barrier design, servicing customers with disabilities, increasing education and awareness and employing people with disabilities. These topics can then be fleshed out through discussion amongst committee members.

As committees begin these discussions, one of the challenges they will face is the fact that there are many disabilities whose needs can conflict and must be balanced. Another challenge will be how to identify and address mental health disabilities. To effectively address

both of these challenges, the committees will need to focus their efforts on increasing education and awareness as well as fostering open and regular dialogue.

RCC supports the provision that an accessibility standard may create different classes of persons, organizations or buildings based on the number of employees, annual revenue, type of industry and size of building. This is especially important for retailers who, as was noted earlier, typically lease their premises and as such are not in a position to make changes to the design of their stores. Undoubtedly there will be a great deal of discussion on this matter, but an important consideration that will need to be addressed is the responsibilities between property owners and tenants.

RCC and its members also support the flexibility that will be given to each committee to determine an appropriate time frame for the implementation of measures, policies and practices, and we are supportive of the 20-year time frame. This is vital to ensuring that retailers will be able to efficiently and effectively implement all the required changes.

RCC by and large agrees with the legislation's proposal of the need for annual accessibility reports from any and all persons and organizations affected by the bill. To that end, RCC is recommending that it be allowed to report on behalf of its members regarding their progress. We would work with members to determine how they are meeting their obligations and, where appropriate, encourage them to go above and beyond the standards that have been set.

Finally, RCC supports the creation of the Accessibility Standards Advisory Council. We are respectfully recommending that we be appointed to the council. RCC is currently a member of the BC Minister's Council on Employment for Persons with Disabilities. Given our active involvement in this area, we believe we can contribute a great deal to the work of the council.

Moving on to next steps, retailers are already discussing how they can work together to ensure equal access for people of all abilities. Last fall, RCC put together a formal working group of members to look at how we could enhance accessibility, with the hope that any recommendations would then form the basis of discussions at the standards development committee, once it had been created.

Discussions so far have provided a strong framework for moving forward. Members of the working group have indicated that any standards developed for the retail sector should accommodate anyone using a company's facilities, including customers, employees and vendors.

It was also agreed that the working group would look at developing an accessibility policy. In order to do so, it was discussed that the group first needed to identify the barriers to accessibility. After having done so, the group agreed to develop policies and/or plans in the areas of barrier design, servicing customers with disabilities and employing people with disabilities. It was further agreed that any policy or plan would look at both existing store locations as well as new locations.

It has been said that representatives of the disabled community were determined that any legislation be as fair as possible to business. They were also looking for the opportunity to sit down with various business sectors to negotiate standards that are both world-leading and fair to everybody. We are here today to echo that spirit of co-operation and consultation. RCC and the retail sector want to be able to meet with representatives of the disabled community to learn, to understand and to make the changes required to enhance accessibility.

As such, it is our intention to invite representatives from the disabled community this spring to join in our discussions. This will assist retailers in identifying barriers, such as physical, attitudinal and communications. This will also be important in the development of tools, resources, educational and promotional materials and staff training.

In closing, the minister has indicated that this legislation is about fairness, opportunity and inclusion. It is also about building a better Ontario and reaching the full economic, social, cultural and human potential of our province. We couldn't agree more. For retailers, they take great pride in the communities in which they live. By helping to provide accessibility, retailers will be building upon their efforts to deliver to Ontarians a quality of life that is second to none. Indeed, for retailers, it is not just about being a good corporate citizen, it's about doing the right thing.

On a personal note, my brother is physically and mentally disabled. He has taught me a great deal about living with a disability. He was not supposed to live past the age of seven; next month, he will be celebrating his 29th birthday. Through his example, he has instilled in me a fierce belief in the value that all of us have a right to the opportunity to achieve our full potential. Through this legislation, we can accomplish this.

Thank you again for your time today, and I hope that leaves time for questions.

The Chair: There are a couple of minutes, about half a minute each or so. Can we start with Ms. Martel, if she has any comments or questions?

Ms. Martel: I'm looking on your page 11 where you talked about the work that the working group did and that the group needed to identify barriers and did so. Do you want to tell the committee what you identified during the course of that?

Then, it said at the bottom that you were inviting people from the disabled community to join the discussions. Were they on the working group in the first place? I'm hoping that they were. What were their comments with respect to the process and where to move forward?

Mr. DeRabbie: With the working group, we started off small. We started off with a couple of members; we have now expanded to six. We've identified some of the barriers in the areas of servicing customers with disabilities as well as employing persons with disabilities. Our members have been actively involved with both of those areas across the country.

In terms of representatives from the disabled community, we have put in calls and we're hoping that they can join our discussions shortly. We're trying to meet on a monthly basis because, once the committees are established, we'd like to hit the ground running.

The Chair: Mr. Leal?

Mr. Leal: Doug, good to see you again. Would members of the Retail Council of Canada also be members of the Canadian Federation of Independent Business?

Mr. DeRabbie: There may be some overlap.

Mr. Leal: What struck me is that your submission today was very positive, the opportunities that the Retail Council of Canada sees with this legislation. Certainly my perception from the CFIB presentation was that of putting up blockages of doing business in Ontario. I'd just like to get your comment on that.

Mr. DeRabbie: From our perspective, we feel that there are a lot of opportunities. As I mentioned, we're experiencing a labour supply crunch. We feel that it would be a disservice to shut ourselves off from employing people with disabilities. We feel that that will be a huge reserve for us. But also, there has been talk about the Royal Bank report saying that there's \$25 billion worth of spending done by the disabled community. Certainly, we'd like to be able to provide an opportunity for people with disabilities to come in and feel welcome, to provide them with the service they need.

