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Tuesday 8 February 2005

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des débats
(Hansard)**

Mardi 8 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

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Tuesday 8 February 2005

Mardi 8 février 2005

*The committee met at 0908 in the Cartier Room,
Ottawa Marriott, Ottawa.*

**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. It's a pleasure to be in Ottawa this morning. Today will be our last discussion going around Ontario. We will be back in Queen's Park hopefully next week and we're going to do clause-by-clause with all the party members, dealing with the information we have received from the public not only during the two days in Toronto but also in Niagara Falls, London, yesterday in Thunder Bay and today, of course, here in Ottawa.

Today we have services in French. We have French interpreters. We also have ASL interpreters. They will be here until 6, or I guess until 7 today. We have closed captioning on the screen at the back, and there are three support service attendants available throughout the day for any help. Can I ask them to show themselves? I see two, but there are three of them. If you need any assistance, please ask them.

This discussion today will be broadcast on the parliamentary channel and Webcast on www.ontla.on.ca. Today's hearing will be shown on Thursday 10 February, so a couple of days from today.

I should also mention that we will be discussing the matter, as I said earlier, potentially next week in clause-by-clause. Your comments are necessary for us to be able to do a better job. We thank you for being here and letting us know what is important to you and what you want us to do.

I will allow everyone up to 15 minutes. Today I will be stricter than yesterday, so whenever the 15 minutes are over, I will ask that we stop, otherwise other people will be waiting and that's not fair. We have a few minutes to start, but we will try to stick to the 15 minutes. So when anyone has a minute, we will comment, and the reply from the speaker means a minute, if we can all keep that in mind. I thank you for listening.

DAVID THOMASSON

The Chair: I would ask that our first deputation, David Thomasson, please start. Thank you, and good morning.

Mr. David Thomasson: Good morning. Thank you for letting me present to you.

My name is David Thomasson. I am bipolar and psychiatrically disabled. I am on the Ontario disability support program. I welcome your questions at the end of my 11-minute presentation.

The ODA must be amended to remove clause 40(1)(r), which allows the minister to exempt organizations from the ODA. I am very concerned that if clause 40(1)(r) remains in the ODA, the Ontario government will exempt the Ministry of Community and Social Services and exclude the Ontario Disability Support Program Act from ODA enforcement.

Premier McGuinty, Minister Papatello and Minister Bountrogianni are well informed, so I contend that the government of Ontario, via the Ontario Disability Support Program Act, is the single largest source of discrimination against Ontario's disabled people. As I speak to you, disabled people across Ontario are being discriminated against by the Ontario disability support program. Prove me wrong at the end, if you can. No one has yet.

On January 6, 2004, Jim Brownell, my MPP, wrote to Minister Papatello:

"Mr. Thomasson has visited my office on a number of occasions concerning his desire to have the government of Ontario end discrimination against disabled people under the Ontario disability support program.... On April 17, 2003, I received a letter from Mr. McGuinty, then-leader of the official opposition, indicating that he would take Mr. Thomasson's case under advisement. On July 23, 2003, having not heard anything further on Mr. Thomasson's case I wrote back to Dalton McGuinty.... As the minister responsible for the Ontario disability support program, I would appreciate any help...."

On February 4, 2004, Minister Bountrogianni wrote to me:

“Thank you for your e-mails to me and the ministry regarding income support for people with disabilities and the upcoming consultations on the Ontarians with Disabilities Act.... Your comments as a member of the disability community are welcome.... Your specific concerns regarding the Ontario disability support program (ODSP) would best be dealt with by the Ministry of Community and Social Services, under whose jurisdiction this program falls. Therefore, I am forwarding your e-mails to my colleague, the Honourable Sandra Pupatello, Minister of Community and Social Services, under whose jurisdiction this program falls.”

0910

On February 10, 2004, Dr. Kuldip Kular, MPP, e-mailed me:

“Dear Mr. Thomasson,

“Thank you for your e-mails regarding ODSP. Please be aware that responsibility for the ODSP program is not with the Ministry of Citizenship and Immigration but with the Ministry of Community and Social Services. Accordingly, I have forwarded your correspondence to Minister Sandra Pupatello, who carries that portfolio.”

On March 5, 2004, Heather Shantora, special assistant to Minister Bountrogianni wrote:

“Dear Mr. Thomasson,

“...You have done the right thing by writing your MPP, Jim Brownell.... [T]he Ontario disability support program is outside the scope of Minister Bountrogianni’s ministries. The ODSP falls under the Ministry of Community and Social Services....”

Minister Pupatello never responded. Effectively, the McGuinty government has already excluded the Ontario disability support program from the Ontarians with Disabilities Act.

On July 2, 2004, Jim Brownell, MPP, wrote to Premier Dalton McGuinty:

“Please find attached documentation which was presented to me by Mr. David Thomasson, a constituent of mine in Stormont, Dundas and Charlottenburgh. Mr. Thomasson has visited my office on many occasions and has sent many, many pieces of correspondence to the government of Ontario concerning his view and desire to have the province end discrimination against disabled people under the Ontario disability support program.... Any help your office may provide on this matter would be appreciated.”

Premier McGuinty, Minister Pupatello and Minister Bountrogianni are still stonewalling. No one has disproved my arguments. The McGuinty government continues to actively enforce ODSP discrimination against disabled people. Premier McGuinty, Minister Pupatello and Minister Bountrogianni could have already stopped ODSP discrimination. Each member of the McGuinty government is accountable for ongoing ODSP discrimination against Ontario’s disabled people that was legislated by the Harris Conservatives and continued by the McGuinty Liberals. ODSP discrimination against dis-

abled people will continue until MPPs compel the Ontario government to stop it.

I am very concerned that if clause 40(1)(r) remains in the Ontarians with Disabilities Act, the Ontario government will exempt the Ministry of Community and Social Services from ODA enforcement and allow ODSP discrimination to continue. I contend that the Ontario government, via the Ontario Disability Support Program Act, is the single largest source of discrimination against Ontario’s disabled people. I offer a test to disprove my argument: Simply explain how the ODSP Act complies with the Ontario Human Rights Code and the Charter of Rights and Freedoms. So far, no one has passed the test.

The essential eligibility criterion to be on the Ontario disability support program is that the government of Ontario must agree that the person is medically disabled. Financial need is a secondary and somewhat flexible ODSP eligibility criterion. The Charter of Rights and Freedoms and the Ontario Human Rights Code applies to the Ontario Disability Support Program Act. Section 47 of the code covers disabled people on ODSP. Every barrier and restriction that applies only to disabled people on ODSP is discrimination because of medical disability.

For example, the ODSP Act legislated a quasi-judicial prosecution and punishment process that violates the charter rights of every disabled person punished under the ODSP Act. The ODSP Act empowers the director and bureaucrats across Ontario to use statutory power of decision to judge and punish a disabled ODSP recipient. The initial quasi-judicial director’s decision against a disabled person is made by a vague, closed-door process. The ODSP Act does not specify criteria for determining the quasi-judicial director’s decision that a disabled person has violated the ODSP Act. The director is only required to give notice of a decision that may be appealed. The ODSP Act does not allow the disabled person to attend or be represented at the quasi-judicial director’s decision nor the subsequent quasi-judicial internal review. ODSP bureaucrats use the quasi-judicial administrative process to judge and punish the disabled person in absentia, in secret, without independent observers and without a recorded transcript. The ODSP Act denies disabled people the basic right to be presumed innocent until proven guilty by a public hearing.

ODSP bureaucrats convict disabled people of a violation of the ODSP Act or its regulations and immediately enforce the punishment while the disabled person appeals. The ODSP Act uses a reverse-onus clause to deny disabled people the benefit of reasonable doubt.

The disabled person must immediately use the quasi-judicial ODSP Act appeal process despite violations of his or her charter rights by the ODSP process. The disabled person must request a quasi-judicial internal review appeal before the 10-calendar-day appeal deadline expires. The quasi-judicial internal review appeal is an “informal administrative process.” The disabled person cannot attend or be represented at the quasi-judicial internal review. ODSP bureaucrats judge the disabled

person in absentia, in secret, without independent observers and without a recorded transcript.

Unless immediately appealed, ODSP quasi-judicial director's decisions and internal review decisions are final and equal in force of law to decisions by the Ontario Superior Court. The quasi-judicial ODSP process does not obey the rules and responsibilities of the Ontario Superior Court nor the Statutory Powers Procedure Act. ODSP bureaucrats exercise the force of law without obeying the rule of law. The internal review decision must be appealed to the Social Benefits Tribunal within 30 days or the internal review decision is final and cannot be appealed. At the Social Benefits Tribunal, the disabled person is denied the presumption of innocence and the benefit of reasonable doubt. ODSP only permits a disabled person to defend after he or she has been deemed guilty by the quasi-judicial director's decision and internal review process.

ODSP Act quasi-judicial prosecution and punishment denies disabled people the right to notice of charges before conviction, the right to counsel before conviction, the right to defend before conviction, the right to plead innocent before conviction, the right to examine and cross-examine witnesses and evidence before conviction, and the right to a public hearing before conviction. The ODSP Act quasi-judicial prosecution and punishment process exercises the force of law without obeying the rule of law. It is just one example of ODSP discrimination. Every restriction and prohibition that applies only to disabled people on ODSP is discrimination because of medical disability.

I contend that the Ontario government, via the Ontario Disability Support Program Act, is the single largest source of discrimination against Ontario's disabled people. No one has proved me wrong. ODSP discrimination has not been stopped. I challenge anyone to clearly explain how the Ontario Disability Support Program Act complies with the Ontario Human Rights Code and the Charter of Rights and Freedoms. No one has met my challenge. The ODSP Act violates the code and the charter.

On December 11, 2002, Dalton McGuinty wrote to me: "I agree that discrimination against persons with disabilities is totally unacceptable. Rest assured that my team and I will do our utmost to ensure they are treated with the respect they deserve."

The McGuinty government has enforced ODSP discrimination throughout the ODA consultation process. Effectively, ODSP discrimination is already excluded from the ODA. ODSP discrimination against Ontario's disabled people will continue until MPPs compel the McGuinty government to stop ODSP discrimination.

I am very concerned that if clause 40(1)(r) remains in the ODA, the McGuinty government will exempt the Ministry of Community and Social Services and the Ontario Disability Support Program Act from ODA enforcement. The ODA must be amended to remove clause 40(1)(r). Please ensure that the ODA has very strong arm's-length enforcement provisions to compel the Ontario government to end ODSP discrimination.

Ladies and gentlemen, if you can prove me wrong, I will apologize and publish a retraction. No one has proved me wrong yet. I welcome your questions.

The Chair: Thank you, Mr. Thomasson, for speaking to us on Bill 118, the Accessibility for Ontarians with Disabilities Act, 2004. As you know, we have already had second reading on this, and all the honourable members supported the second reading. Of course, after all the discussion, we will be going back to third reading. I thank you for your presentation.

I have about one minute for each side to ask questions. We'll start with Mr. Jackson.

Mr. Cameron Jackson (Burlington): Thank you, David, for your compelling presentation. I understand your single recommendation here, which is the elimination of clause 40(1)(r) in the Liberals' new bill. Do you also support the notion that the Human Rights Code should be reintroduced into this bill so that it becomes the test not only for accessibility standards but for the test that the government must—

Mr. Thomasson: Yes, I think that's a very good idea. One of my very great frustrations in life right now is how difficult it is to get the Ontario Human Rights Code enforced against the Ontario government. You see, Mike Harris and his Common Sense Revolution legislated quasi-judicial, unconstitutional and illegal prosecutions against disabled people that intimidated them from appealing.

While we're talking here, while the consultations are occurring, disabled people are discriminated against by Dalton McGuinty. John Fraser, his executive assistant in his constituency office, has known since August 2001. Your government screwed disabled people, then Dalton's government screwed disabled people; if you prove me wrong, I will apologize and I can get it published. But they are still wrong; they have not proved me wrong. They are still discriminating against disabled people right now.

0920

The Chair: Mr. Ramal?

Mr. Khalil Ramal (London-Fanshawe): Thank you, David, for coming this morning and telling us your story. It seems you got responses from your MPP, Jim Brownell, and from other people—Dalton McGuinty and all the ministers. It seems like you have some technical problem that's not being dealt with in Bill 118. Your technical problem may be that there are some kinds of criteria to be eligible and—

Mr. Thomasson: Sir, if you will permit me, my arguments have stood the test. You are offering false information. I am a debater also. I've seen your remarks in the Legislature before, so I hold you in high disrespect, with the greatest of offence.

This government is discriminating against disabled people. You are screwing people with the force of law. You are letting bureaucrats exercise the powers of Ontario Superior Court judges, and then you are punishing them for appearing and intimidating them into letting the

quasi-judicial prosecutions stand. The problem is that you are discriminating against disabled people.

If you prove me wrong, I will apologize. But if you stonewall, your government will continue to screw disabled people, and some of your constituents in every single riding will continue to be punished by illegal and unconstitutional ODSP discrimination that could have already been stopped.

The Chair: Thanks. We are just trying to stay within the 15 minutes. Mr. Ramal, my apologies. I know you wanted to speak on the matter. That's fine.

I think we heard your comments, and we thank you for your comments.

Mr. Thomasson: Thanks.

ONTARIO COMMUNITY SUPPORT ASSOCIATION

The Chair: We are going to the next deputation. It's from the Ontario Community Support Association, Valerie Bishop-de Young. You can start any time you are ready.

Ms. Valerie Bishop-de Young: Good morning. Please call me Valerie. My presentation will be brief and fairly structural and concrete. Thank you for the opportunity to be here today. Welcome to our beautiful city of Ottawa.

The Chair: We are pleased to be here.

Ms. Bishop-de Young: I'm not a lawyer and I'm not an expert in disability issues, by any stretch of the imagination. Locally, I work with a not-for-profit organization that provides services to seniors and people with physical disabilities. Provincially, I am the president of the Ontario Community Support Association. OCSA is the acronym.

I believe you have a copy of my presentation.

The Chair: Yes, we do.

Ms. Bishop-de Young: Just briefly, let me go over who OCSA is and what we do. We represent 360, plus or minus, not-for-profit community agencies across Ontario, with 25,000 staff and over 100,000 volunteers. We serve about 750,000 people a year. Volunteers are many and donate almost seven million hours of service annually.

Our services are targeted to seniors and people with disabilities, including but not limited to attendant care services, such as the services the committee is providing here today, home maintenance, personal support, home support services, supportive housing, and assistance with activities of daily living, such as housekeeping, meal preparation and laundry. Our paid staff are community college graduates. They work alone, in isolation, in people's homes and apartments. Our member agencies are not-for-profit. They work close to the budget line.

Our message is that Ontarians want public policy that provides the right services, at the right time, in the right place to help people live independently with dignity for as long as possible. We see this as the right of every Ontarian.

We believe in measurable outcomes based on informed and effective strategic policy formulation, people-centred, community-focused priorities that respond to population needs, and shared accountability between the public and private sectors, community and citizens.

We support public policy that has transparent benchmarks and outcomes and not Utopian ideals. We need to focus on good health and safety, best practices, accessibility that goes hand in glove with affordability, and meaningful legislation and follow-up.

We applaud the spirit of Bill 118. We see it as a framework for proactive policy with respect to people with disabilities, but we would recommend some adjustments with respect to clarity, transparency and some accountability issues, particularly around the development, implementation and enforcement of standards.

One of the first questions is, what are the standards? The bill itself refers throughout to the standards, but the standards are to come after the enactment of the bill, and that presents questions. In evolving the standards, in developing them, health and safety should be a key priority for standards development, please. A barrier is in the eye of the beholder. To be meaningful, we have to address realistic goals. Let's start with health and safety issues. That means looking at things like accessible washrooms, accessible meeting space, flashing fire alarms, wheelchair ramps—the basics. Let's start there and get that sorted out.

There is a balance between accessibility and affordability, and the standards have to address that as well.

We ask you to define "dwelling." There is no definition in the act. Is the act intended to apply to personal homes, subsidized housing? We respect people's right to choice.

We would look to guidelines for standards development to ensure timeliness, transparency and accountability. We ask that the standards committees be established no later than four months after the royal assent of the bill. We feel that a third of a year is certainly long enough to get things going.

The success of the committees is dependent on identifying and removing barriers, not disabilities. We would ask that the committee composition guidelines look at including caregivers, staff and volunteers, people who have expertise by working with people with disabilities. We think there's a lot of value-added in what they have to say.

There is a maximum time frame for the implementation standards, and that is at no more than five years after the committee establishment, but there is no minimum. We would ask that that be identified.

What are the specified industries, the sectors, that are subject to this act? We think there would be an opportunity for fuller discussion if those were identified.

We would ask for clarity regarding the enforcement—the carrot and the stick, as it were. With respect to the stick, when are the penalties applicable? Are they applicable after the standards are submitted to the minister or

after year 2025? This point ties directly to transparency around which sectors are in fact identified and covered by the act.

With respect to enticements and incentives, what are the incentives? How accessible are the incentives? How will people or organizations be able to access them? What's the process?

Even better, we see an opportunity for some encouragement for inclusion and accessibility issues. We ask that the act encourage inclusion and accessibility by supporting integration between ministries, between acts and legislation, and also among identified sectors and professionals. We would ask that the act support disability sensitivity training to the sectors.

Our offer: OCSA is a provincial, non-profit organization. We work with member agencies that advocate for and work with people with disabilities, and staff and volunteers who provide care to people with disabilities. Our training program, Capacity Builders, is a recognized source of expertise and training to volunteers, staff and others throughout Ontario. Minister Bountrogianni is very familiar with OCSA. OCSA is available to both this committee and the ministry to help develop province-wide disability sensitivity training to any and all sectors covered under the proposed act or others, and we offer ourselves as leaders in standards development to help facilitate those standards within one or more sectors.

I've left you our contact information. I'm here locally. OCSA is based in Toronto. Thank you.

0930

The Chair: Thank you for your presentation. I will ask Mr. Marchese if he has any questions. One minute.

Mr. Rosario Marchese (Trinity-Spadina): Thank you, Valerie. Two quick things, one on enforcement: I have to tell you that I'm particularly worried about the fact that there is no enforcement in the bill. Inspectors do not have to be hired; the language is that they may be. With respect to compliance with standards, a director may review an accessibility report re compliance but doesn't have to, and there is no tribunal named to adjudicate on matters of lack of compliance. They might say there's enforcement here, but it's not there. Does that worry you?

Ms. Bishop-de Young: Yes, of course it does. It identifies that there are penalties, but there is no mediating force to implement those or to order or to monitor what's happening there. I would say there's significant concern to be had with the enforcement of the bill. The spirit of the bill is wonderful, but right now, as it's presented, it's a toothless tiger, I fear.

The Chair: Mr. Ramal, you have a question?

Mr. Ramal: Yes. Thank you for your presentation. You raised a concern about the sectors. Would you like to see categorizing the sectors; for instance, government buildings first, restaurants and hotels second? How do you see that we can implement it within the time frame?

Ms. Bishop-de Young: I like your recommendation that the government should be first. I think that's a great idea—role-model the act. I believe the legislation needs

to be harmonized, and yes, I'd like to see a timetable. I think it would open up an opportunity for fuller discussion from representatives of those sectors, frankly.

The Chair: Thanks very much for your presentation. We'll move on to the next presentation.

Mr. Jackson: Mr. Chairman, while we're waiting for the next deputant to come forward, in your preamble to welcoming everybody, you made a reference to the fact that we were going to begin clause-by-clause next week. Is that the decision?