The Chair: Thank you very much for your presentation.

1700

GREATER TORONTO APARTMENT ASSOCIATION

The Chair: The next presentation will be the Greater Toronto Apartment Association. You can start any time, sir. You have up to 15 minutes.

Mr. Brad Butt: Good afternoon, Mr. Chair and members of the committee. Bear with me with this frog in my throat today. My name is Brad Butt. I'm the executive director of the Greater Toronto Apartment Association.

The Greater Toronto Apartment Association was formed in 1998 to be the voice of the rental housing industry in the greater Toronto area. Our membership consists of close to 240 companies that own and operate in excess of 160,000 apartment units. The implementation of Bill 118, as currently written, will affect every rental housing provider in the greater Toronto area and, as such, we do appreciate the opportunity to share our views with the committee.

We understand that the intention of the bill is to establish accessibility standards that would complement the remedies available to the disabled through the complaint-driven process under the Ontario Human Rights Code. Our members support initiatives designed to improve accessibility for the disabled. Our members house many people with disabilities and make accommodations to these needs. We consider achieving the objective of

adequate accessibility to be a social responsibility shared by everyone.

However, the rental housing industry is a highly regulated one. We are affected by many different pieces of legislation, and right now many of them are being considered for amendments or repeal, including the Tenant Protection Act. This leaves our industry in a state of uncertainty and flux. We hope that the ministries responsible for the various pieces of legislation will consult with one another in their development, and we will continue with our housing partners to participate with the policy-makers to assist them to do so.

The establishment of reasonable standards has potential advantages for our industry. Reasonable standards provide us with predictability and certainty in operating our businesses. Reasonable standards allow us sufficient time to plan and implement measures that eliminate barriers. Reasonable standards create a more level playing field within the industry, as opposed to a complaint-driven system that creates inequities.

We support the bill's pragmatic 20-year full implementation timeline. Of course, we believe many measures can and will be implemented much sooner. A reasonable approach to full implementation will give our industry some predictability and certainty in operating our businesses and planning for the long term. Reasonable timelines allow us to plan and implement changes that eliminate those barriers.

There are, however, some aspects of the bill which we do find troubling. In identifying these areas, it is hoped that they will improve the bill and enhance its effectiveness. In our brief, our concerns relate to the vagueness of key terms and concepts within the bill as well as the makeup and procedures of the standards development committees and the operation of certain enforcement provisions of the bill. The bill contains goals, but it lacks substance and specific direction. We are particularly concerned about the lack of clear guidelines provided to the standards development committees regarding the criteria to consider for developing those standards. What will be considered reasonable? Will standards be developed regardless of cost? What reference will they have to the Ontario building code, the Ontario fire code or local property standards bylaws? If standards development is to be left to committees, we believe that they require this type of direction before they begin their work. We want to see the legislation spell out clearly that the standards will be reasonable and have specific limiting criteria.

Look at the Ontario Human Rights Code, which uses "undue hardship" as a defining guideline with respect to notions of reasonableness in accommodation. We believe that similar guidelines for the standards development committees will help to avoid an unfortunate patchwork of different definitions affecting various sectors in a potentially unfair manner.

We recommend that the bill be amended to include specific principles to assist the committees to determine reasonable standards and measures. The allowance for

different classes with different standards within the same industries, contained in subsection 6(6), is the closest the bill comes to an acknowledgment that there will be limiting contextual factors which must be considered when standards are developed. The bill should contain an explicit acknowledgment and articulation of those factors.

For example, committees should be required to review and consider sources of financing, including the availability of subsidies, tax credits or deductions, as part of determining standards. Committees should also be required to explore the technical feasibility of a proposed standard. In some cases, a proposed standard may simply not work because of the technical issues, such as where a proposed alteration to a building would require the removing or altering of a load-bearing wall that is an essential part of a structural frame, or because other existing physical or sight restraints prohibit modification.

There should be a general principle requiring all measures to be reasonable. We need to ask ourselves: First, does the measure impose an undue financial and administrative burden on the housing provider? Second, would implementing the measure require a fundamental alteration in the nature of the provider's operations? There are limits to what can be accomplished in older buildings. The average rental apartment building in Toronto is more than 40 years old. These are policy decisions that should be made now and enacted in the bill and accompanying regulations. This should not be the work of individual committees that may not have an appreciation of this fact.

In our view, the failure to address these important issues now, as part of the legislation, will result in an inappropriate burden or power being placed in the hands of these committees. Not only would this increase and delay their work, but it would give rise to different standards and approaches across the committees.

The bill speaks of the minister communicating ideals to the committees through terms of reference. We should be able to see the general policy included in the legislation at this time for public comment and debate. We assume that, while important, the goals of full accessibility are not achieved at any cost. What is the cost which the government will consider acceptable? What is the cost which our industry is being asked to bear? If there are any mandated costs, is the government prepared to acknowledge the rent increases necessary to pay for those costs?

Of similar concern, the definitions of "disability" and "barriers" are too broad and appear too open-ended. For example, the definition of "attitudinal barriers" should be developed to ensure the standards are dealing with behaviour as opposed to personal thought. It is far from clear what is meant by an attitudinal barrier in the present bill.

We recommend that the government continue to work with all the stakeholders to reach realistic definitions. This is crucial to the success of the bill. These definitions form the backbone of this legislation. Let's make sure they are comprehensible and fair to all.

We commend the government for its consultative and inclusive approach in developing standards. We are, however, unclear as to how members of the standards development committees will be actually selected. This is a critical point because of the significant work burden placed upon these committees, regardless of how much guidance they receive. They will be responsible for putting the practical substance into the legislation. As far as the accommodation sector is concerned, we strongly urge the minister to select individuals who are competent, skilled and experienced in property management, design and construction.