The Chair: Possibly. That is what we are working at.

Mr. Jackson: But at this point, there's not a definitive decision that the committee will be called on the 15th?

The Chair: Mr. Jackson, hopefully before we return to our offices, we will finalize the decision among ourselves, but it's my objective that next week we will try to find the time to get together. That is my objective, but it's up to us to finalize that, as I understand. So we will discuss that—

Mr. Jackson: Thank you very much. I just wondered if the decision had been made.

The Chair: No. I have to speak to you and everybody else before we do that.

WATS.CA

The Chair: We'll move on to our third presentation, WATS.ca. We're right on time.

Mr. Derek Featherstone: Good morning, everybody. By way of introduction, My name is Derek Featherstone, and this is my colleague and associate, John Foliot. We're here today as accessibility advocates and concerned citizens. I just want to give you a bit of background on our role and why it is that we have a specific interest in accessibility. In particular, we want to look at Web accessibility and how that has an impact on Bill 118.

We are Web developers by vocation and consultants who spend a lot of time working with various organizations to make their Web sites accessible to deliver accessible Web content. We also provide a lot of training and work with developers in a hands-on environment. We've seen a lot of different things over the past five years in terms of how the Web has evolved and how it's very important for service delivery and information delivery. Based on those experiences, we've got quite a bit of first-hand understanding of some of the problems that face developers, as well as the people who are actually using the Web.

Just a few quick points as we work through our presentation: We'll give you a brief overview of how we see accessibility and the Web; then look at the current status of accessibility and Web accessibility with regard to legislation, some interesting cases that have been seen in the last few years on accessibility, specifically Web accessibility; and then present our recommendations for the committee in terms of moving forward.

When we view Web accessibility, we try to view it as something more than just making Web sites accessible to

people with disabilities. We focus on making things universally accessible. One of the reasons we do that is that we're not only looking at accessibility as a benefit to those who absolutely require it and need it to get the information they need; it's also important to other people who may not necessarily have disabilities but also, for some reason or another, require some of the same features that accessible Web sites provide.

For example, somebody who has an auditory impairment may require text transcripts of multimedia, such as this Web cast, for example, as this will eventually be on the Ontario Legislature's Web site. A person who has an auditory impairment may not be able to actually get the benefit of seeing that Web cast or hearing that Web cast, and we need to provide text transcripts and alternative media for those people. That's not something that is just for persons with disabilities. That's actually a very useful feature for somebody who might be in a library or in another public access centre, where it might be loud in a community centre and they can't actually hear the audio properly. So a text transcript, while useful to those with auditory impairments, is also useful to other people as well. So while we're looking at addressing Web accessibility for people with permanent disabilities, we're also looking at temporary situations as well, for other people.

The same holds true for mobility impairments. In addition to people who have varying degrees of quadriplegia or paraplegia, we're also looking at temporary conditions, like people in a cast. If you've ever tried to write with your wrong hand or your correct hand in a cast, you know you don't have the same level of fine motor control you have normally. It's the same thing with visual impairment. Cognitive impairments could also be a temporary condition, something that happens where you're not necessarily very conscious of your normal environment. It also helps to address language issues.

We look at technological restrictions as an important component to Web accessibility. With the advent of technology, we no longer see things where we're browsing Web sites on a standard desktop computer. We now have a situation where, as technology continues to evolve, we get handheld devices that are Web-capable, cell phones that are Web-capable, and yes, as you'll see on the slide, even Web-enabled fridges.

Ms. Kathleen O. Wynne (Don Valley West): Is that a refrigerator?

Mr. Featherstone: It is a refrigerator, and it does exist. The interface with the Web through that type of medium is certainly outside the realm of the norm, but at the same time, it's there. Addressing Web accessibility helps with some of these situations as well.

0940

In summary, we view universal accessibility as making your Web content available to anybody and everybody, regardless of the type of technology they're using to access.

Just a brief overview of current legislation. There are several countries that have specifically addressed Web

accessibility in their legislation: Australia, Germany, Italy, Spain, the United Kingdom and the United States. Each one of those has specifically addressed Web accessibility.

Mr. Jackson: And Ontario.

Mr. Featherstone: And Ontario. The ODA does do that.

Mr. Jackson: I put it in there. That's why I know.

Mr. Featherstone: As we progress, we'll make some recommendations as well in terms of ways to improve that. There are some things we've seen in our work with various universities and other public institutions where, while the legislation does exist, I think we would all agree that there are areas for improvement.

Mr. John Foliot: Yes, we are aware of the ODA, and we do say in our written presentation that within the different countries, often at state or provincial levels and even occasionally at municipal levels, you'll see policies and laws in place.

As we look at the laws and the standards and guidelines being used in the laws, we really have two major guidelines that are shared across the Internet on an international level. The forerunner, of course, is the W3C, the World Wide Web Consortium, who have released the Web content accessibility guidelines. We have provided a fair amount of information here, but in short, they've taken the guidelines and broken them down into three levels of severity or priority:

Priority 1 insists that a Web content developer must satisfy the checkpoints under that heading or the information will be significantly removed from some groups.

Priority 2 is checkpoints that should be satisfied, otherwise one or more groups will find it difficult to access information.

Finally, priority 3 is recommendations, things that may be addressed, otherwise some groups may experience difficulty accessing the information.

I guess the thing that's important to point out is that this series of guidelines is approximately five years old now. The W3C are currently in a draft position: They're rewriting their checkpoints. What's also important to understand, however, is that they are not standards; they're guidelines. While they are an official recommendation of W3C, many of the checkpoints within the Web content accessibility guidelines are subjective in nature. They are not measurable standards and do not stand up to rigorous tests. Often, they are subjective.

I'll give you a very brief example. One of the checkpoints insists that any time we present an image within the body of a Web page, we must provide alternative text that is meaningful to people who will not see the image. But what is meaningful? Who decides what is meaningful? It's a subjective test. So while it's flawed, it's the best we have right now.

The other law that we have is section 508 in the United States. We certainly would like to point it out to the committee members, specifically because they have linked some benefits to US vendors and whatnot in terms of ensuring Web accessibility as we move forward.

I've been told that we're running out of time, so we'll skip over the significant judgements. Suffice it to say that at a legal level, in terms of challenges before the courts, there is very little precedent and very little law already tested. Essentially, we have a win, we have a loss and we have a draw. The Sydney Olympic Organizing Committee was chastised and they had to pay out a payment. They were found to be guilty of providing Web content that was inaccessible. Recently, in New York state, the New York State Attorney's office reached an out-of-court settlement with Ramada.com and Priceline.com, again in the area of Web accessibility. In the case known as Southwest Airlines, the actual case was thrown out, specifically on a technicality, but it was seen as a loss.

In conclusion, we have a couple of recommendations. They're based on both our knowledge and experience, and it's information we would like to share with your committee.

The first recommendation is that we need to lead by example. We recommend that all provincial Web sites or Web sites that operate under the public purse in any way, shape or form be mandated to meet, at an absolute minimum, the W3C priority 1 and priority 2 guidelines. We further recommend that the criteria be met within no more than 24 months of the enactment of the legislation. We assure the committee that with the way things move on the Web, that's lots of time.

Second, we recommend that incentives be put in place. The legislation should be constructed in such a way as to offer incentives for businesses and privately held Web sites to, again, meet priority 1 and priority 2 guidelines. Regulations and incentives patterned after US section 508 should be considered. We would even go so far as advocating specific tax benefits or incentives to businesses that meet or exceed the guidelines.

We would like to see more education. We recommend that any public learning institution that provides curriculum for Web designers or Web developers and is receiving full or partial funding from the provincial government be mandated, as part of the overall curriculum for Web developers, that at least one course that teaches the principles and techniques of accessible Web design be provided. As advocates and as people who work in the field, we find that the lack of experience and the lack of knowledge of the people who are actually making the Web sites is probably the single, largest barrier.

Finally, enforcement: This is probably the hardest thing, because we do not have rigorous measurements. However, we would recommend that all sites covered by the legislation provide a written accessibility statement and policy directly attached to the Web sites. We further recommend that these accessibility statements be reviewed annually to ensure ongoing compliance, and that a level of accountability be attached to a specifically named accessibility commissioner—or pick your term.

The Chair: Thank you very much for your presentation. We have the material in writing, and we will certainly include it.

Mr. Foliot: May I just say in closing that we've also provided the presentation as an accessible presentation on-line, and the address is there.

The Chair: Thank you.

ACCESSIBILITY ADVISORY COMMITTEE TO THE CITY OF OTTAWA

The Chair: The next presentation is from the accessibility advisory committee to the city of Ottawa, Alf Günter. Good morning, Mr. Günter.

Mr. Alf Günter: Good morning.

The Chair: You can start any time you are ready.

Mr. Günter: Thank you, ladies and gentlemen. You have my text, but I will be deviating from it somewhat in my oral presentation, so I ask you to listen.

The accessibility advisory committee commends Minister Bountrogianni for developing this piece of legislation. We think it lays a foundation for a truly accessible Ontario, and we are pleased to see that it has enjoyed the support of all parties in the Legislature.

I regard the implementation of this act as similar to building a house. When this bill has been promulgated, we will have the foundation and the basic structure in place. However, we will not have detailed specifications for everything we want to do, we will not have a plan in detail of how we're going to do it, nor will we have our inspection procedure in place. So there is still a great deal of work to be done. Indeed, how successful we are depends upon where we go after this bill is approved. In truth, the amount of work involved is closer to building the venue for an Olympic village than it is for building a house. Fortunately we have up to 20 years, and fortunately we have the resources of Ontario.

There is much that is good about the current act, Bill 125, and I commend Mr. Jackson for the work he did in bringing it forward. He did the best that could be done under the conditions that he was working. We must move forward to not lose the good things in Bill 125. We have to retain the planning and reporting requirements, and we have to strengthen the monitoring and enforcement. The present bill should be given third reading as quickly as possible, royal assent, and proclaimed in its entirety. This is important.

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As we move forward, the government needs to set priorities for which sectors it's going to tackle first. I don't think we should try to do everything at once. We have Bill 125 to guide us in the public sector. That's the place we should be starting: the ministries themselves and the municipal governments, hospitals, universities, schools and transport systems. Then we can move on to big business, which I think will be quite happy to do this, and such areas as medical health units, doctors' offices, dentists' offices, whatever, because these are really important for disabled people and there's a lot of work to be done in that area. Finally, we'll probably end up with the mom-and-pop shops; they're the last ones that you'll tackle.

We need standards committees. On those standards committees, we really need to have three groups involved: first, representatives of the government, including somebody from the disability directorate.

It's also very important to have representatives of the group that is being impacted, because the more we can get them to buy in to this in every stage of the development of a barrier-free Ontario, the easier it is going to go for everybody, the more they realize that accessibility is for everybody and that it's going to be a profit to the province in the long run, and to their own business, if they have better accessibility.

And then we do need a third group of experts—that is, people who have worked with the disability community or who have disabilities themselves—to bring their insight into the regulations, into these standards. Having used the word “regulations,” I will go on to say that as soon as a standard has been approved, we should not delay in turning it into a regulation. I believe that's the proper procedure.

There are going to be literally tens of thousands of organizations impacted by this legislation. It is important that each one of these groups develop a plan. First of all, they need to look at their facilities compared with what the standard says they should be; in other words, develop a shopping list.

We need to prioritize them. In terms of prioritizing them, we need to look at what has the greatest impact on the person with a disability. For example, if you have a shop of some sort and there are certain problems inside, if there are no means for the person to get into the building, you'd better start tackling that as your number one priority. If you have such means, then perhaps you should look to see if your ramps, if you have any, are safe for people who have vision problems, and so on.

I think the plan should be prioritized and then people should be encouraged to develop their plans such that they do the work in a staged manner over a certain period of time, which of course has got to be not more than 20 years, but hopefully in many cases it will be less. If you allow people to do what's easiest, they will do the things that don't cost much money, and you'll find that after 80% of the time has gone, they've done 80% of the items but only 20% of the work. They'll have left all the big items. So it's really important to try to set priorities.

Every organization must be required to file their plan with the directorate, if only to be catalogued. If it's in electronic form—I expect most will be—so much the better. It can be easily accessed. These plans must be available for anybody to look at, for members of the public.

I would encourage, since the government is not going to have enough inspectors to inspect everybody's work to see if the work is being done, that they simply do spot checks. You will need a few inspectors in the directorate for spot checks. But also, try to make use of inspectors who are already in place. You have health and safety inspectors and fire inspectors going into the buildings. Try to train them to be on the lookout for things. But

you're going to have to depend, to a very large degree, on the general public, so the public must also be able to access these plans, and if they find something that doesn't look right, indicate to the directorate who will then look into it in more detail.

I said earlier that you have to have various organizations onside, the various parts of the business community and whatever. In terms of dealing with the plans, you have to realize that they will change with time. Things change over a 15-year period. So they may not do things exactly in the order the original plan said, but as long as they're making an honest effort, nobody should be clamping down on them. However, there will be people, there always are people, who test the bounds of what's acceptable. There are people who drive 30 kilometres over the speed limit and who have to be brought back, and you're going to have the same thing here. There are going to be people who don't buy in to the process. Again, I say use the carrot as long as it will work, but at some stage, in a few cases, you'll have to bring out the stick.

I'm not sure what a tribunal should be. I think anybody who is going to assess a fine has to have a means of appeal. I'm just saying that the tribunal has to be something that's going to meet often enough that people will get justice served in a short period of time, say, three months or so, and also it must be seen as being impartial.

Thank you for letting me appear before you today. We're about to embark on an exciting journey that will make Ontario the envy of many other jurisdictions, a place where the disabled are truly integrated and where they are able to make a considerable contribution to the well-being of our province.

Do I have any time left?

The Chair: You have less than a minute each to ask questions.

Mr. Jeff Leal (Peterborough): Thank you very much, Mr. Günter. I'm a former municipal politician from Peterborough. One of the things that I've been thinking about as I've been working through this is that most municipalities in Ontario have a property standards division, which is a number of inspectors who look after inspecting buildings and the building code within a municipality. Would it be your feeling that we might be able to use that group of individuals, who are out there anyway doing inspections, to actually look at how we could enforce this legislation to make sure that all new buildings and retrofits are in compliance with this act?

Mr. Günter: Yes. That is exactly the way I see it. I don't think these people would actually go face to face with the people who have the facility. They might bring it to their attention, but if they feel quite strongly, then they should bring it to the attention of the directorate, which actually makes the decision about what should be done. That's the way I see it.

The Chair: Mr. Jackson?

Mr. Jackson: Thank you, Alf, for your comments. I'm very pleased to hear you talk about proclaiming in its entirety. You're the first person to state that for the

record. I appreciate it because, as you know, when the ODA, Bill 125, was proclaimed, there were sections that had to be proclaimed once the council was put in place, once the access committees, like the Ottawa one, were put in place. There are about 25 sections of this bill which the current government has failed to proclaim, such as the penalty clause which governs your access committee—if you didn't file, there would be a \$50,000 fine to your municipality—and so on.

My concern and my question to you is: The government has said that it will, at some point in the future, delete sections of the bill that are not included in their new Bill 118. Would you recommend, for the purposes of safety and protection and to have a complete bill—should we not include the duties of the government of Ontario, the Web site, which we just heard from, a whole series of sections that are in the ODA 125, and transfer them over into the new Bill 118, so we have a complete bill?

Mr. Günter: I'm not really an expert on the legislative process. I know I believe what David Lepofsky has to say. I'm listening to you and it sounds sensible, but I really don't have an opinion on that subject. I'm sorry.

The Chair: Mr. Marchese?

Mr. Marchese: Three quick things, Alf. First, on the notion of what should be proclaimed: Most governments have a problem with that when they pass bills. Some things get proclaimed and others are expected to be proclaimed and never are. That was a weakness of the previous bill, and so it's a worry about what things are left to be proclaimed.

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Second, on the issue of inspectors: Municipal inspectors are overworked, and other provincial inspectors are overworked as well. They need training. So it's hard to rely on those folks, in my view. That's why the government "should" hire inspectors, rather than "may."

My question to you is about exemptions. In opposition, the Liberals opposed a government permitting exemptions from the act. Do you think the minister in this case should permit exemptions from the act?

Mr. Günter: I don't think they should permit exemptions per se, but I do think that there needs to be sort of a grandfather clause. If people have—

The Chair: Thank you.

Mr. Günter: Am I finished?

The Chair: Another 30 seconds.

Mr. Günter: OK. If you have a structure—I tend to think in terms of structures, which isn't fair—that has been built to, say, 1995 standards, you may have a ramp that isn't of the proper slope to 2005 standards. I think, if it's functional, if it doesn't put the person with a disability in an inferior position, that should be acceptable as built facilities.

The Chair: Thank you very much for your presentation.

CANADIAN DIABETES ASSOCIATION

The Chair: We will move on to the next presentation, from the Canadian Diabetes Association, Karen Philp.

Good morning. Again, there are 15 minutes in total, and I will be watching the time, just because there are many people waiting. I would ask anyone who has questions to keep in mind that the minute includes your comments, your question and the reply to your question. Thank you.

Dr. Karen Philp: Thank you, members of the committee, for inviting Christine Flammer, associate director for the Canadian Diabetes Association, and myself, Karen Philp, to speak with you today.

We want to start by commending you, the minister, and the government of Ontario for inviting Ontarians to review and recommend amendments to Bill 118, the Accessibility for Ontarians with Disabilities Act, at these public hearings. Second, we thought it was important to give a little bit of background about the Canadian Diabetes Association, if you're not already familiar with us.

We represent two million Canadians who live with diabetes. That includes people who are affected by diabetes or work with diabetes. So we work with professional people like doctors, endocrinologists, nurses, diabetes educators, as well as the people with diabetes themselves in 150 communities across Canada, including nine regional leadership offices in Ontario, at Thunder Bay, Sudbury, Barrie, Ottawa, Kingston, Hamilton, London, Kitchener and, of course, Toronto.

We also serve and support people with diabetes through research—almost \$6 million this year—education; individual camps like Camp Huronda here in Ontario; our professional conference, which brings approximately 3,000 professionals from across Canada together annually to discuss new clinical practice guidelines for the care and management of diabetes; and, of course, advocacy.

Our advocacy priority is that Canadians living with diabetes deserve the drugs, supplies, education, care and financial support needed to manage their disease, no matter where they live in Canada. However, we also receive a significant number of calls each day from individuals living with diabetes in Ontario and the rest of Canada, and we need to try to help them address the challenges they are facing in managing their diabetes daily. We receive many calls from Ontarians who think they may be facing discrimination in public places, particularly their workplace, as they try to manage their diabetes. That's why we're here today.

Generally speaking, the Canadian Diabetes Association supports Bill 118 as good legislation that may help achieve the objective of removing barriers for Ontarians living with disabilities, allowing them to participate fully and productively in society. However, we would like to clarify with members of the standing committee the position of the Canadian Diabetes Association on diabetes as a disability. In the proposed legislation, under the definition of "disability," the legislation includes diabetes mellitus as an example of a disability under this legislation.

Our association's position, developed by our many members and adopted by our elected board of directors, is that: "People with diabetes have the right to be

assessed on an individual basis to determine if their diabetes constitutes a disability as defined within the specific context.” We believe that with proper care and treatment, most people with diabetes can achieve an optimum quality of life. Although diabetes can be a potentially disabling disease, particularly if complications ensue, it does not, in and of itself, constitute a disability.