The bill does not deal with the internal procedures and pressures of the committees. These procedures must be developed. Given the disparate makeup of the committees, one cannot assume that committees will reach a consensus on any issue. What if they can't reach a consensus? Will they need a quorum to make decisions? Is the minister the referee? Will the committee hold public meetings or do work in camera? How will the committee communicate with the members of a proposed class?

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While section 10 provides for public feedback on draft standards, interested parties need to be able to communicate with the committee before it develops its drafts. We also believe that continuity will be an ongoing challenge, both for committee members and ministry staff. Turnover will hamper and delay the work of the committees. Steps must be taken to reduce and delineate the tasks of the committees to reduce turnover as much as possible. As mentioned earlier, these committees must have clear and consistent guiding principles. Absent this assistance, the committees will have to develop these criteria themselves. We cannot ask the committees to do all the heavy lifting in terms of resolving difficult policy issues before they have even had a chance to do their main job of dealing with accessibility. In these circumstances, there is a risk that decisions will be made under pressure to meet deadlines and that the quality of those decisions will suffer.

With respect to enforcement, we are concerned about the bill's potential overlap with the Ontario Human Rights Code. It would be unfair, unduly burdensome and inefficient for a rental housing provider to have to respond to more than one tribunal simultaneously on the same issues or to have to re-litigate the same issues. I think the deputant two before me actually said the same thing, which we were very pleased to hear.

There should be a rebuttal presumption in the bill that compliance with a standard implies compliance with the code. At the very least, a concerted effort should be made by policy-makers now to articulate how the two pieces of legislation will interact. The requirement for annual compliance reports that will be made available to the public is excessive and unnecessary. Smaller rental housing providers may have difficulty fulfilling these obligations, which are particularly intimidating in light of their public nature. Many smaller rental housing providers have only one or two properties that generate only supplementary

income. This bill, if implemented as is, may be yet another incentive for some to abandon the business of providing some of the most affordable housing in Ontario.

Finally, as the rental housing association in Toronto, we want to be clear about our concerns over delegating power, authority or regulation through the bill of the standards development committees to municipal government. If the government believes that improved accessibility to public buildings is desirable, the standards must be provincial rather than allowing local jurisdictions to develop standards that may be considerably higher or more onerous than generally accepted provincial standards.

In closing, I want to reiterate that we support the intention of the bill. A clear set of standards will benefit our industry by providing us with consistency and predictability. We are, however, concerned about the manner in which the objectives of the bill are being fulfilled.

I want to thank you for the opportunity to address you today and I would be pleased to answer any questions, Mr. Chairman.

The Chair: Thank you for your presentation. There is only about a minute or so. Mr. Jackson, would you like to ask a question?

Mr. Jackson: Thank you, Mr. Butt. Brad, virtually everybody has raised to some degree the concern that we really don't know exactly the terms of reference for the standards committees and how they will work, so some of that's on faith.

This is a difficult question for you, but you're actually in a much better position than some because under certain aspects of rent control legislation you can, in fact, pass through some of those costs, if required, in the form of rent increases through the rent tribunal. It's an oversimplification, but there are other organizations like school boards who just can't—there's nobody to pass it through to. So there is that little bit of relief there for you as long as the government recognizes that if they're going to be doing rent review legislation, costs for accessibility are similar to other costs in terms of how they are treated. I know that didn't find its way into your brief, but is that a fair statement for someone to make?

Mr. Butt: Naturally, regardless of what the government decides to proceed with as far as amendments to the Tenant Protection Act, we certainly would be suggesting at that time that it would be unreasonable to force capital retrofits on rental apartments and not have a mechanism to allow that cost to be passed on to the occupants of our buildings. Depending on the finality of this bill and what's there and what is forced upon apartment buildings to upgrade their existing rental housing stock, we would certainly hope there would be a provision in the Tenant Protection Act that would allow us, where feasible, to pass on those costs.

The Chair: Thank you very much for your presentation.

TORONTO CITY COUNCIL

The Chair: We'll move on to the next presentation from Toronto city Councillor Joe Mihevc. He's already here. Please take a seat. You will have 15 minutes total. You may choose to leave some space for questioning. Whenever you are ready, please proceed. Welcome.

Mr. Joe Mihevc: Thank you very much. It's a pleasure to be here this afternoon. I'm just getting all my weapons or tools together.

My name is Joe Mihevc. I'm a city councillor in Toronto, but most importantly, I'm the city's disability advocate and the chair of the city of Toronto's disability advisory committee. With me is Bernita Lee, who's the coordinator of the Toronto disability issues advisory committee, the staff person. On behalf of the committee and on behalf of Toronto city council, I thank you for the opportunity to respond to Bill 118, the proposed Accessibility for Ontarians with Disabilities Act.

Many of the province's 1.5 million Ontarians with disabilities work or live in the greater Toronto area. People with disabilities like to live in cities because this is where the services they need are and the place where they can lead a higher quality of life. Given the size and concentration of the disability community in Toronto, strong and effective accessibility legislation is critical in strengthening the city's commitment to be a barrier-free city.

The city of Toronto has a strong commitment to responding to the needs of people with disabilities. The city, both in policy and in practice, aims at becoming a barrier-free city. Toronto city council has adopted a number of policies and plans in order to reach these goals. I've brought a number of these forward, and if you wish them as a resource, I think that's good in terms of resource sharing. These plans include an accessibility plan, which I have here, an access and equity plan, a plan of action for the elimination of racism and discrimination. In addition, there is a policy on human rights, a policy on employment equity, an anti-discrimination policy and a multilingual policy, to name a few. All of these policies have pieces in them that address disability issues.