With this in mind, however, according to the Institute for Clinical Evaluative Sciences in 2003, people with diabetes comprise only 6% of Ontario’s population, and yet they accounted for 32% of heart attacks, 30% of strokes, 51% of new kidney dialysis patients, 70% of amputations and 28% of cataract surgeries. It is the disabilities arising from the serious complications of diabetes—blindness, amputations, kidney dialysis, for example—that pose the greatest barriers for Ontarians living with diabetes.

We believe this legislation can help them, but it could also, if minor amendments were made, help Ontarians living with diabetes today and in the future. For the majority of the more than 708,000 Ontarians living with diabetes, it is discrimination in managing their diabetes, whether in restaurants, schools, universities or the workplace, that impacts the majority of them in public places. It’s accommodation and respect for the need to test blood glucose regularly, to eat a snack, to inject insulin or take oral medications that should, in our view, be considered a requirement under this bill.

You will see from the two case studies outlined in the submission we handed out today that people living with diabetes face most incidents of discrimination in the workplace because others often do not understand diabetes and its management. Often, employers are concerned about the potential loss of work time and productivity, which may influence their willingness to hire, continue to employ or promote a person living with diabetes.

For those in our case studies, the issue is lack of understanding of diabetes management and outdated medical guidelines that do not recognize the best available scientific evidence on how to manage diabetes optimally that leads to the discrimination. Lack of awareness of what the benefits are to the employee, the employer and the rest of society resulting from ensuring that individuals with diabetes have the opportunity to achieve optimal management of their disease is also an issue.

In our view, it’s a lack of awareness of how diabetes can be effectively managed that leads to a response from the employer that encourages people with diabetes to conceal their disease from their employers and colleagues simply to avoid negative reactions, rejection or outright discrimination. As a result, insulin injections may be missed or blood glucose testing or a meal skipped, and the result may jeopardize the individual’s own health and perhaps her or his safety on the job. This is the worst of all worlds.

However, there is good news. In our experience, bringing together medical experts, diabetes educators and

employers to understand and be aware of the best practices can result in positive benefits for all. Education, in our view, is key to ensuring that employers and work colleagues understand that Ontarians who effectively manage their diabetes do not pose a threat to colleagues or to the efficient operation of their business. In fact, it has been proven that people with well-managed diabetes often miss fewer days of work due to illness because managing their blood glucose effectively requires that they live generally healthier lifestyles.

To date, in our efforts, we have relied heavily on the Ontario Human Rights Code, which requires an employer to accommodate a person with diabetes up to the point of undue hardship. Reasonable accommodation of a person with diabetes may include altering an employee’s work schedule to include regular breaks to eat a snack, monitor blood glucose levels or administer insulin in a private location. While the association generally endorses the improvements to the Ontarians with Disabilities Act contained within Bill 118, we would like to see a clear and greater statement in support of, or some consistency with, the Ontario Human Rights Code on accommodating Ontarians living with diabetes in this proposed legislation.

Second, the Canadian Diabetes Association supports and applauds the expansion of the application of mandatory standards to the private sector. We work with the private sector all the time. We understand that the intention of this bill is that the accessibility standards should apply to all public and private institutions, including private business and, we also assume, non-government organizations like ourselves.

Third, in reference to the 20-year timeline to achieve the goals of this proposed legislation, the Canadian Diabetes Association would like to acknowledge that it takes time and resources for society to make Ontario truly accessible to all persons with disabilities. We have advocated for over 50 years on behalf of Canadians living with diabetes, so, needless to say, we understand that some things just take time. However, we also believe it is important that you consider ensuring that short-, medium- and long-term indicators of progress are in place under this legislation to help Ontarians measure their real progress toward achieving a truly accessible Ontario as laid out in Bill 118. We believe that members of this committee should seriously consider legislating some form of mandatory annual review of progress under this bill.

Finally, the Canadian Diabetes Association supports the principle of appointing a standards committee to develop accessibility standards by sector. Building on the expertise of those already working toward increasing accessibility for Ontarians living with disabilities will help achieve the legislation’s objectives not only more quickly but without duplication of effort. This will also ensure the greatest transparency and broadest awareness across government, business and industry, as well as the general public.

We are extremely pleased by the intent of this legislation, particularly if it includes non-government organ-

izations and other experts on the standards committee. We are pleased to offer today our expertise and knowledge in the development of these accessibility standards, particularly as they relate to diabetes and to people living with any of its serious complications.

In conclusion, on behalf of the Canadian Diabetes Association, we would like to thank you for inviting us to speak today on Bill 118.

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The Chair: Thank you very much. We have just over a minute each. We'll start with Mr. Jackson.

Mr. Jackson: Thank you very much, Karen. I appreciate your brief very much and support increased access to supports, especially government-based supports in the health field, especially for juvenile diabetes. Although this bill doesn't address that, there are sections of the bill that I'd like you to comment about; for example, your reference to the Human Rights Code.

The current ODA was designed to cause the government of Ontario to reach the highest standard first. It ties employment opportunities for all employees in the government to the human rights standard. Do you support the retaining of that section in the new legislation, and by extension, do you wish the standard of accommodation under the Human Rights Code extended to government services that are accessed by the public?

Dr. Philp: Yes.

Mr. Jackson: Thank you.

The Chair: Mr. Marchese.

Mr. Marchese: A few quick things, and thank you for your comments. You talked about an annual review of progress. This is something that many people have spoken to, and that has to do with monitoring progress. There's no mechanism here to deal with that. It should either be an individual or a public body doing it, but unless we do it, we have no way of knowing what is going on. So we agree with you.

The other part has to do with discrimination as it happens in managing diabetes. One of the things that many people have spoken to is education, and you spoke to that as well. Do you think education or an education component should be built into the legislation, or do you think we should just leave it to chance, that it may happen and the government may do something, or not, in that regard?

Dr. Philp: There are benefits you should seriously consider by incorporating it into the legislation. I think it should be the mandate of the committees, as well as the secretariat or agency, to actually ensure that public education is provided. Without public education, the word doesn't get out; so yes, obviously.

The Chair: Mr. Fonseca.

Mr. Peter Fonseca (Mississauga East): Thank you for your presentation. Diabetes is something that, as one of Minister Smitherman's parliamentary assistants, falls on my table every day. It's a health tragedy for many Ontarians who are afflicted with diabetes. We brought up many examples in the workplace and how at times others may not understand the disease. Within the workplace,

many workplaces have health and safety committees. Are they implementing certain standards within the workplace, and would you see somebody from those health and safety committees being part of the standards committee that will be set up under this legislation?

Dr. Philp: It's a patchwork across Ontario, as you may be aware. Some of them are and some of them aren't. We get a lot of calls from people who work in, it tends to be, smaller industrial sectors where they're not perhaps as able to put forward their need. They're scared, and there are all those sorts of issues out in the workplace. So having them on the standards committee would be really beneficial in ensuring that their perspective is brought forward, and maybe some sort of standardization across the province would—

Mr. Fonseca: Can you give me an example of a best practice?

Dr. Philp: In health and safety? Not off the top of my head.

Mr. Fonseca: In relation to diabetes.

Dr. Philp: In diabetes, the Railway Association of Canada—we used a case study in this submission we've provided. Basically, they were using really outdated medical records or medical guidelines prior to 2001. The union and the local individual, who had been managing his diabetes very poorly in Thunder Bay and it resulted in his becoming sick, tried to approach the industry, and they said, "No, no, no." So through advocating with us, we were able to get them to actually sit down with medical doctors. They sat down—it was the education component again—and got to learn what diabetes was all about. Now, I would say they have the best medical practice guidelines for employing people with diabetes in safety-sensitive positions in Canada. They are very good.

The Chair: Thank you very much for your presentation.

PEOPLE WITH DISABILITIES: A COMMUNITY COALITION

The Chair: We will move on to our next presentation, and that is from Jeff Willbond. Good morning, sir. We are doing very well with the timing.

Let me remind everybody that we are discussing Bill 118, the Accessibility for Ontarians with Disabilities Act, 2005. Today's proceedings will be shown on TV on Thursday, February 10.

We thank you, sir, for being here this morning. Please start any time you are ready.

Mr. Jeff Willbond: Thank you, Mr. Chair. Just for some clarification, I'm actually representing People with Disabilities: A Community Coalition. There has been a change in the scheduled agenda for today. This afternoon someone was going to be representing the coalition, and that would be me this morning.

The Chair: But you are Mr. Willbond—

Mr. Willbond: Yes, I am Jeff Willbond.

The Chair: —representing a group.

Mr. Willbond: Yes.

Good morning, members of the standing committee. As stated, I am Jeff Willbond, and I'm here this morning representing People with disAbilities: A Community Coalition. Thank you for the opportunity to share our support and thoughts on the proposed Bill 118. I would like to commend Minister Bountrogianni and the province for holding public hearings on the bill prior to its receiving third reading.

Who are we? The People with disAbilities community coalition is made up of organizations, groups of persons with disabilities and groups for persons with disabilities that have an interest in improving the quality of life for persons with disabilities in Ottawa. Coalition members share a common goal, which is to build a community in which persons with disabilities have equal access to the same opportunities as every other citizen within our community. In collaboration with the city of Ottawa and other organizations like the Ottawa Hospital, we have discussed and agreed on several key changes in Bill 118 that will enhance the lives of persons with disabilities.

I just want to give you a flavour of what the disability community looks like here in Ottawa, so I'm going to touch on some local demographics. We know that after the amalgamation, with the new city of Ottawa, it's estimated that our population is about 845,000 people. Of that, 15% are people with disabilities. As we know nationally, persons with disabilities are no longer considered a minority concern or issue. They're now a major part of our population, especially because of the maturing population and advancements in medicine.

In a local consumer survey report titled *Maximizing our Assets: Partnering for Participation and Inclusion*, we came across some very interesting key findings here in Ottawa. This was a survey that was done a couple of years ago, so it is a little out of date, and I apologize. However, I'm going to give you some of our findings:

—Sixty per cent of people responding to the question, "Are you prevented from doing things that interest you or participating in activities happening in our community?" answered yes.

—Fifty-two per cent of the people responding to the question, "How much money do you have to live on?" said that they have less than \$15,000, and 21% said they have less than \$10,000 a year to live on.

—Thirty-two per cent of those individuals who said they were prevented from participating said that one of the reasons was the cost of participation in our community, the cost of services and programs.

—Forty-eight per cent of survey respondents said they do need help with things like washing, bathing, transferring, dressing and toileting, so we know that there is a strong emphasis on home care and health care, or a need.

—Twenty per cent of respondents who have a permanent place to live indicated that they weren't living where they wanted to, and 42% indicated that a house or apartment that they could afford but was not necessarily accessible.

—Seventy-seven per cent of respondents indicated that they are not working or volunteering, citing lack of

access, training opportunities and employer sensitivity as major reasons.

In fact, what we're looking at here are some real, true systemic barriers.

The purpose of my presentation today is not to identify or dwell on accessibility barriers for Ontarians. You know that all too well. We have a very good idea of what the barriers are. What we're discussing during these public hearings is the process and Bill 118 itself. Also, my focus is to embrace the vision of not creating new barriers for tomorrow.

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My experience personally, besides representing the coalition today, is that I drafted two accessibility plans for the city of Ottawa. I was the special-needs consultant to the city of Ottawa, and therefore I have a really good flavour of the ODA and the work that was required within the public sector.

The momentum of accessibility planning has been incredibly successful in the sense that it has sensitized the public sector, it has identified and removed barriers and it has developed a plan that has been successfully implemented, largely across Ontario, within different cities. I want to see that momentum of accessibility planning continue, especially followed by the repeal of the ODA. I think accessibility planning is going to be that much more critical.

The coalition recognizes and supports ongoing accessibility planning. This process has proven to be successful. The process has engaged municipalities, schools and hospitals in becoming sensitized through assessing, auditing and developing best practices.

Although standards will be developed, we recommend that the process of accessibility planning continue with a stronger emphasis on a report card back to the province and public.

Accessibility planning needs to be part of an organization's budgetary plan. The date on which the accessibility plans were required was not coinciding, for instance, with the city of Ottawa's budget planning cycle, which created some new barriers.

Accessibility planning can incorporate new standards as developed. Indicators have been developed and should be applied for monitoring outcomes. It has been my experience that we've had an accessibility plan, we've implemented it, but we've had some difficulty in terms of monitoring. So within Bill 118, not only should we carry on with the momentum of accessibility planning, but we should also look at indicators of measuring and monitoring the plan.

For the development of standards committees, we suggest the establishment of standards development committees for various industries, sectors of the economy or cases of persons or organizations to develop proposed accessibility standards. Standards development committees should be established within six months of the passage of Bill 118.

Create a disability accessibility adviser to oversee and support the work of the committees to function at arm's

length from the government. This adviser would recommend priorities for action, reporting to the Legislature, and serve as a public advocate for progress.

Standards committees should hold public consultations on accessibility, as we are today. Further consultation with appropriate private sector associations—for example, with the Ontario Chamber of Commerce—will determine realistic action and time frames for the private sector.

For the development of proposed standards, we are suggesting and recommending harmonizing of all legislation that deals with accessibility of the built environment, such as the Ontario building code, the Planning Act, condominium legislation and the Ontario Human Rights Code. Each standards committee should set a series of target dates for different barrier removal activities. Education and training for municipal building inspectors, and professionals such as architects and developers, are critical.

Technical standards need to be harmonized provincially. When I'm speaking with regard to technical standards—the Ontario building code, CSA, best practices—it has been my experience, working with municipalities, for example, that the city of Toronto and the city of Ottawa have both developed technical standards that have been very costly and resourceful, and this could be something that the province could simply harmonize, rather than recreate the work that has already been done.

A high priority should be to develop accessibility standards for the Legislature and ministries. I have a question: How will public policy silos be broken down with issues of income—ODSP—health care and home care within the Ministry of Health? We have three ministries in Ontario that each have a definition of “disability.” The Ministry of Community and Social Services, the Ministry of Citizenship and the Ministry of Health all deliver services and programs for persons with disabilities, and all have a very distinct definition.

To give you an example of a conflict in policy when I'm speaking about some of these policy silos, within the Ministry of Health, OHIP will remove and replace your hip, especially if you're a maturing person and you've had some deterioration of your hip. If you are in an accident and you lose a limb or you lose a limb to cancer, OHIP will not replace your limb with a prosthetic. It then falls under the responsibility of the assistive devices program. So that's an interesting conflict right there within policy.

We believe in a prioritized approach with a series of target dates, starting with health and safety standards and determinants of health. As said in some of the previous presentations, we think the prioritizing of standards should really emphasize health and safety first, and, in terms of quality of life, look at the determinants of health, which are income, housing, employment and transportation.

In conclusion, as a dear friend once said to me, “The benefits of accessibility equal inclusion.” The moral argument is that it's the right thing to do. The legal case

is, not only is it not nice, it's not legal. We need to manage it before the courts manage us.

The area I like to focus on is the business case for persons with disabilities and for our society in general, and that's the economics, the baby boomers, cash, demands for service, customer service and consumer focus.

One challenge that I want to quickly identify before I wrap up is that here in Ottawa we have all three levels of government, which is unique in comparison to the rest of Ontario. We have quite a bit of a federal government presence here in Ottawa, and I'm just wondering how Bill 118 is going to partner or what relationship the province will have, considering that we have a lot of facilities here in Ottawa that fall under public works with the federal government. I thank you.

The Chair: You only have one minute left. Mr. Marchese, it's your floor.

Mr. Marchese: Thank you, Jeff, for all the suggestions you've made. It has been my view since we debated this bill in the Legislature that the bill is a good bill but is hardly extraordinary in terms of potential and what it could do. I think much of it has to do with the recommendations you make, which are very much in line with the ODA's recommendations and those of so many other individuals. My sense is that these changes and recommendations need to be made in order to make it a very good bill or a strong bill. Do you agree with that, or do you think we could just live with this bill as it is?

Mr. Willbond: Live with the ODA as it is?

Mr. Marchese: As it is, or do you believe we need to make some of the amendments that you suggest in order to make it effective and strong?

Mr. Willbond: Absolutely, yes.

The Chair: Thank you very much for your presentation.

1030

GREG BONNAH

The Chair: We'll move on to the next presenter, just to keep on time. The next presenter is Greg Bonnah. Good morning, sir. You were the first one here this morning, I believe.

Mr. Greg Bonnah: Thank you for granting me the time to speak to you. For your information, I am the parent of a disabled child. I write the education column for Access Now. I am an education advocate for Disabled and Proud and sit for Integration Action on the special education advisory committee of the Ottawa-Carleton District School Board. Today I am here to present my point of view on how I, as a parent of a disabled child, envisage a better Ontarians with Disabilities Act. My vision of the future is a government that thinks of the child as a whole. Let me explain.

My child was adversely affected by what the government of Ontario, through the Ministry of Health, calls an adverse event to a vaccination. A simple scratch test has been available since before my child was born. Had he

been given this test, we would have known he was allergic to the vaccine and not given it to him, and we would have a normal child today. But some bureaucrat decided not to make this test mandatory in order to save the Ministry of Health a few dollars. What about the additional costs to my child, my family and the Ministries of Education and Community and Social Services, not to mention the lowly taxpayer? Let's see how these entities have fared by the Ministry of Health's decision to save a few bucks.

My child's life has been devastated. His adverse event was Lennox-Gastaut syndrome. His brain was seizing every four seconds, and we were seeing between 60 and 100 seizures per day. The neurology department at CHEO, the Children's Hospital of Eastern Ontario, told us that Zachary would never walk, talk and/or play, and that 70% of the children with his syndrome died within the first year; otherwise, they lived out their lives in a vegetative state. We were advised that brain surgery was necessary and that it would be best if we put him away and continued on with our lives. So today, instead of having a typical 14-year-old teenager at home driving me crazy and worrying about his pimples or girls, he is struggling to put together six-word sentences and is working at a grade 2 to 3 level, which is miraculous for a child with his disability.

My spouse has become the sole financial support for our family, as I was forced to give up my career as a contract computer systems designer to stay at home with our child. The stress of the additional financial costs while family income was cut in half, along with our child's disability, has caused her health to deteriorate.

Yes, we could have given up our child, but a child is not someone you discard just because they are disabled. Had we abandoned our responsibility as parents, then the Ministry of Community and Social Services, because of the level of service he required at the time, would have been required to pay approximately \$250,000 per year, in 1992 dollars, to warehouse him. Odds are that they would never have insisted that the doctors place him on the ketogenic diet, now a standard therapy but frowned on in 1992. Due to this diet, my child has been seizure-free since November 1992 and drug-free since 1993. I am sure that my child would have lived down to the expectations of never walking, talking or playing, and I am fairly sure that the Ministry of Community and Social Services would have consented to having his hemispheres split and the temporal lobe removed.

But while the Ministry of Community and Social Services would have been content to pay a fortune to warehouse my child, just try getting a few dollars out of them to bring him along to his full potential. Here in Ottawa, organizations like Service Co-ordination receive money from the government and set their own priorities for dispensing it. It appears from my perspective that their main priority is in dealing with children in segregated environments. I have to do tons of useless paperwork every year, and then they have the audacity to tell me how fortunate I am to receive 10% of what I

requested. Their suggestion for me to obtain more funding is to exaggerate my child's needs. Personally, I do not like to lie, because I find it easier to keep track of the truth. But it makes me wonder if the system is designed for the clients or to keep these people employed.