The city's commitment is also reflected in a unanimous vote taken by Toronto city council when it passed a motion in 2001 urging the provincial government of the day that any legislation applying to the prevention and removal of barriers for Ontarians with disabilities must be mandatory and apply to all sectors: public, private and not-for-profit. A further motion in 2001, also unanimously adopted by city council, reiterated the commitment to make Toronto a barrier-free city by 2008 and again called for strong, effective and mandatory accessibility legislation.

In March 2004, I presented the city's submission—it was titled *Delivering Change Where It is Needed Most*—to the provincial public consultation on improving the ODA that this government put together. The principles and themes in earlier submissions were once again pre-

sented. These included amending the ODA to incorporate the 11 accessibility principles that were adopted by the Ontario Legislature in October 1998; strengthening the objective of the act to provide protection and removal of barriers for persons with disabilities rather than establishing the processes by which the implementation could take place, so focusing on content rather than process, which is what the previous ODA did.

I'm speaking to the principles. Next was to focus on making barrier removal and prevention mandatory, not voluntary, along reasonable timelines; extending accessibility requirements to all sectors; developing accessibility standards; and providing for effective enforcement and remedies.

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In keeping with its commitment to become a barrier-free city, city council endorsed accessibility design guidelines in May 2004 to guide the construction of new facilities and the renovation of city-owned facilities as well as those of other sectors. We paid a good chunk of change to get this document put together. Again, you are welcome to take it and have it.

Just today, a couple of hours ago, city council approved the report detailing how we're going to implement this at city council, the basic thing being that every time there is a capital request made of the city by any agency, board, commission or department, they have to tick off if they have met the guidelines we've put together. Frankly, these guidelines are state of the art. We took together the best practices that have been present in Canada and the US. The implementation strategy provides a basis for setting priorities and also provides for the preparation of accessibility audits as part of the submission of capital and operating budgets.

The purpose of Bill 118 is to benefit all Ontarians by developing, implementing and enforcing accessibility standards. The bill also provides for the development of these accessibility standards.

We at the city have, of course, the city's disability issues advisory committee and we went through a process among ourselves to review the legislation. Our committee agrees with the general approach of the proposed legislation.

We recommend the full incorporation of the 11 principles of the ODA resolution, adopted in 1998. Incorporation of these principles in full enables the specific issues of our city's advisory committee to be addressed.

So what are these issues? We have an amazing advisory committee of people working in various areas of disabilities, and we went through this process and met a few times as a subcommittee to review the legislation. We have four suggestions; some are related to the bill, some are around the bill and are perhaps related to the regulations that might follow.

As a first point, the members of the city's disabilities advisory committee unanimously agreed that improving access to public transit is important; it's an important priority. Effective accessibility legislation and its implementation needs to specify timelines and modes of

transportation for change. This word, “modes,” of transportation is very, very important. For example, the TTC has three modes of public transit, if you don’t count Wheel-Trans for the moment: subways, buses and streetcars.

The issue with subways is elevators. We do have a program in place. We do one or two a year. Sheppard is fully done. We’ll get there in time to meet the five-year requirements, the 10-year requirements, the 15-year requirements and the 20-year requirements.

On the bus side, every new bus that is being purchased is a low-floor bus, so we’ll meet all the schedules around the bus piece of it.

The third piece—and this is why you need to say by “mode” rather than the whole system—is the streetcar piece. The streetcar piece will not be made accessible. We need you to help egg us along, to make sure that the next time we look at either renovating or renewing the current fleet of streetcars, we don’t go in that direction, but we go in the direction of purchasing the new low-floor streetcars that you see all over Europe and the United States. That’s the direction we need your help to push us in. I’m a TTC commissioner wearing another hat. We need you to encourage us in the right direction.

Secondly, creative funding is required, not only to augment accessible transportation services but also to provide available and appropriate accommodation so that Ontarians with disabilities have equal and meaningful opportunities to participate. The perception is that the province needs to address budgets for accommodation services, education and advocacy. I think some seed money, some creative budgeting, needs to be a companion to the bill.

Thirdly, because of existing barriers, persons with disabilities have expressed that structural legislative changes are ineffective without a public campaign that targets mainstream attitudes, beliefs, actions, language and representation, to address the misconceptions and stereotypes about people with disabilities. Attitudinal barriers are just as oppressive to people with disabilities as are legal barriers. So this also has to be a companion to the bill.

Last but by no means least, our committee at the city recommends that the Ontario government take the necessary steps to advocate to all orders of government to have regard for accessibility issues and to face barrier-free access to the political process and services. People with disabilities want to be part of dreaming, advocating and engaging the politics of the day. So a specific piece of work needs to happen around that.

Just to conclude, while Bill 118 is the strongest proposed accessibility legislation to date and there are significant improvements upon the current ODA, there are some additional amendments to the bill and supplemental to the bill that will make it even stronger. Inclusion is the primary social objective. All Ontarians should have the opportunity and right to participate without fear of discrimination nor face environmental or service barriers.

The city of Toronto supports the steps made by the Ontario government toward a barrier-free Ontario through the proposed legislation and looks to a clear, strong and effective Accessibility for Ontarians with Disabilities Act that will pave the way to a barrier-free Ontario and also strengthen our efforts at the city of Toronto to translate our commitments and our vision into action on behalf of people with disabilities.

That’s my formal presentation.

The Chair: Thank you. There is a minute each to ask, and we will start from the government side.

Ms. Wynne: Joe, you’ve made some global comments about the bill. Could you comment on part VII, the municipal accessibility advisory committees? Are there changes to that section that you would see, or is it adequate in terms of the relationship between the overall standards that will be put in place and the requirements for the municipal accessibility?