On to the Ministry of Education, the architects of the Education Act and its rules and regulations: In the real world, he who pays the piper calls the tune, but school boards in this province are allowed to march to their own tune. The Ministry of Education gives the Ottawa-Carleton District School Board \$500 million per year, yet the only accountability the ministry demands of the school board is that they not spend one more penny than they receive. When a parent knows that the school board is contravening the act and asks the ministry for help, they abdicate their responsibility and advise the parents to go to court.

The Ottawa-Carleton District School Board has a policy of segregation. This means that they choose to place the resources necessary for special-needs children in what they like to call system classes or schools. If parents want their child in a regular environment, then this school board will use any measure necessary to persuade the parents to do otherwise. In my child's case, this meant involving the police, the children's aid society and wasting one million taxpayer dollars.

I have been told that the ODA, 2001, was first successfully applied in my child's special education tribunal, so thank you for assisting my child in his time of need. For the record, since the school board was ordered to put the necessary accommodations in place for him, all behaviours have ceased. Last year, in his first full year in regular school ever, Zachary went from pre-reading and pre-math to the grade 2 level. School officials have reported to us that Zachary has beaten his rap and the children at the school are accepting Zachary for himself.

To conclude, despite what the Attorney General's office said in the Anton case, the government of Ontario does not take care of all the children they harm. From my perspective, the system is more important than any individual, and each government department only worries about itself. I would like to see the new ODA contain rules where the government of Ontario and its agencies are mandated to think of the child as a whole.

I would again like to thank the committee for coming to Ottawa and listening to ordinary people.

The Acting Chair (Mr. Jeff Leal): Thank you very much, Greg, for sharing such a personal story with us. We have about six minutes. I'll start with the government side. Mr. Parsons, please.

Mr. Ernie Parsons (Prince Edward-Hastings): Thank you for this presentation. I'm the parliamentary assistant in community and social services responsible for disabilities. I understand what you're saying; I've heard it before. We are trying to revise the services. We acknowledge there is not equity across the province.

I'm wondering if I could ask you separately to share with me more details of the funding and some history

with it. It would be very helpful in the report I'm preparing.

Mr. Bonnah: I've got no problems with that.

Mr. Parsons: Thank you.

Ms. Wynne: Thank you very much also for your story. You serve on the SEAC of the OCDSB.

Mr. Bonnah: Yes, I do.

Ms. Wynne: I have a question about the special-ed plan—you said there was a focus on segregation. I'm in the Ministry of Education, with Minister Kennedy. I understand there is still a debate about integration and segregation, and that's one of the things that's going to be part of the standards development discussion, I imagine. Can you just talk a little bit about your concerns about that direction or your experience of that.

Mr. Bonnah: OK. It appears to me that the rest of the province is going toward a more inclusionary model. This past September, the Ottawa board put together another six segregated environments, so they're going totally in the opposite direction, and are now talking about creating another two segregated environments. My main concern is, what happens to these children when they come out of the school system after being in a segregated environment all their lives and are thrown into a regular environment?

Ms. Wynne: Maybe we could talk about that afterwards, because it's a bit of an anomalous situation.

Mr. Bonnah: Yes.

The Acting Chair: Mr. Jackson.

Mr. Jackson: Greg, thank you for coming here today. I just want to say that you're probably familiar with the Rothwell family of Burlington, Ontario, who took the government to court on the DPT—pertussis—vaccine.

Mr. Bonnah: I've heard of it, yes.

Mr. Jackson: Do you mind if I ask: Was it his your son's first injection of the three?

Mr. Bonnah: It was the second one.

Mr. Jackson: It was the second injection. Did he have an adverse reaction to his first one?

Mr. Bonnah: No. He was slightly sick, but he recovered from it.

1040

Mr. Jackson: For those of us in public life, the most difficult time we have is when we fail. I took forward the legislation in 1986 on behalf of vaccine-damaged children and their families in Ontario and I was unsuccessful. The legislation was very specific. Then I proposed that if there was an adverse reaction, the second injection was to be stopped immediately, that the tests were to be allowed. Having read *A Shot in the Dark* and being quite familiar with this issue, I think it's criminal that we're still doing this to children. If you take the Connaught Laboratories' packaging, it tells you right on it that this will cause severe brain hemorrhaging and reactions that will cause death. It's beyond me why we still allow this to occur. Having said that, I am familiar with quite a few families in the province with whom I've maintained contact over the years, so I commend you for your commitment to your child.

You mentioned that the ODA, Bill 125, the one that I drafted for the previous government, enabled you or empowered you to proceed through the IPRC process and your needs were met. That was the original intent, if it was proclaimed. First of all, I want to commend your school board for acting on it when the new government hasn't proclaimed it. You may wish to comment about wanting that section strengthened so that it will apply, because it's not going to apply in Bill 118. It is being removed from the new bill. Could you indicate your willingness to have that retained and enforced for the responsibilities of school boards to be compliant?

Mr. Bonnah: Yes. I was not aware that they were removing that portion. I would hope that it would be put back in so that no other family or child would have to go through the difficulties that we did to get a child educated. That to me is part of the blinders that I see, that right now ministries only look for what they have to do and don't care about the big picture. I would like to see the rules changed so that everything is done to ensure that. I would love to see the Ministry of Health test children to make sure no other child ends up like Zachary. As I say, the Ministry of Education is only doing the minimum for children until they're 16, and then another ministry is responsible. I want to see that sort of stuff stopped.

Mr. Jackson: Thank you very much, Greg.

The Acting Chair: Mr. Marchese, you have about two minutes.

Mr. Marchese: A few quick comments. It is amazing how much people suffer on their own when there is a disability in the family, and how much we leave them on their own and what little resources there are by way of government services to help out. It is amazing to me how governments can cut taxes and say, "We're overtaxing people," and then we don't have enough money to help people who have a disability or a family that has to deal with that and make sacrifices, as you have. Or governments are unwilling to raise income taxes because, "We can't do that," and then we leave you on your own. It amazes me that we just don't make governments accountable. I just don't know how we let that happen.

Mr. Bonnah: I'd like to respond there. To me, if the Ministry of Health had spent a few extra pennies to test all children who had adverse events, we would be saving money overall.

Mr. Marchese: I understand that in that regard.

Mr. Bonnah: So if you're going to save money, you've got to make sure that you're actually going to be saving all the government money, not just your little department.

Mr. Marchese: I agree with that absolutely. On the other hand, I worry about so many other families who have disabilities beyond their control and are on their own.

On the issue of integration versus segregation, I am a big supporter of integration, because I believe it's good for everyone. It's good for all students: those who have more abilities to do things and those who have fewer

abilities to do things. The problem with integration is that if you don't put resources, as indeed we haven't and as indeed we're not, that means that teacher is on their own, that means that boy or girl or child who is in an integrated class will not get the benefit of inclusion. That's the real crisis. We need money to include students in the regular classroom in order for that to be a successful, wholesome situation. Do you not agree?

Mr. Bonnah: I agree fully. It took me four years to get my child back into school. We tried it at two schools, first of all, and it was unsuccessful because the resources weren't there. It got to the point where the school board was calling the police and children's aid on me to try to force my child back into the segregated environment. It wasn't until they were ordered by the tribunal, thanks to the ODA, that they put the right resources in, and now, with the right resources, everybody's happy and Zachary is flying.

The Acting Chair: Thank you very much, Greg. We do appreciate your submission this morning.

OTTAWA AND DISTRICT LABOUR COUNCIL

The Acting Chair: I'd next like to call upon the Ottawa and District Labour Council; Sean McKenny, president. Welcome, sir. You will have 15 minutes. Any time left over will be used for questions. It's good that you're with us today in Ottawa.

Mr. Sean McKenny: Thank you. It's a pleasure to be here. We're changing format just to a degree and that's primarily focused on—Karen Dawe, who's with me now, is a friend to the labour council, and we got into a discussion while we were listening to other presenters. It's not that we weren't paying attention to the other presenters, but in any case, Karen is very passionate about some issues in respect to the ODSP and OW and she wants to make some comments. I'm assuming that's OK.

I would like to thank the committee for the opportunity to present here this morning. The Ottawa and District Labour Council has been the voice of the broader labour movement in Ottawa since 1872. Since that time, the labour council has grown to represent over 90 Ottawa-area unions comprised of approximately 40,000 working men and women in the Ottawa area.

I want to start out by commenting that the act is a step forward. When compared to actions and steps taken by the previous Conservative government, it does become apples and oranges, and we think it's important to say that. At the same time, what is also apparent to most is that overall the act will not achieve its objectives if amendments to the act itself are not made.

A lot of comment here is repetitive in that others have made the same references. That repetition is caused by organized labour being on the same page in respect to opinions and viewpoints on many issues but specifically, in this instance, on Bill 118. That viewpoint is based upon the commitment and the work that traditionally and

historically labour has put forward toward disability and accessibility issues.

Spun through discriminatory practices in all areas of society—and discrimination is discrimination—we have an incredible amount of skill and expertise when it comes to the workplace or workplace issues, whether it's return to work or modified work or workplace accommodations required as a result of a workplace injury or, as referred to earlier, the discriminatory practices in respect to hiring. The process then, and getting to where you're planning on taking us, requires expertise, and organized labour must be a part of that process, and that part must be at every step or stage of that process. That does not exclude others who must also be along as part of the process as well.

Several areas or sections in the bill allow for exemptions, and we have a hard time understanding that. We have a hard time understanding why. It's not good enough to do the job half right. As I noted earlier, discrimination is discrimination is discrimination. Simply put, we don't believe that there should be any exemptions.

The year 2025 is noted in the bill, and it's difficult to understand that. As referenced by others, an infant born today would have to wait until they're 20 years old to enjoy the rights of citizenship, including employment opportunities. It just doesn't make a whole lot of sense. The plan spans two decades, and it stands to reason that some of the key regulations will never see the light of day and will not be enacted, either by this government or by future provincial governments. That's not to imply that this government will not span two decades, but I think you follow what I mean.

The generalities and vagueness of Bill 118 are alarming and need to be clarified. In its current form, too many significant issues are left up to cabinet.

I'm going to bounce over to a part of a document already presented by others. I don't see repetition as a bad thing. On the contrary, when I was putting together this short presentation, a lot of the material that I came across was repetitive, and that's from different groups and organizations—some labour, but others as well.

1050

The committee work is crucial—and others have said that this morning—and critical to this process, yet the bill does not address the following: define what or who might be the representatives of persons with disabilities; direct that there should be a variety of representatives from the community of persons with disabilities or that it is necessary to have representation from a broad cross-disability perspective, thereby ensuring that all barriers are appropriately identified; require a certain percentage of committee members to be persons with disabilities; say how the minister will first select and then invite members of the committees; provide for the length of time that a member sits on a committee or how a member is going to be replaced; provide for payment of expenses—and this is important, not that the others aren't—or indicate if any remuneration is authorized, and this is

in stark contrast to the provisions for remuneration and expenses for members of the Accessibility Standards Advisory Council as set out in section 31; and address the diversion of resources and costs that disability organizations will experience if their staff or members participate on various standards committees over lengthy periods of time. We can all agree that their time, like yours, is incredibly limited.

StatsCan states that there are approximately 1.5 million Ontarians with a disability. That translates into almost 13% of the total population. By 2025, that number is expected to increase to 20% of the population—and you know all this. It is important that, as we move forward, the necessary steps to be put in place to accommodate all those living with a disability. As I noted earlier, this government is making positive steps, yet it needs to go further. Those steps include language that is clear, that is concise, that is understood by all, language that references intent and reason. A purpose clause in a statute is critical to its interpretation and implementation.

ARCH has stated that the Accessibility for Ontarians with Disabilities Act is a rights statute and must reflect this, and we agree. 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. Although this is its purpose, it makes no reference to historical or current discrimination. Rather, it states that the purpose is to benefit all Ontarians. It is important for the courts to recognize that the Accessibility for Ontarians with Disabilities Act is anti-discrimination legislation and not a general statute for the benefit of all Ontarians. We make a very strong recommendation that section 1 be revised to clearly state that the purpose of enacting the Accessibility for Ontarians with Disabilities Act is to remedy the systemic exclusion and discrimination that persons with disabilities have experienced and continue to experience.

I would like to thank the committee for the opportunity to present here this morning. Now Karen Dawe is going to say a few words.

Ms. Karen Dawe: Hi. I just wanted to say that I agree with what Dave was speaking about earlier about the ODSP Act and that it isn't required to abide by the Charter of Rights and Freedoms, and it does not, in fact. Women and the disabled are the hardest hit. Women and children are living off about \$620 per month to buy all goods and services, and that includes rent. Rent is about \$900 minimum, and social services is expending even less—\$520 on occasions. The act is written simply to cut access—not just to make the disability disappear, but to simply cut access to that service. The whole idea was to reduce the rolls, and that's continuing.

People are drawn in there for four and six hours, and all of their private information is gone through. There was a privacy act that was written in 1997 by the government that allows the government to go through everybody's personal taxes. Their credibility and their integrity is challenged every day. They're guilty before innocent. Nobody is entitled to say anything. It's, "Do

what we say or get out; we take your money." If a person doesn't have any money for that day, that means they're really homeless in that immediate situation.

Social services does not address a crisis, so if somebody comes in with a crisis, they are just told, "We have to go by the legislation." It goes through appeal boards that are being paid excessive amounts of money—\$40,000 for this appeal of four to six hours, where they're basically interrogating a person and asking them, "Why are you disabled? Why are you here? Where can you get money to live?" That is the environment that people are living in.

People were behind the times 150 years when it had to do with disability. Now it's social services just leaving people outside, period. That's simply not acceptable. People will deny it—they say it's not there—and it goes on. If this act is not repealed, that means everything in the act has to be accessed anyway. It isn't going to do anything unless the act is actually repealed. So it's taken away, and people aren't treated.

You can't really go anywhere today with a disability or on welfare without being brutally treated by everybody. Women and children are particularly affected, because they're a group of people who were held back economically and socially for years and years. So this is a constant.

The act has written right in it that they're trying to stop dependence on welfare, which is a public program. It's public assistance that's there for the public. While a person is on it, they are a minority. I do believe that to be true, because they're usually a minority group of people living in poverty who are trying to access the welfare system.

The Chair: Thank you. We have less than a minute each.

Mr. Jerry J. Ouellette (Oshawa): Thank you very much for your presentation. Just a couple of quick questions: You mentioned the timeline, which has been brought up on a number of occasions. What do you believe is an acceptable timeline?

Mr. McKenny: You know, I think five years sooner is more appropriate.

Mr. Ouellette: So 2020 would be—

Mr. McKenny: Yes.

Mr. Ouellette: OK. The other one: You said that there were too many issues that were left up to cabinet. Was there any one specifically that you had more concerns with than the other ones?

Mr. McKenny: I mentioned it in another part of the presentation as well: The wording, the language, becomes really important, so that it ends up being something that is understood and not something that is left up to those in legal to determine.

The Chair: Mr. Marchese.

Mr. Marchese: Thank you both. I'm just going to repeat some of the things you said, rather than asking you questions, because there are a lot of people who have agreed with you, and you made reference to other people who have made presentations and said the same things.

On exemptions, there is absolutely no reason why any organization or building should be exempted, I think, or at least organizations. Do you agree with that?

Mr. McKenny: Yes.

Mr. Marchese: Do you think some organizations could be excluded or buildings should be excluded, or should nothing be excluded?

Mr. McKenny: Nothing.

Mr. Marchese: OK. I think most of the people who have come before this committee have agreed with that.

On the timelines, most people—I would say 90%—have said that the timelines are just too long. I can't see this government sticking to their time frame. It's got to change, and if they don't cut it down by half, I think they'll find themselves in difficulties.

The purpose clause: Many people spoke to that as well. They say that's the foundation for its interpretation, and if there's nothing in the bill that speaks to an anti-discrimination kind of bill that says we're going to break down barriers, then it's a weak bill. The reference to, "This is a benefit to all Ontarians," doesn't make any sense, and it defies and belies much of what Minister Bountrogianni has said in past statements.

Payment to people for being on a committee, as well, is something that others have referenced, and I think that's useful. How members get selected on that committee is something others have raised as well. So I thank you for all those suggestions.

The Chair: Mr. Ramal.

Mr. Ramal: First, thank you for coming, and thank you for your positive views about the bill.

Is there anything you like in the bill?

Mr. McKenny: Be careful about how positive I seem.

Mr. Ramal: The second question: You don't think your views conflict with many organizations that came for the community and presented their concerns?

Mr. Marchese: Which one?

Mr. Ramal: I'll name a few of them: ARCH, ODA committee, the council which was with us here today. Everyone has a positive view about the bill. We share your concern that there needs to be some amendments to adjust it to meet all the concerns of the people with disabilities across the province.

Going back to my first question, do you like anything in the bill?

Mr. McKenny: You know, again, I think I was pretty direct. I was pretty clear on that. It's a positive movement forward. Everything that I referenced—and I would have difficulty, that a lot of us are not on the same page. You know, I would disagree with you. I think that a lot of us are saying the exact same thing.

The Chair: Thank you for your answer and for your presentation.

1100

LURIE ALPHONSE

The Chair: We'll move on to the next presentation, Laurie Alphonse. Good morning, madam. There will be

15 minutes total for your presentation, potential questions and comments from the membership. You can start whenever you're ready.

Ms. Laurie Alphonse: I'll try not to speak for the whole 15 minutes. First of all, thank you for the opportunity to appear before you regarding Bill 118. I consider this the chance to shape the future of Ontario, the province where I was born, received all my education and continue to live with pride.

I'm a consultant on issues related to health, education and social services for persons with disabilities. I hold a bachelor's degree in sociology, a bachelor's degree in social work and a master's in social work. I am a registered member of the Ontario College of Social Workers and Social Service Workers and a member of the Ontario Association of Social Workers.

In addition, I am a community advocate working to educate clients about their rights as Ontario disability support program recipients, and I assist with Social Benefit Tribunal appeals. My work in both these areas has led me to an active role providing community support for the Ottawa-Carleton Independent Living Centre and for Daly Support Services Corp., where I serve as a member of the board of directors.

Working with these organizations has given me a grassroots perspective on poverty, housing and health issues that are faced by people with disabilities on a daily basis. I have been blessed with the ability to express myself, and for years I have pledged to use that gift to help others. That's why I'm here.

Bill 118 begins a process of changing the way the general public in Ontario views accessibility. Although progress timelines are set out in five-year cycles, a 20-year implementation plan makes it impossible to envision real, tangible results for people with disabilities living today.

People with disabilities have been subjected to harsh realities regarding housing, health care and economic deprivation, all with a healthy dose of regulations that follow. People with disabilities deserve results that they can see, touch and feel. Structural improvements, though helpful, are only part of the puzzle.

In terms of the establishment of standards, setting up standards must be considered in a regional context and must not become mired in committee process. Committee processes must be encouraged to be transparent, and wherever possible the development of accessibility standards should be placed in the hands of existing equity, human rights and/or accessibility committees.

In developing standards, it must be considered that disability is experienced differently by every person, and what represents a fix for one person may create problems for another. This emphasizes the need for flexibility in the development and implementation of any standard.

In regard to the time frame, the cyclical nature of the time frame component suggests that there might be a tendency to only revisit accessibility standards when approaching a timed benchmark. The purpose ultimately is to make accessibility an ongoing endeavour, not some-

thing simply to be dusted off when a deadline is approaching. In addition, administrative reporting criteria time frames may hamper actual efforts of constructive accessibility. The last thing anybody wants is accessibility projects being caught up in administrative red tape.