Mr. Mihevc: Sorry, I’m not familiar with that section. That section is the one that mandates that municipalities must have a disabilities issues committee?

Ms. Wynne: Yes.

Mr. Mihevc: That’s a good piece which I think was with the former Ontarians with Disabilities Act. I think all municipalities need to have a committee in place. Of course, that’s good, but that’s process. There also has to be content to it, and I think I mentioned that in my comments. In the end, you can have as many committees as you want, but if there isn’t an agenda for change that’s content-oriented that has an end to it, then I think you can process it to death.

Ms. Wynne: OK. Thank you.

Mr. Jackson: Joe, I couldn’t agree with you more, but there were only a handful of communities in Ontario that had them. The agreement that we were able to try and reach with AMO—because AMO said, “Unless you’re going to give us the money, we’re not touching this.” We had quite an eloquent resolution saying that Ontario should be barrier-free and all these things, but I couldn’t get a single municipality to say, “Yes, and we’re willing to pay for it.” So what we needed to put in place was, first of all, to identify the barriers and empower disability groups with it. Because I had mayors say, “Cam, there’s no way we can have one of these committees telling us how our building permits should be handed out.”

Toronto has done a good job in terms of embracing the concept, but—I’m not defending the old legislation. This one gives you end times; there are a lot of positive things in this. I just wanted to suggest to you that three and a half years ago, we had none of this. I’m pleased that the government is holding on to these committees, but the plan was that your committees were supposed to reach common points of standards, because there were four or five known different standards floating around the province for everything from curb-cutting to building codes. It was a mess. It was a good mess. But they said, “Here, Cam. There are five different ways I’m told I should do it, depending where I am.”

So what I want to make sure, and I hope I got a sense of it from your last answer, is that your local input will be considered in terms of how you do that. There's a big difference between rural Ontario and the challenges you face as a councillor in downtown Toronto. It's that empowerment model, and you may want to comment on that. You make a good brief, and your comment here about stiff penalty fees for non-compliance—and I know you would like to participate in that discussion. Are you currently using the maximum of a \$5,000 fine for violation of a disabled parking space? Some municipalities are, but the previous legislation empowered you to do that.

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Mr. Mihevc: Going backwards, I think we are doing the—frankly, I'm not totally sure but I think we are using that thing.

On the guidelines, yes, one shoe can fit all and obviously each city has to have some flexibility, but I think as a resource it would be very wise for the provincial government to undertake some kind of design guidelines, some of which need to be imposed. There are a lot of options and flexibility, given our diverse nature as a province. I would take a look at this. I'll leave this with the clerk. We have everything from curb cuts to playground standards to door entrances to how high you put the ramp angles at buildings. This is state of the art.

Ms. Martel: Thank you for being here today. I'm curious about cost. I would be curious if, attached to the work you've done, there was also an estimate of what it will cost the city because you have that now as a document. Standards may come forward and there may be a specific table that will deal with standards in municipalities, which may increase your obligations. Do you foresee coming to the province for assistance either with the current document that you're going to work with or with potential new obligations, and can you put a price tag on what that might be? We haven't had much municipal representation here before the committee, so part of me is interested in hearing from municipalities that yes, they want to participate, and then the next thing that comes out is, "But here's the money we need to participate." That is what I'm curious about.

Mr. Mihevc: I think the government needs to be clever in this area. I've just come from a city council meeting and I'll be returning to it. One of the issues was, of course, the implementation of these guidelines. What we're looking to do is, something like any capital project over \$2.5 million must incorporate these guidelines, unless there are some heritage issues involved. Anything less than \$2 million, then, depending on the nature of the project, you do it on a case-by-case basis.

Should the provincial government be coming to our aid? Obviously, it can't directly fund the whole of these projects, but I think having some clever seed money to augment, because sometimes the difference between doing it and not doing it is really just incremental, and a little bit of a carrot, I think, as well as a stick, is the way that it's going to actually happen, especially for the

smaller projects and for not-for-profit agencies. I think that's a whole category that has to be looked at a little bit differently.

The Chair: Thank you very much for your presentation.

Mr. Mihevc: Thank you. We appreciate being here. Should I pass this on to the clerk?

The Chair: Yes, the clerk will take it and distribute it to all of us. Thank you again.

PAUL DANIEL

The Chair: The next presentation is from Mr. Paul Daniel. I understand he is in the room. Mr. Daniel, whenever you are ready you can start. You have a total of 15 minutes.

Mr. Paul Daniel: Mr. Chairman, members of the committee, let me state at the outset how pleased I am to be able to take part in serious consultations on equality for people with disabilities in Ontario. It's long overdue. I'm not here to speak on behalf of any organization or company. I'm a writer, a producer and an outreach assistant for a charity here in Toronto, and I live in Mississauga, for the record. My only qualification is that I'm someone who was born with a disability, so therefore I think I can speak with some feeling on the subject.

I've had the opportunity of hearing many of the depositions made over the past day and a half and I have been most impressed with both the depth and the passion and eloquence of those who have spoken. This legislation is a positive first step, but the first of many steps on what I believe is a long journey. It is unfortunate, though, I must say, that in the 21st century we're only now beginning to seriously address this moral issue, and that is exactly what it is, a moral issue, making moral demands on the people—able-bodied and disabled. True, there are economic and business concerns that should be addressed, but they should not overshadow the moral dimension. This legislation is demanding that we, as Canadians and Ontarians, define how we want to treat each other beyond just fanciful rhetoric.

The one outstanding element of being disabled is that it knows no boundaries. Rich and poor, black and white, straight or gay, male or female, young and old, anyone, especially anyone here in this room, can be disabled by birth or by circumstance. No one is immune.