In terms of implementation, the bill follows an interesting flow. It discusses filing of accessibility reviews and reports followed by an immediate discussion of inspections and the appointment of inspectors. I support this legislation, and the leap is daunting even to me. I expect that the legislation, as it is written, may send some business owners running for the hills. Without proper public education and incentives, this legislation may trigger a negative backlash toward consumers with disabilities. The compliance pieces of this legislation could be scary for small business owners who may in their hearts want to comply but who have little resources and/or knowledge to do what needs to be done. Small business owners will need guidance from the accessibility directorate. Support may come in many forms. Public education, guidance and financial assistance may go a long way in achieving compliance overall.

In terms of next steps, I have some recommendations. The government, in pronouncing the regulations on the province of Ontario, must lead by example. I am asking the government of Ontario to undertake a review of all policies related to people with disabilities and remove all systemic barriers contained therein.

Some examples: Clear links should be established between Bill 118 and the Ontario Human Rights Code. Such linkages should be written into Bill 118 and should complement the efforts and work of the Human Rights Commission. Perhaps some of the accessibility standards could be developed using work already underway at the commission.

The government of Ontario should harmonize the definition of disability throughout its services and programs to reflect the needs of Ontarians with disabilities, not the needs of specific programs. Currently, the government of Ontario has in use several definitions of disability in accordance with program parameters. This serves to discriminate and further disadvantage people with disabilities. The government should be part of a solution, not facilitators of problems.

The lack of community support—home care—places undue strain on people with disabilities, with dire consequences. People are admitted to long-term-care facilities far earlier in their lifespan and, for some, that lack of independence spells an end to life itself. The government, in its efforts to support people with disabilities, must recognize the importance of community health in maintaining quality of life. In addition, the government of Ontario must recognize, in principle but also in practice, the importance of self-determination for people with disabilities. The system as it is currently set up fits people in criteria with little concern for individual life choice.

1110

My next point has to do with the Ontario disability support program. A barrier to the employment of people with disabilities is the Ontario disability support program. The STEP provisions for maintaining a portion of income earned are set at unrealistic levels.

The Ontario disability support program employment supports waiting period is too long. People applying for employment accommodation assistance have lost jobs while waiting for assistance.

The Ontario disability support program employment supports component should recognize the inherent difficulties experienced by people with disabilities in finding gainful employment. The government should remove all time limits and constraints on clients in the program and expand the parameters to address a more comprehensive range of needs.

The Ontario disability support program should recognize the efforts of recipients who are making concerted efforts through educational pursuits. It should not consider Ontario student assistance program funds as income and should waive the overpayment balances that result.

The Ontario disability support program should be reorganized and returned to a client-caseworker format. The current team system does not recognize the individual needs of people with disabilities and does not provide the personalized support people with disabilities need to live successfully in communities across Ontario. In addition, client verification processes should be conducted in person, if at all. The process currently does not take into account the physical and/or mental capacity of clients and has in some cases caused adverse health reactions brought on by stress.

The application process for ODSP employment supports currently heavily favours people with physical evidentiary disabilities. This disqualifies many people with mental illness on their first attempt. This has absolutely devastating consequences, resulting in hospitalization and the onset of acute episodes in many cases. Is it really necessary to make someone worse before we make them better?

Ladies and gentlemen, these examples I just gave you are examples drawn from my own experience as an advocate. They are drawn from my own case files, and I can only tell you that in enacting an ODA, you need to look at the government of Ontario's own policies to really look at the way in which we define inclusion and move toward—I'm sorry if I lost my train of thought there.

I think it is really important to realize that people with disabilities are not in a position to—they're placed within a system, and it's forgotten sometimes that they're individuals. So we need to bring those pieces back to truly make it an ODA that works and inclusion that works.

The Chair: We don't have any time for questioning, but we thank you very much for your presentation.

Ms. Alphonse: Well, I'm here all day, if anybody wants to—

The Chair: OK. Surely. It's up to the membership. We thank you again.

MYALGIC ENCEPHALOMYELITIS
ASSOCIATION OF ONTARIO

The Chair: We'll move on to the next presentation from Margaret Parlor. Good morning, Ms. Parlor. You've got 15 minutes in total, and you can start any time you're ready.

Ms. Margaret Parlor: On behalf of Ontarians with myalgic encephalomyelitis, I would like to thank you for this opportunity to appear before this committee. I will be basing this presentation on work our association has done to eliminate barriers that young people with ME face when trying to access educational services in the Ontario public school system.

Our experience reinforces a theme you have heard from the previous speaker and several times already this morning. There are different definitions of disabilities in Ontario. In our experience, there's a definition in the code and a very different definition in the school system.

Let me start by answering the question or looking at the question, what is ME? ME is classified as a neurological illness by the World Health Organization, and it is an illness recognized by the Ontario medical system. It is often referred to as chronic fatigue syndrome. This name is misleading, because there are indeed seven requirements for a diagnosis of ME.

The first one is fatigue, physical and mental, that substantially reduces activity levels, generally by 50% or more. Taking this definition, you will see that a student with ME cannot maintain a full-day school program. In milder cases, a student will be able to attend part-time. In more severe cases, a student will be housebound and education is accessible only if the school comes to the home.

The second requirement is post-exertional malaise and/or fatigue, which means that if people overdo it, they pay a price.

The third requirement is sleep dysfunction—and there are no easy fixes to the fatigue.

The fourth requirement is pain, which often meets the criteria for fibromyalgia. These are overlapping conditions and have many similarities.

The fifth requirement is neurological/cognitive manifestations, such as problems with concentration, short-term memory, information processing or word retrieval. Now, that just sounds like a learning disability, but what makes it difficult for the school system is that the symptoms wax and wane. At times, the student can function quite normally; then there might be a bit of a fading out and, at times, the student seems absolutely clueless. We have found that the most successful educational arrangements are ones that can take this waxing and waning into account.

The sixth requirement is autonomic, neuro-endocrine or immune system symptoms, and that can lead to, for instance, environmental sensitivities.

Finally, there is a requirement of a minimum duration: six months for adults or three months for children.

1120

A major study in the late 1990s in the United Kingdom found ME to be the leading cause of long-term school absence—that is, absences of two months or more. The study found a rate of 70 per 100,000 students, which would translate to around 1,500 students in Ontario having their education disrupted by ME. The study likely underestimated the frequency, and the rate might be two or three times that number.

The Human Rights Code definition of disabilities was passed in 1982, when disability rights were added to the code. The wording has not changed significantly since, but the concept of disability has been broadened considerably by the courts. The Human Rights Commission states in its policy and guidelines on disability and the duty to accommodate, “‘Disability’ should be interpreted in broad terms ...[I]t is clear that” the disabilities listed “are merely illustrative and not exhaustive.”

Chronic fatigue syndrome is specifically mentioned as a disability in the policy and guidelines document, in the guidelines for accessible education that came out in November and in correspondence from the chief commissioner. Thus, while the 1982 code wording does not contemplate ME at all, the courts and commission are clear that ME is a disability and people with ME have the full protection of the code. The problem is that not very many people know this.

Let me note that the public education system in Ontario is called on to provide educational services to a broad range of disabled students. Many disabled students have benefited from the special education programs provided across the province. Let me also note that some students with ME receive good service. Unfortunately, this is not true for all.

We have pinpointed three key barriers that students with ME and fibromyalgia face, and I quote from a letter we sent to two Ministers of Education:

“Educators are generally unaware of these conditions. They do not consider them as possibilities when a student displays symptoms and they may respond to the symptoms with inappropriate or harmful strategies.” Our national association has prepared a sourcebook for teachers, which provides information on how to teach students with these conditions. I'll just point out that the document is available in English only, and yet availability in French is an accessibility issue.

Secondly, “While a young person may have major special needs, it is not clear he/she could qualify for special education services since the symptoms do not fit neatly into any category of exceptionality” developed by the ministry. “Further,” because there are no categories, “there is no guidance to educators on how to respond to these cases.” I'll note that the United States has similar types of categories of exceptionality. It's roughly parallel to that in Ontario, but it has an additional category, “Other health impaired,” which includes chronic fatigue syndrome.

Finally, we note that, “Important accommodations for young people with these conditions, such as home instruction, part-time schooling and rest periods, are rarely considered in the context of special education.” Another strategy that should be considered is an on-line classroom. This model is working successfully in the United Kingdom. It brings homebound students together on-line, which works very well for students with ME. They’re also finding that it works well for students with autism who are overstimulated, possibly, in a regular classroom.

There is another barrier I would like to mention. We know of a very ugly incident where a school principal refused to accept a diagnosis of ME and unilaterally implemented a medically harmful accommodation plan. The family was unable to get the principal to relent or the school board to intervene and ended up withdrawing their child from the education system. An effective anti-harassment policy would have made a difference. The Ontario Human Rights Commission in its recent guide to accessible education states that education providers have the responsibility to take immediate remedial action in situations where bullying or harassment occurs. We hope that the Minister of Education will act quickly to ensure meaningful anti-harassment policies are in place across the province.

The Chair: Thank you. There is about a minute each and, first of all, it will be Mr. Marchese, please.

Ms. Parlor: Oh, I have a couple more things to say. Sorry. I was just going to continue.

The Chair: I’m sorry. I thought you were finished.

Ms. Parlor: No, I want to go on and say that while it has great potential, our experience with the ODA has been disappointing so far. The ODA definition of “disability” uses the 1982 wording of the Human Rights Code. Recall that the code has a narrow definition that the court broadened to include conditions like ME; then look at what is written in A Guide to Annual Accessibility Planning in Ontario. It says, “The ODA adopts the broad definition for disability that is set out in the Ontario Human Rights Code. ‘Disability’ is,” the 1982 definition.

The examples used in this guide do nothing to correct this misinterpretation of the law. Of the 50 or so examples used, 90% relate to physical, visual or hearing impairments and none refers to ME, fibromyalgia, environmental sensitivities, autism or other disabilities that were underappreciated in the past. The ODA guide for school boards has the same flaw.

With this background, we turned our attention to Bill 118. There in section 2 sits the same 23-year-old definition. We’re afraid that this is turning back the clock and that the ME community will continue to be ignored. We are therefore asking that the definition of “disability” under the Ontario Human Rights Code, the ODA and the AODA be amended to reflect the current interpretation of disabilities. Failing a revamping of the definition, we would ask that recognized conditions such as chronic fatigue syndrome be added to the existing definition. We

ask also that all material that has been prepared pursuant to the ODA be reviewed and revised to reflect the current, broad definition of disability.

The Chair: That’s all now?

Ms. Parlor: Now I’m done, thank you.

The Chair: We still have two minutes. Mr. Marchese, one minute.

Mr. Marchese: Margaret, I think one of the issues that many people have talked about is why education is key to dealing with issues of discrimination, with a whole range of people with certain disabilities. The minister said that this is a key thing for her, that she would look into public education—not just an awareness campaign, but presumably an anti-discrimination kind of campaign against all sorts of people with disabilities. My view is that that’s key. Although we talk about it all the time and say that we need to do that, it never happens. Do you think that we should build into the act an education component, however we do it, so that it does happen, versus relying on the government to do it in some form or other, which may or may not happen?

Ms. Parlor: I do not know the most effective way, but I do know that the education system is facing enormous accessibility challenges. It is succeeding in many cases, but it has a way to go.

The Chair: Ms. Wynne.

Ms. Wynne: Thank you for coming today. One of the things that has been really beneficial about this process is the highlighting of the need for strengthening of people’s awareness. We’ve heard a lot about attitudinal issues, the need for standards to be very clear. I struggle with the balance between the setting of standards and compliance, and the need for overt education of the public on some of the issues that you’re talking about. But I think that education is going to begin to happen in the development of the standards.

My specific question to you is, can you talk briefly about an example of where the education system has done well in terms of accommodating that waxing and waning of symptoms? Not a specific place, but what are some of the key attributes of that approach that you’ve seen that have worked well?

Ms. Parlor: I was talking to a parent the other day, and she said that she had a very good experience with her child, and it was simply that the teacher knew when the child was prepared to learn and knew when the child was not receptive to learning. When the child is in good shape, you can teach things like math and science; when the child is not in such good shape, then you can do things like art or music appreciation or listening.

1130

Ms. Wynne: So it’s awareness at the classroom teacher level. To me, that’s the link between the discussion around special education and this AODA discussion.

The Chair: Mr. Ouellette.

Mr. Ouellette: Thank you for your presentation. You mentioned a sourcebook. Where was that accessible and what was the name of it?

The other part would be, have you seen an acceptable definition? We constantly hear about the definition of “disability,” although nobody’s actually come forward and said, “This is an acceptable location in another jurisdiction where they have it.”

Ms. Parlor: In answer to your first question, it’s called Teach Me. It’s a sourcebook for teachers of children with myalgic encephalomyelitis/chronic fatigue syndrome and/or fibromyalgia. It’s available from the National ME/FM Action Network at www.mefmaction.net.

As for a definition of “disability”—my husband suggested I write a definition before I came here—it is an enormous challenge and it would be difficult to write. I don’t know of one.

The Chair: Thanks so much for your presentation.

CANADIAN STANDARDS ASSOCIATION

The Chair: We’ll move on to the next presentation, from the Canadian Standards Association; Mr. Parker and Mr. Prost, please. As you get ready, just a reminder that there is a total of 15 minutes dedicated to your presentation and potential questions and comments. You can start any time you’re ready. Everything is being taped and will be shown on TV on Thursday, February 10. Thank you for being here today.

Mr. Tom Parker: Thank you very much for the opportunity to speak to you. Let me just see if we can make this appear.

The Chair: While you’re getting ready, if anybody needs assistance, we do have three staff members assisting people at the back of the room. Be aware of that, and be aware that everything we are discussing today is being translated into sign language and French and will be shown on TV on Thursday, February 10.

Mr. Parker: It seems that technology is letting us down, so we’ll go with eye-to-eye, and you do have copies of the slides there in front of you. Alar and I are very pleased to be able to speak with you this morning. We both served as volunteers on the CSA building standards committees for a number of decades, as well as other building code committees.

We’d like to tell you a little bit about the CSA to begin with. It’s a non-profit, non-statutory agency that has been in existence for 85 years and serves industry in a large number of areas.

The handout material includes the standard on accessibility design in the built environment. That’s our major topic for this morning.

This mike seems to be fading in and out. Is that—

The Chair: No, sir. It’s very good.

Mr. Parker: OK. In the built environment, the committee is comprised of over two dozen volunteers from user groups, including several levels of government, industry, manufacturers, agencies, and non-profit societies that work with people with disabilities. This committee, as it is typical of many that develop standards and building codes, works on about a five-year cycle. So it’s not uncommon for building codes and standards to be

updated and improved over five years, but it is a lengthy process and does require a great deal of input from a number of sectors.

In terms of standards, the current building code has many great attributes. It’s not as completed as other codes, and I think if you were to turn to the table of contents in the CSA from your package—you don’t have a hard copy there in front of you just yet—it has a three- or four-page index that details the extreme defined detail of building features, which are specified in the recipes for making them usable by a broad spectrum of people with disabilities.

What my discussion is leading to is that wheels do not need to be reinvented. Solutions do not need to be recreated. It shouldn’t be necessary for five years of additional committee work to come up with something that will work for the people of Ontario with disabilities. It’s reassuring after 10 years of discussion on the ODA that we’re reaching a point where a more sensible government is in place and something can actually happen in a concrete way. We look forward to seeing that.

However, the timeliness of implementation of effective building requirements is critical. We don’t think it’s necessary to wait, certainly not to wait till 2025, and not even to wait till 2010, because there are standards out in the community that meet many levels of approval. It wouldn’t be difficult to look at the recipe book offered by these standards and then draft regulations. This is key: It’s different from standards. You’ve got the recipe which says how to; the regulation says where to and when. In the regulations you can encourage financially, with tax incentives and other ways, and we’ll talk about that in a moment.

With early implementation, and the sooner the better, we can prevent the construction of new barriers. In the 10 years that have passed since the ODA was first conceived, a significant number of buildings and projects have been built in Ontario—millions and millions of dollars’ worth—far less effectively than they would have been had we been discussing this around a table 10 years ago. We’d certainly like to see that trend nipped in the bud. Let’s not continue building new barriers.

We can also take a good look at the building code as it has existed and see a number of ways where it falls far short of eliminating existing barriers. The current code has some requirements on the part of new construction, but it has huge loopholes that permit builders and renovators to ignore upgrading buildings to meet accessibility requirements. You need to have a focus on the requirement to include improvements on every major renovation, and a major renovation could be thought of as something in the area of 10% of a building’s value. You can’t build much of a construction these days for a million dollars.

If you take a look at page 6 of the slides, there’s a photo there of an apartment building in Ottawa, a pretty typical 20- or 30-year-old high-rise of 11 storeys. It underwent a major facelift. It was completely stripped of

the exterior brick cladding a year or two ago and a huge budget was expended on it, but the entrance that you see in the right-hand picture wasn't touched during the renovation. Although the stairs were replaced and the planter was replaced, the door frame and the doors weren't looked at at all. There was no need to make the building accessible. They may have spent \$5 or \$10 million redoing 11 storeys of brick, but there was no requirement to spend another \$2,000 or \$3,000 to improve the entrance.

The next page shows a typical solution in a home dwelling for an entry ramp. Other typical renovations would include interior door widths, as well as toilet accessibility, as major building elements that would need to be addressed.

There's a very good reference book which you can use to convince those who lobby you not only that it's economically important to build it right the first time, because that's the cheapest way, but also that to renovate while you're in there doing it is not very expensive either. You shouldn't be put off by arguments of poverty. Excerpts from the means guide to compliance of the ADA, the Americans with Disabilities Act—there's a publication which I'll leave with your secretary—indicate the costs, on a project-by-project basis, of making barrier-free changes in a building. Although it's 1994, it goes through the costs and lists the materials and the labour so that wherever you are and wherever you're applying it, you can easily do an estimate.

1140

The apartment building we saw could easily have had a very effective ramp put in at the front for around \$20,000. That's a large sum, granted, but when you're spending millions and millions redoing a building and investing in the residents—that second photograph had one of the residents going in. It was a coincidence that this older person using a cane had to stop and laboriously walk up the stairs, but I think it points out the fact that they, as residents, don't have any voice with their landlord. But as public servants, you will have that opportunity to make the comment heard.

I'm rambling. I'm getting a signal from my partner here.

The keys: Do not reinvent wheels, implement quickly and don't be put off by arguments that renovation is expensive, because we've got information to show that it isn't.

Alar, if you'd like to continue.

Mr. Alar Prost: As Tom mentioned, as a voluntary committee of the CSA, we did a clause-by-clause review of Bill 118. To continue with some of the issues Tom raised, one of the things we looked at was compliance with the legislation. What we saw was that it was very much words-oriented rather than deeds-oriented. We would like to see the legislation be a little more forceful in terms of seeing action and results coming from those who must comply with the legislation.

In terms of incentives and incentive agreements, we are particularly concerned that part IX, section 33, is very

loosely worded. It sets the minister and the government up for a tremendous number of opportunities for lobbying pressure and so forth. We believe that there has to be incentive equality for all those who must comply with the legislation and that incentives and exemptions are non-negotiable.