In regard to suggestions on the actual legislation, I want to make a few brief observations. There are probably people here who have made far more detailed observations, so I will offer mine for what they're worth.

It's amazing how in the information age we talk about everyone having equal access to information, but that simply isn't so. A blind person can't read a newspaper the same way a sighted person can read a paper. A deaf person can't enjoy a television program the same way a person who is able to hear can enjoy it. I believe, therefore, a provision should be added in Bill 118 demanding that the provincial government as well as all municipal governments make all news releases and

government reports available in alternative formats such as compact disk, or on accessible Web sites.

Accessibility is a laudable and achievable goal. I do, however, recognize that for some small businesses, reaching that goal can be a financial challenge. While I do sympathize with that concern, I do not agree that it should be used as a reason to not comply. Simply saying you did your best is not an option.

I would recommend that a fund be established to help small businesses, and small businesses only, with partial financial assistance to offset some of the costs of ensuring physical accessibility. This would require, of course, paperwork to show that they are in need of such assistance, and governments of all stripes should do everything to ensure such a fund is administered in both an effective and efficient manner.

I believe that while Bill 18 is strong on good intentions and has some good ideas, it could be possibly modified here and there to make it even more effective. There must be some form of oversight to guarantee the legislation is being carried out. Therefore, a tribunal should be established at arm's length in the provincial government and the cabinet. On that tribunal should sit qualified people, experienced in disabled issues, and it should go through a vetting process through a public hearing such as this by legislative committee at Queen's Park. The tribunal should operate transparently and a report should be published. These reports should be maintained in some sort of Web site archive, easily accessible to the public, again, in alternative formats. Decisions from the tribunal should be made available to the public.

There has been a great deal of discussion about the length of time this bill allows to make Ontario accessible, and in my opinion 20 years is far too long. To allow 20 years for legislation to fully work its way through the system tells people with disabilities to wait again. For too long, people with disabilities have waited, and to ask them to wait 20 years is neither fair nor realistic. Allowing businesses and governments 20 years to do all of this work toward accessibility doesn't indicate a great deal of faith. Ironically, I have more faith in the intelligence of businesses and governments than you might think. Information is already available on how to do this. It's not easy, and it's not going to be cheap in some cases, but it is doable.

Are we to believe that governments and businesses need to start from scratch to make buildings more accessible, to make computers more accessible, to make transportation available to all, equally accessible and equally affordable? Do businesses and governments need to be educated on the benefits of including the disabled in society? That information, as I mentioned earlier, is already out there in countless studies and research papers put out by governments, business organizations and even banks. The bottom line on many of these studies is that it is good for business and good for the economy to include people with disabilities in the workplace and in the marketplace. For any business or government to state

they need 20 years to make themselves more accessible is, in my opinion, ridiculous. The United Nations declared 1981 the International Year of Disabled Persons, highlighting the issues of equality and accessibility. Since that time, has anyone ever stopped a business or a government from including people with disabilities? Has any business or government been prevented from making their physical properties more accessible? Do I see a law somewhere saying, "We're not allowing a businessman to make his store more open to people with disabilities"? I don't think we actually ever did that.

Business and political institutions have had many years to make themselves more accessible voluntarily. That time, in my opinion, has run out. This bill will make it happen sooner, but 20 years is not realistic—in my opinion, 10 years. You have had 24 years, since 1981, to do this. What more do you need? How much longer will you wait? If I may be so bold, put yourself in the position of somebody who is disabled. How long would you be prepared to wait? Most of you here are in your 30s or 40s, or even younger—nothing personal—and in 20 years you will all be retired. I would therefore suggest 10 years, thus preventing any future government from trying to prolong or even halt the momentum toward making Ontario more accessible.

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It's time this province's agenda put accessibility for people with disabilities at the top of its priorities. This committee has the unique opportunity to build something that has yet to be achieved elsewhere in this country, to create a society where the rhetoric of equal opportunity and accessibility is matched by the performance of realizing its full potential. This is a moment in Ontario's history when, together, we can build a greater society where everyone, regardless of ability or disability, can participate and make a difference. I truly believe that each one of you has the opportunity to do that. This is not a political issue, and it's not one that can be broken down by economic or poll numbers.

Historically, the most courageous pieces of legislation have been enacted when the public mood was uneasy. In 1964, the US Civil Rights Act was enacted even though a sizable amount of the population disagreed with its intent. The Charter of Rights and Freedoms was enacted in 1982 even though not all Premiers or provinces accepted the virtue of such legislation. Each of these documents has now helped define their respective countries. You have the opportunity here to help define what Ontario is really all about.

Before I conclude my submission, I want to personally acknowledge the work of Ms. Stokes, the clerk of the committee, who I think has made a considerable effort to ensure that people had the opportunity to make an appearance or an audio submission. She should be applauded for her efforts. She has set a standard that every committee clerk here at Queen's Park and in every Legislature in this country should endeavour to reach. Such accessibility should be the standard approach all

committees take to ensure that all members of the public have a chance to be heard in various forums.

I thank the committee for giving me the time to speak, and I wish you all the best on your consultations and deliberations. Above all, it's time to get the job done, once and for all.

The Chair: Thanks for your kind words. There will be a minute for each party. The first will be Ms. Martel.

Ms. Martel: Thanks, Paul, for being here today.

You recommended a fund to help small business. I've got some concerns about not-for-profits, which in the last number of years have had really tight budgets. I'm not sure how they're going to manage some of these renovations. I'm assuming that you would want to see them get some financial assistance from somewhere as well.

Mr. Daniel: Absolutely. It's a great thing when you see words written on paper. It's always nice, because then you have this gift of hindsight. Should there be provisions? Sure, there should be. If non-profits require assistance, by all means.

Ms. Martel: When you talk about the tribunal sitting at arm's length, is this a reference to the different tribunals that the government wants to set up? Are you saying there should be one specialized tribunal?

Mr. Daniel: One that oversees it.

Ms. Martel: The legislation itself—so its monitoring, implementation, production of annual reports etc.

Mr. Daniel: Correct, to make sure the other tribunals are doing their job.

Mr. Ramal: Thank you for coming and presenting to us here your ideas and recommendations in terms of Bill 118. I agree with you that you've been waiting for a long, long time.

As you know, the previous Premier of this province, Mike Harris, made a written promise to deliver ODA legislation in 1995 and never did anything about it. In 1998, there was another try, and nothing ever happened. In 2001, we had the ODA bill, Bill 125, but it had no teeth. That's why we are hearing from you and many different people today: in order to have a bill that has teeth and that can be implemented to help the people across the province and to eliminate the barriers for disabled persons.

Thank you very much for coming, and I just want you to note what I said to you.

Mr. Arnott: I'm a little bit surprised by the partisan nature of Mr. Ramal's remarks.

Mr. Daniel: If it's any consolation to any of the people here, no political party in this province has been terribly exemplary on this particular subject, if I may be so bold as to say so. You can sit there and make your shots if you like, but the bottom line is that in the past 20 years, no government has been terribly exemplary. We're so far behind, and we should be doing better. We should be doing the best, given the fact that we've been waiting this long to do it.

Mr. Arnott: Well said.

The Chair: Thank you, Mr. Daniel.

ADULT LEARNING DISABILITY EMPLOYMENT RESOURCES

The Chair: We are left with the last presentation for the evening, and that is Adult Learning Disability Employment Resources. We have up to 15 minutes that you can use for your presentation or a mix of presentation and questions. Please start any time you're ready.

Mr. Greg Yarrow: My name is Greg Yarrow. I'm the executive director of ALDER. I'd like to thank the committee and also the clerk, Anne Stokes, for enabling us to be here today sort of at the last minute, and certain members of the committee who have been very helpful in ensuring that we have a spot here. I have with me Mr. Rondon Aura Rollocks, who is a client of ALDER and who will also be sharing this presentation with me.

I'll briefly go through a table of contents here. We'll speak about ALDER and who we are, and then Rondon will speak. We'll talk about what we appreciate and support in Bill 118 and then move to our concerns and recommendations in a summary. There's extra information in the appendix.

ALDER is a non-profit multi-service agency dedicated to supporting the employment needs of job seekers with learning disabilities, ADHD and other cognitive challenges.

The irony of my being here this evening is that the publication of the notice of these committee hearings and the act itself are not accessible to many members of our community, persons with learning disabilities. I will speak to that mindset later in this presentation.

Our services include counselling, assessments, advocacy, pre-employment support, job placement, coaching and mentoring.

Now I'd like to turn this over for a word from our community.

Mr. Rondon Aura Rollocks: Good afternoon, everyone. I'm a little bit nervous, so please bear with me. My name is Mr. Rondon Aura Rollocks. I'm a client of the ALDER centre. The invisible disability I have is dyslexia.

What is it like to have an invisible disability? Well, it depends on whose perspective you see it from. According to teachers' comments on my report cards from grade school, junior high school and high school, I was slow, lazy and had a very low attention span, but I also had exceptional social skills. In junior high, the guidance counsellor's recommendation for high school was that I take general levels courses with the exception of math and science, two subjects they felt I could excel at.

In high school, my potential was recognized, although the teachers commented that I must try harder and must apply myself more, but university was not considered to be an option for me. At the same time, they told me it was too late for me to learn cognitive reading and writing skills, which should have been taught in grade school.

However, my perspective on schooling was completely different. Even though my grades did not reflect academic excellence, I knew I would be successful at

university. What I couldn't understand was why it was so difficult for me to express my thoughts through written words and why reading was also a very big difficulty. I was frustrated with the system. I was credited with having potential, but why was nobody there to help me develop my potential into ability? It seemed easier to label me as someone who just lacked ambition than it was to help me develop my skills.

The answer to my confusion and frustration came after high school in the form of a television program, the *Cosby Show*. Theo, the only boy in the *Cosby Show*, was working extremely hard at school but nobody really believed him. He was able to convince his parents that he should be tested. After testing, they realized that Theo had a learning disability. He was dyslexic. The reality of the situation was clear: Throughout my life, those professionals and people who thought my challenges were self-imposed were 100% wrong. I was not lazy, nor was I an underachiever. I was simply a young black guy who had a different ability, an invisible disability, but had never been properly diagnosed.

What did this diagnosis mean? At that time, I thought I would just have to work harder. Hard work was nothing new to me, so I went at it like I guess I do most things in my life: with dogged determination. A year later I was accepted into the University of Toronto, where I excelled. But when you have an LD, hard work alone leads to limited success and may also, in turn, lead to burnout. The success I found at the University of Toronto was extremely rewarding; however, it was impossible to maintain the energy required to produce the academic results I was capable of. Ill-equipped, I was unable to complete my undergraduate degree.

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A number of years later, I found the ALDER Centre. I would like to thank Sheri Cohen, the founder of the ALDER Centre, and the wonderful staff. Through the ALDER Centre support and their relationship with Lisa Allen, co-founder of Global EText and ODSP, I've had a needs assessment and have been granted computer equipment. This computer equipment has literally, in three months, opened my mind to many different possibilities. Presently, I'm creating an arts initiative program with the purpose of helping people help themselves through the arts.