In terms of committees—and this is a particularly important one for us—what we see in the legislation is that there could potentially be dozens and dozens of standards committees. We're deeply concerned about this. What we feel could happen in the kind of situation where you have different economies, different sectors, different industrial groups, different classes of individuals and so forth, all working independently toward some kind of accessibility standard, is that the government is opening itself up for lobbying pressure, a lack of continuity between standards that may be created and the like.

We are suggesting that instead of having an advisory council and standards committees and local advisory committees and so forth, there should be one overarching standards committee. The benefit to that is that there would be a level of continuity because there would be one standard developed across the province and there would be subcommittees that work under this overarching committee that would feed into the overarching committee. They would be working together rather than in isolation.

We see that as a critical part of this legislation. We do not need a plethora of committees, but we do like the concept of the regional or local advisory councils. We encourage the government to see its own institutions, the larger institutions within the government, do the same thing to help them implement the act once it has received royal assent.

We're just about running out of time, so I want to say that the CSA technical committee certainly is supportive of the legislation. What we have presented today is that we want to see the legislation strengthened even further.

We would like to commend the government and commend the Ministry of Citizenship and Immigration, and certainly the minister responsible, for the commitment they have shown and the commitment that has come from all parties to this legislation. We would certainly welcome the opportunity to continue to work with those responsible for moving this legislation forward.

The Chair: You're right on the 15 minutes. Thanks very much for the presentation, gentlemen.

ACCESS NOW

The Chair: We will move to the next presentation, from Access Now; Charles Matthews.

While Mr. Matthews gets ready, just a reminder that we do have people to assist if anybody needs any assistance. They are standing at the back of the room and at the entrance to the room. Everything is being translated into French and in sign language. This

discussion will be broadcast on television on the parliamentary channel on Thursday, February 10.

Any time you're ready, sir, please start.

Mr. Charles Matthews: First of all, thank you for coming to Ottawa, the city that has become more accessible at a more accelerated rate than any other city across Ontario and Canada.

My name is Charles Matthews, and I have the honour of wearing many hats in this great city, including 11 groups and organizations dealing with accessibility issues. I also have seven different disabilities myself, of which four are what you have heard of as being invisible disabilities.

I am proud to be the publisher and editor of Access Now. It's now subtitled Making Our World More Accessible for All. I also represent the disabled community on the accessibility planning committee at the Ottawa-Carleton District School Board, and I am the president of Disabled and Proud, an independent voice for the disabled community. At the end of the day, I will be presenting on behalf of Disabled and Proud, but at this time I want to enlighten you on what our newspaper and readers have to say on Bill 118, the Accessibility for Ontarians with Disabilities Act, 2005.

Disabled and Proud, the originator of Access Now, was formed to be an independent voice for the disabled community to all levels of government. It decided to go where no other groups have gone before and proclaim that advocacy was the primary focus of the group, thus giving up the hope of ever getting any direct funding for our group. In 2001, there was a Para Transpo strike. A group called Action Ottawa was formed and performed a protest march to successfully end the 70-day strike. Upon seeing that the disabled were finally being listened to, we formed Disabled and Proud and started to make things happen. Within a year, we were the group that reshaped Parliament Hill, with property manager Brian Cooke of Public Service Canada. We started a process of bringing accessible taxis to Ottawa by having a couple of councillors actually go and see these taxis from London, and also to make the accessible vans. We also joined the Ottawa chapter of the ODA Committee.

As a point of information, it was a Canadian who, at the end of World War II, went to the United Nations to establish some rights for the disabled. Since then, 42 countries around the world have established a federal disabilities act, yet we in Canada still do not have one at the federal level. That is why we feel very fortunate to live in a province that is leading by example and showing what can be done to make our part of the world more accessible. The province cannot control federal jurisdictions, so that is why two members of our group, along with a representative each from the Canadian Labour Congress and the Public Service Alliance of Canada, filed, with then Minister of Justice Martin Cauchon, A Framework for a Canadians with Disabilities Act.

Access Now was first published in September 2002, as there was no one source of information available to all in regards to accessibility issues in Ottawa. There were

publications on national issues and, in Ottawa, many community newspapers, but none of the community newspapers carried the information people wanted on accessibility issues. We are about to start our fourth year of publication, and what better way to start than to report on what is happening now with this new legislation?

1150

You have before you a copy of our September 2004 edition of the paper, and there are more at the back of the room. I hope you can take the time to read it and see what we're reporting on and what the concerns are in the disabled community.

On the front page is a story on housing here in Ottawa, and I am sure similar situations are happening all over the province. One of the main issues in community housing is the large number of people on waiting lists. I had the pleasure of addressing, in this very room, the pre-budget consultation on January 12. Most of this waiting list could be reduced if the base amount for rent under ODSP was increased to realistic amounts. Persons on ODSP have no choice right now but to live in subsidized housing. We need this act to ensure that all ministries must remove barriers within their own jurisdictions and that the disabled be given not only the tools to achieve their full potential but the means to do so as well.

At the same meeting, we also called on the government to set up funds within the new budget to implement this new piece of legislation. The last thing we need to hear over the next little while is that there is no money in place to make the necessary changes that need to be done this year. Even if there are to be no financial consequences this year, there will be in the future. If these monies are not used this year, set them in a reserve account for the future. What you also find is that you realize savings by making things accessible. We're asking you to take these saved amounts, as is being seen here in the city of Ottawa—they're actually saving money—and put these monies into these reserve accounts so we have money in the future for some of these financial considerations. All we're asking you to do is to lead by example. After all, are we not going to ask the private sector to make financial considerations for their own projects?

To go back to the paper for a second, inside, on page 12, you'll find a story involving a person desperately trying to get off the ODSP program and become financially independent. If he were allowed to claim his expenses, as the income tax laws allow him to, he would possibly be off the government support program within a single growing season. However, the ODSP interpretation is that he's not allowed to pay for help at harvest time to harvest his crop. Instead, he has to declare his gross revenues and thus reduce his ODSP to nil. This is just another barrier for people like him to live independently. By the way, David Thomasson was your first presenter today.

On page 4, you will find a full page on the ODSP payments and what needs to be done. We always give our readers what the government has to say. The top of the

page is word for word from the government. Down below is what we recommend. It states what we and our readers expect. This is again a reason for the ODA to be applied to ministries first, and then, by example, the rest of the province can follow.

This legislation has to address many issues involving education as well. You have heard today from one of our writers, who comments on education issues on page 5 of Access Now. His and his child's case was one of the first to use the ODA to win. We therefore ask that you set up a separate, independent body that can help groups like ours to properly apply the act when needed in a court of law.

By the way, Zachary Bonnah is now in an integrated environment, achieving results that the school board deemed he would never be able to achieve in his lifetime. Is it possible that one day this child might be another Einstein, who was himself deemed to be unteachable? If he were in the school system today in this environment, he'd be put in a school like Clifford Bowey, deemed to be unteachable.

On Page 10, you will be enlightened by the article on the CCACs and how they impact the lives of persons with disabilities and others, such as our seniors. The government has to look at controlling these situations more and actually getting the funds to those who need the service, not to the warehouse-style CCACs, which use so much funding on administration. It was tabulated two years ago that 48% was spent at the administration level.

Up till now, we have had to highlight stories on how the system has failed our community. We hope, then, that as of today this will change and we can start writing how well the government is listening. All these stories have a common solution: Have the government practise what it preaches. Eliminate the barriers from within, and then others will have an example to follow.

Some of the common feedback received from our readers regarding this new legislation is, it should be emphasized that the goal of the legislation is to make all of Ontario barrier-free by 2025. There are a lot of entities out there that still think they can wait until 2025, with this new bill, before they have to do anything. What we're emphasizing is that three- to five-year intervals be set up to achieve major projects, and annual plans for eliminating smaller barriers should also take place. Tonight, you'll hear a little bit more of the technical aspects and more recommendations on behalf of Disabled and Proud, but what we're covering here today is what our readers have said.

Another item that our readers have said on many occasions is, how can we be sure we have a say in what transpires over the next few years to make sure that the legislation is enacted and fulfilled? Many have suggested that there be an independent body set up to review the progress that is being made, to also credit those entities with their achievements and to guide those having difficulties in becoming barrier-free with help.

In conclusion, my ultimate dream is to be able to report and carry stories on how well this legislation is

helping to remove the barriers that exist today and in the future. We want to carry the success stories that can easily come to be if this legislation is solid, enforceable and enacted quickly. The government now is in the driver's seat to mould our stories into positive ones. Please make us Disabled and Proud. How to get it, is Access Now. Thank you.

The Chair: We are just right at time, so there is no time for questioning. We thank you for your presentation and also for the newspaper. We will be able to go over it during lunch. We will have a break of an hour and 15 minutes.

Mr. Jackson: Mr. Chair, can I just ask you what your watch says, because my watch says—

The Chair: It says 12.

Mr. Jackson: Your watch says 12?

The Chair: Well, a minute to 12, more or less. If you have a question, I will allow it. Do you have a question, Mr. Jackson?

Mr. Matthews: Can I just make a point? I timed this speech to be about 11 minutes, so maybe I dwelled too long with some breaths?

The Chair: That's the watch we have been using all day, but if someone has a question, I don't have a problem. Do you have a question, Mr. Jackson?

Mr. Jackson: Of course.

The Chair: OK. Ask the question.

Mr. Jackson: First of all, Charles, thank you for your presentation. I do get copies of your publication sent to me by Barry from the advisory council, and I find it quite enlightening.

I'm intrigued by this notion of arm's-length. In the original ODA, it was deemed that the independence—the Accessibility Advisory Council of Ontario was to be the entity that was sufficiently at arm's length from government that it could set the regs and codes and determine what standards were in effect. Would this office operate independently, much like the Human Rights Commission, or would it act more under the arm of a ministry, like the Office for Victims of Crime? How would you envisage this? Because it would have to be funded by government; it would have to have some teeth in order to be an oversight agency.

Mr. Matthews: Again, this has been brought up on many occasions with other entities that have spoken over the last four sessions. One of the things is to have somebody from the disability directorate right on there, somebody from the government, and a majority of the people being disabled. At the same time, it would be open and transparent. Therefore it would also be available for the outside public to contact this entity to actually get the information they need. Right now, it's a one-way process where we give suggestions but we don't usually get any feedback.

The Chair: Since Mr. Jackson asked the question, we'll allow the other parties to ask questions. I know Mr. Leal wants to ask a question too. A minute, please.

Mr. Leal: It will be very quick.

The Chair: We're already over the 15 minutes.

Mr. Leal: Charles, thanks for your presentation. I was just making some notes as you were speaking. Is there a possibility that maybe we should expand the role of the Provincial Auditor here—the Provincial Auditor, of course, is an officer of the Legislature—to report on compliance and how particular government agencies are moving to implement the legislation?

Mr. Matthews: Actually, it's very interesting, because just this past week we had the city of Ottawa budget and we put aside \$60,000 for a disability specialist, whom I hope you heard from this morning. Anyway, to make a long story short, this is what we probably need within the provincial government: somebody set up especially for disabled issues. As an example, right now we fit under the Ministry of Citizenship and Immigration. We feel there should be something set up exclusively for disability issues. As you can see, these are far, wide and wrenching. They touch on almost every aspect of life.

The Chair: Thank you very much. If there are no other questions, we will recess. We will be back at a quarter after 1 instead of 1 o'clock, since the first presentation has cancelled. We will be back at that time. For us, there is a restaurant on the first floor called Café Toulouse, so we can have lunch. See you upstairs.

The committee recessed from 1203 to 1319.

The Chair: Good afternoon. We'll get started right on time with our next presentation. We welcome all of you back to our afternoon session. Dr. Ken Reesor is waiting for us.

We are discussing, of course, Bill 118, the Accessibility for Ontarians with Disabilities Act, 2005. We have already had second reading, and we're just consulting with Ontarians to make sure that what we do is a good reflection of what Ontarians want.

Today is our last day travelling the province, unless there are any changes. We have already been in Niagara Falls, then in London, yesterday in Thunder Bay and today, of course, in Ottawa. We spent the first two days, January 31 and February 1, in Toronto. Hopefully, in the next week or two we are going to do some review of a number of issues that were raised and, of course, we will be doing line-by-line subsequent to that. That date has not been decided yet. Hopefully, we will make that decision today or this week.

KEN REESOR

The Chair: If you will give me a moment, just to make sure that we all know, you have up to 15 minutes in total. That includes your presentation, and questions and comments in answer, if there are any. We can't go over, because there are other people waiting. I would ask, sir, that you start your presentation now, please.

Dr. Ken Reesor: Just by way of introduction, my name is Dr. Ken Reesor. I've got a brief here that I believe you have. It summarizes most of my comments, so I'll just try to highlight a few things. I did say I'm coming here wearing two hats. One is as a regulated

health professional who works with disability and disability access issues and, second, as an operator of a clinic and a property owner where we've been involved in extensive modifications to accommodate disabilities.

With respect to my first hat, I just wanted to give a little brief background. I'm a rehabilitation psychologist. We work extensively with, largely, people who have been in motor-vehicle accidents, injured workers, people who are covered under WSIB, the SABS benefits. In fact, I've been on an advisory committee here in Ottawa for the pre-1990 WSIB claims. I've done other work academically and presentations to the National Institute of Disability Management and Research.

The second reason I'm here is that I have the privilege of working with an excellent partner who is scooter-dependent. We're moving our facility, and because we serve a lot of people with various types of disabilities, we've had to invest a lot of money in making changes to accommodate that. That's something that has been certainly very costly for a small operation and has proceeded not for any financial reasons but more of a matter of principle in human rights. But I did want to address some issues around the reality of implementing some disability standards.

I did want to make a couple of comments in support of this legislation. First of all, some of you might be familiar with the World Health Organization's international classification system that looks at disabilities and impairments. One of the things that I think is essentially interesting about their work is that the presence of the legislation that either helps or the absence that hinders disability is a risk factor. What this legislation is doing is eliminating very significant barriers. In that respect, I think the intent of this is very good legislation.

The other thing I wanted to comment on, especially with the kind of work that we do professionally, is that the presence of a disability—and I'm speaking very broadly—poses a risk anywhere from two to five times the rate of unemployment for people who do not have a disability. That's despite having the skills, the knowledge or experience. So clearly people are in a disadvantaged situation. Hopefully, this legislation is going to mitigate that and put people on a more level playing field.

The other thing I just wanted to comment on is the definition of both barriers. What constitutes disability is something very important in this legislation, because you're not talking just about structural barriers, but you're talking about attitudes, policies or procedures that can be very prejudicial and discriminatory. At least the bill provides some measure of addressing that.

I think it's also important to point out that what the bill is also encompassing here are disabilities that do not just involve physical, mobility or sensory but also mental health problems, so-called invisible disabilities. I think there are going to be some issues about implementation of this around certain kinds of disabilities in that regard. But these are certainly people who would be defined in the same way under other legislation such as SABS or the WSIB act.

Again, I alluded to one of my concerns: how these standards get implemented. Some of these are going to be very hard to put into place. I don't know if it's going to be within the realm of the mandate of this committee, but I think some serious work has to be given to the cost offset of some sort of funded supports, incentives or grants to enable these things to happen. I made a couple of comments in my brief about experiences in the United States, where you've got in a single plant annual savings of \$300,000 just because they've invested in making accommodations. They've offset costs for income replacement and other health care costs. You see the same thing with mental health. In more structured, contained organizations, for every dollar invested you get \$1.25 return, again in terms of reduced health care benefits and income support payments. I think that has to be a consideration somehow.

One of the things that obviously is good about the legislation is that it sets out a structure of developing accessibility standards. I know there are other presenters who have more eloquently addressed this whole time frame issue, which I think is a problem, but I do have some concerns about the way it's raised in the legislation. There are some types of disabilities that, even having representation on committee—I'm concerned that the needs are not going to be adequately articulated or addressed. I would like to see a little more force in having some kind of broad-range expertise also consulting with those committees that are developing the accessibility standards.

The other thing that I think is going to be critical is, when I looked at the mechanisms for enforcing some of these things, you're going to have a real problem with the more subtle types of attitude and policy barriers that are in place. As much as there are a lot of powers given to the inspectors monitoring this, there are some types of barriers that are going to require a lot more investigatory work, similar to what we might see in harassment or other discrimination cases that seem to be a little bit outside the bounds. So I think it's going to be a little bit difficult to properly enforce attitudinal barriers or other policies that might be more subtle, since that is under the purview of this legislation.

The last thing that I think is very critical, which we have seen in other legislation, like the Workplace Safety and Insurance Act and like the schedule of accident benefits, is that once the legislation has been put in place and there have been committees to develop guidelines for how these get implemented, there has not been adequate opportunity for input. I think that can undermine the intent of the legislation without adequate input at follow-up stages. So I would encourage, much like this forum right now, some openness, a little bit more. There have been some examples. The WSIB now has advisory committees looking at trying to contain old legislation, such as their pre-1990 claims, and my concern is that given the time frame here, I think you need some ongoing input so those don't go askew.

Those are just briefly some of my comments.

The Chair: Thank you. There are about six minutes left, two minutes each, and I'll start with the government side.

Ms. Wynne: Thank you for coming today. Can you just talk a little bit more about the ongoing input piece. What's your thought about what that would look like?

Dr. Reesor: Partly, we don't really know how all this legislation turns out. A good example might be, if you look at the schedule of accident benefits for motor vehicle claimants, what has evolved from there is that a structure, some basic criteria, was set in place for entitlement to different benefits. The Financial Services Commission of Ontario started to set up guidelines for DACs. Any of you who work in this area know that they can change some of their forms and procedures on a whim, not necessarily, I think, with the intent of rate stabilization, which was the intent of the legislation. Especially in a complex area like this, I think there needs to be ongoing input for how these procedures get implemented. I think it's within the legislation, but it maybe needs to be supported a little more strongly. It's very easy for these things to get set in place without adequate public scrutiny or input.

Ms. Wynne: There are advisory mechanisms that are in the bill that will be ongoing.

The other question I had was on your point about the need for increased vigilance, I guess, around some of the attitudinal barriers. We've heard over and over again in these hearings about attitudinal barriers, and one of the debates—and I think it's a societal debate—is the balance between legislated standards and education programs, that kind of thing. I guess I just want your feedback on what you think the key ingredients are to changing attitudes. If you have that magic wand, we need it at this committee.

Dr. Reesor: I think part of that is certainly a lot of awareness. I know there are organizations and groups here in our audience and there are specialists that do disability awareness and that sort of thing. I think it needs to be more strongly enforced. For example, we see in organizations zero tolerance toward discrimination and harassment. When there is an altercation, the solution is to send them for anger management training or sensitivity training, and that can be very, very superficial. It really has to be in the forefront. I think you need some concrete muscle to back it up.

My concern, though, in some of my comments is that it may not be enough. When you're trying to investigate whether people are being compliant, I think that kind of investigation is a little bit more than just having an inspector drop in and get some documents. I'm not sure that the legislation is going to empower people in that way, because some of this is going to be a little more subtle and not terribly obvious.

The Chair: Mr. Jackson.

Mr. Jackson: Thank you, Dr. Reesor. Two points: One, you don't really make much reference to the Ontario Human Rights Commission standards. You're aware that the current legislation, the ODA, puts a

positive obligation on the government of Ontario and all its employees, about 80,000 of them, that “the government of Ontario shall accommodate the accessibility needs of its employees in accordance with the Human Rights Code to the extent that the needs relate to their employment.” Do you support that clause and its application across the board to other sectors? It has come up quite a few times. Then I have another short question after that.

Dr. Reesor: Yes, I do support that. My concern is how that’s actually implemented. I mean, we see a lot of examples. The federal government has a great policy, and they’ve got a mandate and they’ve got resources to do that. But when push comes to shove and you’re trying to get people back in there, it’s not always implemented. Again, we run into attitudinal barriers. Some mechanism for really enforcing that, I think, would—

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Mr. Jackson: I had a meeting with the chief commissioner before this round of public hearings. He was quite convinced that inclusion of this into the legislation would in fact facilitate greater change faster, by virtue of the fact that there is such a disproportionately high number of cases being done today, and in the last decade, with respect to disability issues. He’s got case law, and tonnes of it.

The other question I have for you: You raise the issue about access to doctors’ offices. I recall I was first introduced to this notion at the Windsor accessibility committee, who said they were auditing every doctor’s office so that we could have a record of who in Windsor was an inaccessible doctor. I tried to put this into legislation and got into nothing but difficulty. Do you have specific wording of a regulation that would say that all doctors who receive their doctor’s licence as of a certain date cannot move to an inaccessible office? That’s the only thing I was playing with that I could come up with, and even then the OMA wasn’t too wild about it. I agree with you; this is a serious problem.

Dr. Reesor: Yes. One of the things I’m thinking about is—I don’t know if there’s anything in the health professions review act. I doubt there is—

Mr. Jackson: No, there isn’t, and I worked on that. Thank you, Doctor.

The Chair: Mr. Marchese, two minutes, please.

Mr. Marchese: Ken, thank you. You’ve raised quite a number of things, including the possibility of providing some incentives to private sector individuals. There are some cost implications, obviously, to governments, something that this government possibly might not be able to afford, they might say. But I think that’s something that should be looked at, because for many individuals it will present some significant burdens. We haven’t talked much about it, but there have been a number of people who have raised that. I think it shouldn’t be entirely excluded, and hopefully it will be reviewed somehow. It’s clear that we haven’t had much debate, and we should.

The other issue is about education. I think education should be more inclusive. It should educate architects. It should educate inspectors or builders. There’s a whole range of people who just don’t have a clue about these issues. Even if you change the building code, it may not be sufficient, is the other argument as well. And the other is education in the school system, where you start young so that people build an awareness over time. There’s so much education that we need to do, and unless we build it in, it just may not happen. Do you think we should somehow build it into the legislation?

Dr. Reesor: Definitely. If that’s a possibility, I think that should be a consideration.

The Chair: Thanks very much for your presentation, sir.

SINCLAIR, NICHOLSON AND ASSOCIATES

The Chair: We will move to our next presentation, from Sinclair, Nicholson and Associates. While they get ready, I just want to remind everybody that there is ASL interpretation taking place. There is also closed captioning on the screen at the back, and three support service attendants at the back of the room if you need any assistance.

You can start any time, sir.

Mr. Rick Sinclair: You had me really worried for a minute there. I thought all the captioning was at the back of the room and I wasn’t going to be able to respond to the questions, but I have a little monitor in front of me, so I’m much relieved.

Good afternoon. My name is Rick Sinclair. I’m the senior partner of Sinclair, Nicholson and Associates. We’re currently contracted to the Canadian Human Rights Commission as expert advisers on hearing loss in the workplace.

SNA is a consulting partnership that has been involved with hearing loss in a variety of aspects since 1989. I’m appearing before the committee today not on behalf of a client but in the personal aspect of being a deafened businessman.

I’m not going to duplicate the recommendations that were made by the ODA Committee and David Lepofsky. Sufficient to say, I agree with them. I would only wish to emphasize that progress must come, and be seen to come, much sooner than the five-year segments and the 20-year goal. The credibility of this act will depend on that as much as anything else. It is only fair to those who fought so long and hard for it that they live long enough to see some of the results.

Times have changed, from a general perspective. At one time, persons with a disability—and I remember this time—were expected to be cared for by a compassionate society, willingly assuming a somewhat diminished role as a citizen in return for charity in coping with what we could not cope with ourselves.

Today, there’s a combination of medical and technological advances, coupled with a change in attitude—not the least on the part of people with disabilities

themselves—that sees more and more people taking on a full role in society, albeit while coping with different strategies than those who are not yet disabled. I say “not yet,” because with the process of age, we all become less able than we once were. This weather is having a heck of an effect on my knees, for one—aches and pains.

This is good legislation. I commend the government and the Legislature for its progressive views. The act is something that all who have participated in it can be proud of. There are, however, some adjustments and considerations that can be added, in my humble opinion, to make it a little better. So I would like to suggest two points to consider.

One that I felt was the most important was that the standards themselves have a standard. I would suggest that, in the act itself, we need a definition of “standard” for those standards which will appear in the regulations. The best I can think of—and I’m utilizing my advice federally—is a standard of equal outcome. Any system in place within the organization should provide an equal outcome in a less or equal amount of time to a person with a disability as much as those without. This is a test that all standards within the various sectors would have to meet.

My second point is to ensure that when you’re putting together the act, you avoid stereotypes. In my experience, existing systems have been designed with certain stereotypes of the person with a disability in mind. Communications systems might be equipped with a TTY for the deaf or deafened person wishing to avail themselves of the public assistance a government department offers, for example, but there may be no TTY when it comes to selling that same department a computer or a print job or, as in my case, the services of an expert. We just have not learned to see the person with a disability in this fashion. It’s time to put a different perspective on it and make all such systems barrier-free.

There are many things which could be suggested in detail as this process proceeds, but those are, to me, some of the priorities this bill should address. In summary, I suggest you consider this bill an act of self-preservation and craft it as if you, the Legislature and the public service were all deaf, blind or mobility impaired. Because only 10% of people are born with disabilities. Some day, this bill could apply to your own ability to cope with life.

That’s my presentation. I’ll take any questions anybody has.

The Chair: Thank you. We have about three minutes for each group, and we’ll start with the opposition.

Mr. Ouellette: Thank you very much for your presentation. You mentioned in a couple of accounts the changing society, or rather, aging as well, and in your closing remarks, about our own ability to cope with life. Do you have or do you know of a definition that will take those into account for future consideration—a definition of “disability?”

Mr. Sinclair: In terms of a definition of “disability,” I can’t think of a source to quote from, no. I think largely it’s almost becoming defined by the technology that’s

used to resolve it as much as anything. One of the things that we do when we do barrier-removal audits is to assess the procedures that are used by the department and we interchange, where it says telephone or TTY—training has to be captioned or if videos are used, these sorts of things. It’s a step-by-step process going through.

But an overarching definition of “disability,” no, I don’t think I can give you that offhand. It’s the inability to do it without help. That might be the simplest way I can put it.

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The Chair: Mr. Marchese.

Mr. Marchese: Rick, I want to focus on the issue of standards, because you talked about needing a standard for the standards committee. If I understand you correctly, a number of people spoke to this and said that the government ought to define the standard for the standards committee. Do you think that should be the case or do you think the standards committee should set their own standards?

Mr. Sinclair: However it’s done, I think it has to meet the test that, if you look at any particular system of delivery of service or product, it is transparent and works for everyone, whether you have a disability or not, on an equal basis in an equal amount of time. That’s the test that you apply to it. I don’t know if it’s important who derives that standard, but that, in the end, is what you need to make it effective, to be able to—you can’t tell if a person who is deaf or mobility-impaired or blind can still use the system with equal facility as a person who is not.

Mr. Marchese: Sure. Let me ask you another question related to the standards committees. One group, the Canadian Standards Association, recommends that one overarching standards committee be developed rather than an undetermined number of standards committees. We don’t know how many there are going to be but, presumably, many. So this group says that if there were one overarching standards committee, it would probably be a little more effective, and you could have sub-committees, but one would be better. What do you think?

Mr. Sinclair: I can see pros and cons. On the one hand, the technology that really is an alleviation of hearing loss, which is basically a computer server-based TTY delivery system mount—you can use it for up to 30,000 workstations, for example. The amount of expertise on that technology is very small: basically, the company that developed it and a few other people who have worked with that company. I have found it, actually, as something of a drawback, but some clients, in terms of their information technology people, are totally unfamiliar with this and resistant because of that.

On the other hand, a lot of disabled people really don’t know what’s available to them. One of the weaknesses I think we have federally is that the disabled person takes a hand at specifying what he needs but, in many cases, he’s not aware of what’s out there and what’s available. The development in hearing loss technology has been tremendous in the last five years. I work in the field and it’s all I can do to keep up with it, so if somebody is working at

something else, it's a little much to ask him to keep up with it.

The Chair: Mr. Ramal.

Mr. Ramal: Thank you, Mr. Sinclair, for your presentation. I just want to go back to what we've repeated many times. I know there's a lot of confusion among many people about the 20-year time frame. Twenty years is not the start time; it's the end time of the process. There's going to be a lot of steps in between, so hopefully you can see it as soon as we pass this bill.

The second thing we talk about is the standards. I believe our Bill 118 is going to be the standard from which the standards committee is going to draw their actions relating to establishing committees dealing with disabled people across this province.

Another thing, and my question to you is, you mentioned stereotypes. What do you mean by "stereotype?" Do you mean attitudinal barriers or other things? Can you explain that to us, please?

Mr. Sinclair: What I mean by "stereotype" is seeing a disabled person as unemployed, uneducated, uninvolved. At one time, you might have been right. I can remember a day, unfortunately, when that was the case. Education has changed, attitudes have changed. Out of all my friends in the deaf and hard of hearing community, I can think of only one of them who's on welfare, for example, and he's on welfare because he has schizophrenia, not because he's deaf. So the rest are professionals now, but this was not always the case.

I find that, for example, as I said, in the federal system, the accommodations are there if you are using government services—unemployment or whatever—but if you want to do business with the government, no; they just don't see a disabled person and a businessman wearing the same hat. There are not too many of us, but there are some. That's what I meant by stereotype. The disability community itself is moving into the mainstream—not just the accommodation of them—because they want more. They expect more, and rightfully so, "I'm the same as everybody else except that I can't hear well or see well or move well."

The Chair: Thank you very much.

RACHELLE HALPENNY

CARL BROUGHTON

The Chair: We'll move on to the next presentation, from Rachelle Halpenny and Carl Broughton. Just to remind you that you have a total of 15 minutes, which you can use for your presentation or, if there is some time left, there will be questions. You can start any time you're ready.

Mrs. Rachelle Halpenny: We would like to first express our gratitude for being permitted to speak here today. My name is Rachelle Halpenny and my colleague's name is Carl Broughton. I have been disabled with cerebral palsy since birth, and my colleague's wife was diagnosed with muscular dystrophy in 1992 and has

faced a steady deterioration since her diagnosis 13 years ago. She would be attending this public hearing but unfortunately is not able to, due to Clarence-Rockland transportation not being wheelchair-accessible.

Every day is a new challenge for us. We live with continuous discrimination from the private sector and municipal governments, in addition to the lack of action from various levels of government to accessibility issues that are nothing less than fundamental rights given to us by our Constitution. Even though these rights exist, we must continuously fight and listen and accept every excuse possible, most of which are associated with the cost of making a business or service accessible. These same people who claim the cost as being a burden then turn around and spend all kinds of money on pay increases above the cost of living, in addition to increasing all types of services to healthy individuals.

When the Ontarians with Disabilities Act was first created and municipalities were mandated to create accessibility committees, Mr. Broughton and I signed up immediately. Within a few meetings, Mr. Broughton was named president and I vice-president of the Clarence-Rockland accessibility committee. Both Mr. Broughton and I were eventually forced to resign because of an unwillingness by the municipality to comply with the legislation. It was clear that the municipality wanted to control everything the committee did or attempted to do. The accessibility committee became nothing more than a façade, complying with the requirements of the Ontarians with Disabilities Act.

As an example, the municipality of Clarence-Rockland was in the initial stages of planning a public transportation service and refused to have the newly created accessibility committee review the submission or discuss the accessibility needs of this service. They implemented a service they called integrated, which was actually a separate bus service with a multitude of conditions—limited seating, only two spaces for two wheelchairs—that lasted nine days before they cancelled it, claiming that it cost too much. It was poor planning and an unwillingness to have the ODA-legislated accessibility committee involved in the planning.

The message, in our opinion, was clear: "If you're disabled, you're not welcome in Clarence-Rockland, because providing you with services costs too much. It takes time to make changes. We have no demand for these services. We had no complaints in the past. We have no budget for this." Throughout the years, we have heard every possible excuse that politicians can give.

According to Ontario statistics, there should be approximately 1,900 people with disabilities in the area of Prescott-Russell, from the deaf and the blind to quadriplegics, but we have no money to make municipal buildings, properties and services more accessible at this time.

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Another example of the lack of sensitivity by this municipality is when they renewed the old city hall building in Rockland in 2001 and made solely the

basement floor accessible. This multi-floor building cannot even accommodate a wheelchair or scooter on the various floors of the building. These improvements were made by a municipality with no vision or intent to accommodate persons with disabilities.

It's not that Mr. Broughton or I did not have the expertise or adequate background to be part of this committee and to work productively with the municipality. No, Mr. Broughton was an RCMP officer for 26 years, and since his retirement in 2001, has become a manager at PWGSC in the human resources area, in addition to seeing and living with his wife's deterioration because of a debilitating disease. I have lived with my disability all my life and for several years was the barrier-free consultant for the Canada Revenue Agency and the accessibility consultant for World Expo in both Australia and Canada, in addition to receiving multiple awards for my contribution to bringing about a barrier-free environment and workplace. So I believe we are qualified to sit and participate on accessibility committees if the will is there by the organization you serve to make changes. But in our case, the municipality would not accept change or having to consult such a committee in order to conduct their daily business. In addition, we had no support from the provincial level.

This legislation will only be a success if the provincial government starts to strongly support the accessibility committees rather a municipal councils. Some municipalities have been proactive and have done a fantastic job in ensuring their citizens receive equal services and treatment, and other municipalities have been the complete opposite, knowing the government will do little to force them to comply even if re-elected. It's totally disgusting.

Mrs. Broughton and I have fought all our lives for services and equality, and we are fed up with the various levels of governments passing the buck to each other when other industrial countries are millions of miles ahead of us—for example, the United States and Australia. Just once, we would like to go in the front door like everyone else and not be treated differently. Just once, I would like elected officials to understand that no one asked to be disabled. We are taxpayers, voters and consumers, and the Canadian Constitution and international law require that we be treated equally. We are hoping that the ODA will be strengthened in such a fashion as to make accessibility a mandatory feature and not an optional one, within a shorter period of time.

Mr. Carl Broughton: In reviewing the present amendments to this legislation, the first thing we noticed was the purpose of the legislation, which indicates under part I:

“1. The purpose of this act is to benefit all Ontarians by,

“(a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, occupancy of accommodation, employment, buildings, structures and premises on or before January 1, 2025.”

This subsection is fine until we get to the date. In 2025, I will be 77 years old and my wife, who presently needs the private and public sectors to be accessible, will be 75 years old and probably in a special-care facility, requiring 24-hour care. By the time everyone is made to comply, it will be too late to benefit many of the people with disabilities today. Let's not forget any person with a disability who wishes employment in a non-accessible building or municipal office.

Federal and provincial facilities have already taken most of the required steps to ensure full accessibility for visitors and employees and have implemented clear policies on the duty to accommodate. Municipalities, a lower-level government body, rather than follow the lead of the federal and provincial levels, have in many cases taken a wait-and-see attitude to see if they will be forced to comply or if sufficient complaints are filed or, again, if the other levels of government will pick up the tab.

The Canadian and the Ontario human rights commissions handle hundreds of complaints yearly on accessibility issues, which amount to an enormous cost to the taxpayer. It takes several years just to make it through the human rights complaint process. This alone should be an indication that we cannot wait 25 years for change.

Municipalities should be forced to comply by associating provincial and federal subsidies with accessibility requirements. For example, if a municipality applies for infrastructure funding, they must dedicate the equivalent of 10% of the requested funding from their own budget to improve the municipality's access for persons with disabilities. Receiving a portion of the gas tax should be linked to accessibility of services. Municipalities should be given clear and short time frames to comply and make their municipalities fully accessible. The law that provides them the authority to collect municipal taxes should equally require the municipalities to ensure all residents are treated equally, so that people with disabilities, who are also taxpayers, would require equal treatment and access to all facilities and services.

The time period described in the amended act is required to be significantly reduced, in our opinion, to no more than 10 years for municipalities to comply. In the case of the private sector, the incentive of a tax deduction for accessible modifications should be sufficient with the mandatory factors of this act to encourage them to comply within 15 years maximum. Private sector companies such as Burger King, Tim Hortons, Jean Coutu pharmacy, although they've done quite a bit for people with disabilities, when it comes to being fully accessible only comply with 90%, a large disabled parking spot and accessible cement sidewalk. When you get to the door in a wheelchair, there's no automatic door, so no easy access for a person with a disability in a wheelchair or a scooter. My wife has even used the drive-through for vehicles at Tim Hortons in her scooter in order to obtain service.

Health businesses, such as pharmacies, have become in many cases glorified grocery stores, blocking the aisles with all kinds of bins selling various goods, making it

difficult, if not impossible, for a wheelchair to have unimpeded access to medical needs in the pharmacy.

Again, these are a few examples why the private sector and businesses require mandatory and firm deadlines for compliance. A 15-year period is more reasonable and still quite attainable if one wishes to do so.

Mrs. Halpenny: Under part IV, subsection 18(1), it indicates that the minister may appoint inspectors for the purposes of this act. We are asking that the minister ensure that employment equity policies are applied and that a certain number of persons with disabilities are hired to do this type of work. There is nothing more frustrating for a person with a disability than to try to explain to a healthy public servant why something is creating a barrier or to have a healthy public servant representing the enforcement of a law that directly impacts people with disabilities appearing to side with an organization because he or she fails to understand clearly the impact of his or her inspection of a facility or the review of a complaint.

Under part V, the director's orders and administrative penalties, subsection 21(3) under "Compliance order, reporting requirements" states that "if a director concludes that a person or organization has contravened sections 14 or 17 the director may...." We take exception to the word "may." The director in this case has concluded that a contravention has taken place, and the word "may" should be replaced with the word "shall." To give a choice to the director is to open up this position to ethical dangers of being influenced not to act on a contravention based on the organization impacted. The word "may" is used several more times under subsections 21(4), (5) and (6). Again, it provides too much open flexibility to the director. We have established a clear, documented contravention. Then, if we are serious about achieving our goals, the message we send to various organizations should be that this law will be strongly enforced and not only enforced if one individual decides it "may" be in certain circumstances and not in others.

Under part VII, municipal accessibility advisory committees, subsection (5), the council "shall" seek advice. This is no different than the original act, and the municipality of Clarence-Rockland totally ignored this section. It is suggested that it be written so that no action can be taken in clauses (a), (b) and (c) unless the accessibility committee has seen the required documentation, has commented and no less than three accessibility committee members have signed a document containing their recommended advice. The three members signing should all be persons with disabilities. In addition, it should be the responsibility of the accessibility committee to file with the director monthly reports, if need be, for non-compliance by their municipality and that a penalty for non-compliance be imposed or that the director send a representative to the municipality to ensure compliance.

This can only work if some municipalities are forced to comply. Let's not forget that accessibility committees are volunteers who may want to help improve the accessibility of their cities for all residents. Let's make sure

they receive strong provincial support and legislation so that they can do their job or else they are nothing more than a façade to weak legislation.