Last year at this time, I was running around from computer lab to computer lab trying to produce the Harry Jerome Awards. This year, I'm producing the Harry Jerome Awards and I'm also in the development stage of the Urban Arts Initiative. The first initiative will be a fine-arts-based program which will help kids at risk within the GTA.

Even though it has taken 10 years for the government to recognize that an invisible disability is not invisible to those it affects, and accommodations which I've been fortunate enough to receive are essential for participation, advancement and contribution of people living with an LD in Ontario, I am extremely proud and grateful to have been granted my bursary. Thank you.

The Chair: Thank you very much for your presentation. We have about seven minutes for questioning.

Mr. Yarrow: I have more presentation.

The Chair: Oh, of course. Go ahead.

Mr. Yarrow: Thank you. The ALDER Centre supports, in Bill 118, the standards, timelines and consequences. The word was used before: "Teeth" are good. We commend the work of the folks who have drafted this bill and hope it continues. The process looks inclusive and reasonable.

We appreciate the reference to attitudinal barriers. I know a previous speaker had sought clarification on that, as do we, but the principle stands. I might give you an example of what that means.

One client mentioned to me a few days ago about accessing the financial system. She was on the phone speaking to a bank person about some transaction. Her learning disability prevents her from writing a cheque. She had her elder daughter, an adult, helping her with this communication. The bank person at the other end of the line suspected that this person was being manipulated, that this was perhaps an elderly person who might not have had their full capacities, and called them together into the branch to resolve it. They were not prepared to deal with this over the phone or accept, as this person disclosed, that in fact he was being faced with a learning disability. He would not accept it. This is the sort of attitudinal barrier manifest in behaviour that is at issue to our client base.

I'd also like to support that the act specifies learning disabilities, of course.

Our concerns and recommendations:

As I mentioned just now, there is a question of mindset. Bill 118 notes attitudinal barriers but does not make explicit how to address these barriers. It appears to reflect a bias toward apparent disabilities to the exclusion of those with invisible disabilities—clause 29(4)(b). We recommend the rewording of Bill 118 to be more inclusive of persons with invisible disabilities and to make explicit the challenges of addressing this population. There isn't the time now to describe how the bill should be reworded, but the consideration should be there in the redrafting.

Our second concern is with the definition of "learning disabilities," which we believe is incomplete in the bill as it stands. We suggest using the working definition of learning disabilities provided by the Learning Disabilities Association of Ontario, LDAO, 2001—it's provided in the appendix—to make the act more three-dimensional.

Our next concern is that there's no apparent harmonization with federal laws and regulations, for example, the HRSDC. Please refer to subsection 8(3). For example, the new HRSDC policy of self-identification, while commendable in some respects, will prevent many clients from accessing assessment funding. The policies of the HRSDC will allow accessibility to this funding after they have a job and if their job is at risk. It's sort of like a Catch-22. That's a major issue with us, as more than half of our funding at ALDER is from HRSDC. I

think this committee ought to have some of its folks look at harmonizing with the federal initiatives.

Our fourth concern and recommendation: the question of bureaucratization. Not to take a swipe at anyone in particular, but some directorates tend to emphasize process over results. We recommend that they establish clearly identified and public benchmarks and outcomes to reveal where government's priorities lie with respect to invisible disabilities. We would like the process of developing the standards and also the enforcement of those standards to be as much as possible driven by the community and aided by the directorate, and not the other way around. They should also make decisions available in plain language, as I referred to, to accommodate persons with learning disabilities.

Our fifth concern has to do with assessments. Learning disability is the only disability you have to pay to identify. Most people with learning disabilities lack resources to pay the \$1,000 to \$3,600 for assessments. This is perhaps the single greatest barrier that adults with learning disabilities face. Our recommendation is that the legislation should explicitly identify systemic barriers such as assessment fees as a significant barrier to persons with learning disabilities and to provide balance to Bill 118's apparent bias toward physical disabilities.

Our sixth concern is in regard to support. This is probably presumptuous of me and my organization and perhaps other smaller agencies, but we think we should be involved in the standards development process. The process of developing standards and of participating in investigations will put a strain on the limited resources of small agencies such as ALDER that wish to participate. We recommend that you consider providing support to small agencies so as not to exclude them from the standards development process and investigations, if necessary.

In summary:

—ALDER applauds the timelines, consequences and standards associated with Bill 118.

—We point out the mindset: Bill 118 requires more equity in terms of non-readily apparent disabilities.

—Definition: We would like Bill 118 to adopt the LDAO definition.

—Harmonization: Bill 118 should seek to harmonize with applicable federal legislation.

—Bureaucratization: Ensure the directorate supports the process and doesn't try to own it.

—Assessment fees are a primary barrier.

—Support for small agencies to participate in the process.

In conclusion, ALDER welcomes the implementation of standards, timelines and consequences of this legislation and believes it will have a beneficial impact on a wide cross-sector of the population for generations to come. However, it is critical to note that a policy designed to be accessible to all should be just that. The clarity, transparency and application of new regulations cannot apply to just certain segments of the population and not to others. Doing so defeats and contradicts the very purpose of the act and does nothing to improve the quality of life for an invisible community misunderstood for far too long.

Thank you, Mr. Chair, and committee.

The Chair: Thank you very much for the presentation. That will conclude this evening's presentation. We thank you for your comments.

We will adjourn until tomorrow at 9 in Niagara Falls. We will be guests of Mr. Craiton and company. If you could stay a minute or two, we have an update to give to all of you. I understand some of you will be driving, so we'd better do it here.

We ask if the rest can vacate the room so we can continue.

The committee adjourned at 1800.

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