The establishment by the minister of standards development committees is just as important as the naming of inspectors. We must ensure that these committees have equal representation of persons with disabilities versus healthy individuals to make well-structured standards

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The Chair: Madam, you're already on the 16th minute, if you could sum up.

Mrs. Halpenny: OK. It is also suggested that the persons with disabilities, when possible, be individuals with various disabilities. It is strongly recommended to avoid having individuals who represent persons-with-disabilities organizations unless they are themselves persons with disabilities. Although these persons mean well and understand various issues involving the needs of persons with disabilities, they don't actually live the experience of going into a non-accessible facility, wash-room, sidewalk etc.

The Chair: Thanks very much. There is no time for questions. We thank you for your presentation. We have also the written material. Thank you.

PENNY LECLAIR

The Chair: The next presenter will be Penny Leclair. We will have a minute until Madam Leclair gets ready. So let me just remind all of us that we have in the room ASL sign language interpretation until 6 today and that we also have closed captioning on the screen. There are three people supporting us, if anybody needs any help. They are standing at the back of the room. The broadcasting of this session will take place on the parliamentary channel on Thursday, February 10. There are 15 minutes for anyone making a presentation. If there is any time left, we allow members to ask questions. We thank you for respecting the time, in particular.

Good afternoon again, ladies. Whenever you're ready, please.

Ms. Penny Leclair (Interpretation): Now that I know who I'm speaking to, thank you for waiting so that I could see whom I was approaching.

I thank you for this opportunity. It is a rare experience that a deaf-blind person could approach and speak to so many elected politicians and people who are in a place to do something significant not only for this province, but for all of Canada. Why? Because the world is moving more toward accessibility. Even in the United Nations, there has been a draft disability treaty, and it's going to set out some of the very things we're talking about here today on a worldwide scale. So Ontario is with it in more than one way.

I'm a person who believes in access for everyone, not just for myself. I've worked in the committee in the community of Ottawa, trying to do what I can to educate people. Not many people give me the benefit for being able to problem-solve, for being able to motivate people.

Very few people would see me as someone who plans, and almost nobody would expect me to give a speech. So with very low expectations, it makes it very difficult to convince people that I have something to give. Even when I do have something to give and some people recognize it, I run into barriers, because I can't get the access, which is the intervention services I receive.

Even in the city of Ottawa, I have been restricted from participating in a subcommittee simply because an expense policy is being used for the guidelines that there's no money for access, even though people on the advisory committee would like me to participate. Because they form a subcommittee, the expenses wouldn't be paid. So my access is being compared to that of a parking ticket or babysitting. How does that make me feel? Well, we won't talk about how I feel about it, but it's not very pleasant.

So people know. Two councillors have said to me, "Penny, take it to the Ontario Human Rights Commission, because then they will come back and tell us what we have to do." So, you see, they know, but they're not going to make any policy changes, and it's the kind of attitude that needs to change. It isn't just education, it's attitude. That's why this bill has to have some enforcement within it. Even when you have a report to write—we've all had reports to write. You wait till the minute. You don't do it right away.

I look at 20 years and wonder how many people are going to wait 20 years to start moving. I don't see what's going to happen five years from now and I don't see timelines that would give me that. I will be 73 years old at the end of 20 years and I'm not sure what I'm going to see with the way this bill is laid out. So that's something to consider.

Some of the barriers that I do have are things like Web sites. The government has had the standards and they've done an excellent job in implementing those standards, but nobody else is doing it. By "nobody," I mean businesses won't do it. And it's not that expensive; it really isn't.

I've approached Loblaws stores because that's where I want to shop. I can't read the flyers. I can't save money because I don't know what to ask someone to help me buy, so I can't save money. I approached them. I know they have flyers in electronic format. It's on their Web site but the Web site is not accessible. I asked them, "Would you e-mail me the flyer so I could read it?" They said, "We are researching that," and that was a year ago. I could take that to the Human Rights Commission too. My recourse is the Human Rights Commission. How would you like to have to go to the Human Rights Commission if you wanted to read a flyer? But that's what happens to me. That's my life experience.

I've only given you two examples. I could sit here all afternoon and we could talk about things Penny can't access, and not just Penny. It is everybody in this community who is being treated like we don't count, and we do count. I respect you and each one of your positions

regardless of what you believe and I ask you to respect me. I ask you to make a bill that has enforcement.

You all are elected politicians. How many of you have a Web site I could read? How many of you make your information available, and would you wait for someone to tell you you had to? Will you be doing that 20 years from now, or maybe you'll do it tomorrow? Voilà.

Business cards: How many of you have got business cards you could give me in Braille? Do you care? Is it worth 20% more money to you to have your business card in Braille? That's about all it would cost, but some people would look at that and say, "Forget it. It's just not worth it."

Thank you very much for listening to me. I hope I said something that you can take away with you that means something and makes your job a lot easier, because you've got a tough job to do, but it's an important one. I would like to thank you each for the time you've taken in trying to do it and for listening to me.

The Chair: Thank you. We have just under nine minutes, three minutes each. Mr. Marchese, please.

Mr. Marchese: Thank you, Penny. It's good to hear the personal story because everything is always a struggle with some sectors, and with people with disabilities it's particularly so. You mentioned two instances, or at least one where you wanted to be a member of the subcommittee and because there were cost implications you just couldn't be part of it, so you're told, "Go to the Human Rights Commission." Every problem that a person with disabilities has has to be taken to the Human Rights Commission.

Even if the law gives you certain rights, when they're denied, you have to go to the Human Rights Commission. It takes a great deal of time, strength of person and resources to be able to go through that process, that might take anywhere from six months to three years. It's not right. That's why I agree with you when you speak about enforcement. This bill does not put in place adequate or proper enforcement that will make it possible for people with disabilities not to have to run to the Human Rights Commission every time. I think we need to include them.

Ms. Leclair (Interpretation): The Human Rights Commission could be a way of leading where you start with standards, because much of the things that happen happen again and again. It's on a one-to-one basis; those companies don't have to change for the next person. That's the problem. We see the same things time and time again—"OK, we'll give it to you, but we won't give it to the next person"—because there's no enforcement behind it.

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If you looked at what the Human Rights Commission often sees, that would give you a really good way to know where to begin your standards. We can't focus on them all, and some standards should be enforceable and maybe some not. Politics is involved. You can't enforce everything, but you have to start somewhere to get people moving.

Personally, when I think that I have to take the city of Ottawa to the Human Rights Commission, I feel terrible. I shouldn't, because they're treating me like shit, but I feel terrible that I have to do that personally. Why should I have to have that kind of discomfort just to prove a point?

The Chair: Mr. Parsons.

Mr. Parsons: Penny, do I remember rightly that you presented to the committee when we were doing the hearings on the current ODA bill?

Ms. Leclair (Interpretation): I've written a presentation on some aspects of this bill. I've worked with the Ontarians with Disabilities Act very closely. I've exchanged e-mails with the top people involved on the Ontarians with Disabilities Act Committee, so anything they have in there, I've been a big part of, and I support it. I've read the bill in its entirety, with some special software, so yes, I've read it. I'm not a lawyer; I just know the reality of my life and some of the ways it could be improved. I also think that disabled people should be 40% of any standards committee, and I don't mean representatives like CNIB to speak for me; I mean myself. I am deaf-blind. I know more about how you can solve my problems than anybody else does, so don't let someone else speak for me, please. Maybe I don't always have to be involved, but I've got real solutions. They're practical, because my life is practical, and I wouldn't give you an impractical solution and expect you to deal with it.

Mr. Parsons: The bill provides for phasing in, and you've emphasized the number of things that have to change. From your personal life, what would be your highest priority? Is it interactions with the government? Is it employment? Is it accommodation? Is it dealing with stores? What would you prioritize as the highest?

Ms. Leclair (Interpretation): In my life, I would like to see respect for my abilities to communicate, that no barrier would prevent me from communicating, and it should be an enforceable thing because everybody should be able to communicate. It's very basic to human rights. An expenses policy should never be the reason you wouldn't give me access. Yes, you've got a budget, but maybe I could go to half the meetings instead of none of them. I mean, come on, give a bit.

The Chair: Mr. Ouellette.

Mr. Ouellette: Thank you very much for your presentation. You've actually opened some new areas that I had not considered before. Do you believe that as a result of passing this bill, you will actually be able to read a Loblaws flyer?

Ms. Leclair (Interpretation): As I said, it really becomes about communication. If more people would take on what the government's done and make their Web sites accessible, I would be able to read everything that you could read on a computer. That's opening millions of doors to me, not just one, but right now there are so few places I can go and do things. So, it's communication and being able to use a Web site; that's employment of somebody in the community doing that and it isn't a huge

expense, not when it's done in the beginning, not when it's planned correctly and you have the people involved. I see this bill as doing that, as long as somebody puts some timelines in it and says, "All the government standards: We've done it; we have people that can help you; we can show you how to do it because we've got people. We can assist disabled people," and make that within five years. Then everybody would go, "Oh, my God, if you told me today that five years from now I could read everything you could read on the computer, I wouldn't believe you," but it would happen if it were enforceable. It would be a real thing in a person's life. Thank you.

The Chair: Thank you very much for your presentation.

AUTISM SOCIETY OF ONTARIO, OTTAWA CHAPTER

The Chair: The next presentation will be from the Autism Society of Ontario, the Ottawa chapter, Roger Greenberg, please. Mr. Greenberg, you will have 15 minutes total. If there is any time left, the membership will be able to ask questions of you.

Mr. Roger Greenberg: My associate here will be taking one minute at the end. I have a copy of his presentation here as well, which I can give to the clerk.

Before I start, I would like to take a moment to thank the committee members for coming to our fair city to seek out the views of members of the Ottawa area. It's gratifying to us that you're going around the entire province to seek the views of citizens throughout the province. It's a very important piece of legislation, and it's gratifying to citizens of Ottawa that you've come here to take the day to hear from us.

My name is Roger Greenberg. I am the president and CEO of Minto, a family-owned real estate company with over 1,000 employees. We operate in Toronto and Ottawa. We are the largest new-home family builder in the Ottawa area. We are also the largest private-sector property manager in Ottawa, with some 23,000 homes that we manage throughout Ontario and a couple of million square feet of commercial space. I recognize that there are expectations being placed on businesses with respect to the legislation.

But I'm not here today in that capacity. I'm also the father of an 11-year-old disabled child. My son Jamie was born with cerebral palsy a number of years ago, and about three years ago he was also diagnosed with autism. So I've become very involved in the disabled world, seeing life through his eyes and dealing with the difficulties he faces every day. I am a member of the leadership council of the Ottawa chapter of the Autism Society of Ontario, and it's in that regard that I'm here to focus on what it is that the government can and should be doing, as opposed to what private sector businesses can be doing.

I know you've had presentations from three or four of my colleagues in other cities. I'm hopeful that I won't bore you with exactly the same presentation, but we are

supposed to operate within a certain parameter of trying to give the message of the society. You have a presentation, which I've modified to meet the circumstances for those of us in Ottawa. I'm just going to jump right over to page 7 of the presentation to try to share with you from a personal perspective some of the barriers that people with ASD face.

Regardless of their level of disability—and it is very wide—people who have ASD face significant barriers to participating in the mainstream of Ontario life. Many people with ASD also have additional physical, medical or psychiatric conditions. My child is only one such example. Things that many people take for granted remain elusive for those with ASD, such as education, employment, leisure activities and community participation, supported or independent housing, and fair access to services.

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It is the view of the Autism Society of Ontario that much of the current legislation, including the proposed bill, does not adequately meet the needs of people with ASD. The question we ask is, how will the AODA make a meaningful difference in the lives of people with ASD? The AODA overwhelmingly addresses barriers in terms of physical barriers, and I don't mean to diminish that for those who have those difficulties, but unfortunately there's little emphasis on the types of attitudinal barriers and policy barriers that significantly constrict the lives of people with ASD.

In order to make Ontario a barrier-free place for persons with ASD, changes need to be made in government policy in five areas: housing, day programs, the Ontario disability support plan, education and fair access to services, such as the preschool intervention program for children with autism. I'll touch very briefly on each of those five.

Housing: You've heard that, historically, children with autism were institutionalized at some point in their childhood. I can't imagine that in today's society. I can't imagine having my son live in an institution. Thankfully, that no longer takes place. But as our children grow older, having them live at home becomes an increasingly difficult task for us. The majority of adults with ASD are not able to live at home but are also not able to live independently. With the closing of the Rideau Regional Centre in Smiths Falls shortly, many individuals with severe ASD are going to be put into a community without adequate supports.

Many adults with ASD continue to require a high level of assistance with basic activities of daily living such as dressing and personal hygiene. In Ottawa, the only ASD-specific group homes, operated by Ottawa Valley Autistic Homes, were disbanded by the Ontario government in August 2003.

The lack of social supports is a significant barrier to community living for individuals who are cognitively more able but who experience difficulties with social understanding.

If the goal of the AODA is to encourage meaningful participation of people with disabilities in the community, then it must address government policies that fail to provide for adequate residential/housing services. It also must recognize that appropriate housing and residential services for adults with ASD are essential.

Day programs: What happens when children graduate from high school? Those with ASD are stuck at home, with limited financial support and limited availability of trained workers. Government policies must not fail to provide adequate funding for community support agencies. Unfortunately, the reality today is that existing programs have waiting lists of several years and many of the agencies that do provide services only do so for clients who are also receiving their residential services.

The Ontario disability support program has not changed its level of financial support for almost 10 years. This lack of increase has increased financial hardship for persons dependent on this funding and has created barriers to participation in community activities for people with ASD.

Adults with Asperger's syndrome face unique challenges to employment. The Ottawa chapter recently held a workshop, and we were overwhelmed with the response from adults with ASD. Over 130 people came. The overwhelming opinion was that even with adequate skills, securing and maintaining employment remains a challenge for these individuals.

The AODA could work to alleviate these problems by helping companies understand invisible disabilities. People with ASD would also benefit from programs that help them understand their rights in terms of employment and discrimination and that include job interview assistance and job coaching.

In the field of education, many ASD children face barriers accessing appropriate specialized educational programs. In a recent ASO Ottawa chapter education survey, almost half the parents surveyed had been unofficially asked to keep their children home from school on at least one occasion because supports were not available. There are many Ottawa-area ASD students who are being home-schooled because there is not an appropriate placement available for them in the school system. That's what we did for my own son a couple of years ago, started him on ABA program. I'm in the fortunate position where I'm able to afford a full-time ABA instructor, but most people can't afford the \$60,000 to \$70,000 all-in annual cost.

To remove barriers for students with ASD within the education system, the AODA must require that school boards and governments address barriers that prevent access to appropriate education, such as inadequate resources, insufficient program options, lack of professional expertise or inadequate funding.

Fair access to services: The rights of individuals with ASD to fair access to treatment and support programs must also be recognized. Right now, there's a one- to one-and-a-half-year wait for access to the preschool intervention program for children with autism, and many

children may become ineligible for the program while on the waiting list because of the age six cut-off. My colleague is going to be addressing that point at the end.

So what is needed? In order to recognize the barriers to individuals with developmental disabilities like ASD, such as those outlined here, the AODA legislation must address the following issues:

The current wording of the legislation is weak in compelling governments to provide access for people with non-physical disabilities to the services they require. The act requires greater detail and clarity to ensure that the needs of those with non-physical disabilities are addressed. This requires a proactive commitment to address all barriers fully.

In order to fairly address the needs of those with ASD, the terms “accessibility” and “services” must be clearly defined to recognize that access to education, housing, employment programs and government services in the community is not only limited by physical barriers.

In order for the legislation to be meaningful, there must be a formal complaints process established. There is no independent review mechanism currently permitting persons with disabilities to complain about failures to comply with the AODA.

Finally, the Ontario government, as the provider of many services for the disabled, must require in the AODA its own compliance with the act. Section 40(1)(r) of the AODA allows the government, by regulation, to exempt itself and other organizations from compliance. This opting-out provision should be removed.

To sum up, the AODA is a good step in strengthening the rights of the disabled. However, in order for those with disabilities to have full and equal access to the community, both federal and provincial governments must go a step further and enshrine disability rights with strong legislation such as we see south of the border with the Americans with Disabilities Act and the Individuals with Disabilities Education Act. There is much we can learn from our American friends in this regard.

The Chair: Mr. Bortolotti, you will have four minutes left for your presentation.

Mr. Joshua Bortolotti: Members of the standing committee on social policy, my name is Joshua Bortolotti. I'm 11 years old and a grade 6 student at Osgoode Public Elementary School. I'm here today to tell you about my little sister, Sophia. My little sister is brilliant, she's beautiful and she has autism. She is three and a half years old and she has been on the waiting list for services for intensive behaviour intervention—IBI—therapy treatment based on the principles of applied behaviour analysis—ABA—for one year and one month. She could wait another year or two for this therapy, and then be cut off on her sixth birthday. She needs this service, and so do many other children, so Bill 118 needs to protect her.

I'm doing everything in my power to bring attention and understanding to the autism crisis in this country. One out of every 195 kids born in Canada has an autism spectrum disorder. My sister can spell complicated words

and she taught herself how to count backwards. I can only imagine what she'll be able to do once she has the services of ABA therapy. I hope that the law will make sure she has access to education to help her succeed as an independent adult.

Until then, I will speak for her, and for the other children with autism that don't have a big brother to look out for them. Thank you.

The Chair: Thank you very much for your presentation. There is a couple of minutes left for questions. From the government side, Mr. Fonseca. Less than a minute, please.

Mr. Fonseca: Joshua, a great presentation, advocating on behalf of your sister, and Mr. Greenberg, thank you for presenting here today. We are moving as quickly as possible on so many fronts. Yes, for 10 years there was no increase to ODSP. We increased it by 3%. The previous government didn't invest much in social policies. In terms of the autism file, we've gone from \$20 million to \$40 million, and we are committed to \$100 million by the year 2006-07.

What we want to do with this AODA is set standards so that those standards are across the province and so that this legislation has teeth. The previous legislation that the previous government moved forward had no teeth. Nothing was done. People did not comply, and they never proclaimed that there would be any penalties to those who did not comply.

The Chair: Mr. Baird, you're next.

Mr. John R. Baird (Nepean–Carleton): Thank you very much. I'll invite Mr. Fonseca to look at the quarter-of-a-billion-dollar investment that the previous government made annually, increased, to people with developmental disabilities. You can talk to any association for community living right around the province, and they'll tell you that. They'll also tell you that on my first day on the job as Minister of Community and Social Services, we weren't spending a dime helping people with autism in the preschool phase. We put in \$20 million my first year and got it up to \$40 million in my third. So he may want to check the record. You can talk to any association for community living right around the province.

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I do want to thank both of you for coming forward. I do think that with respect to the act, we've got to remember and keep in mind that people with intellectual handicaps and intellectual disabilities are incredibly important and this issue is something that too often is not top of mind, and I think must be.

Thank you, Joshua. Joshua also made a presentation yesterday to the regional director of the Ministry of Children and Youth Services, who was very generous and gave about a half an hour of her time to talk to Joshua about this case, so thank you very much.

The Chair: Mr. Marchese.

Mr. Marchese: Roger, I thank you for speaking on a number of areas. Your opposition to exemptions is important because you haven't been the only one. But there is that exemption clause that could exempt government

itself from having to abide by the rules, or any other organization. We think it's wrong and it shouldn't be there. You talked about having an independent review mechanism. It's critical. It's not here. Something needs to be in place to deal with that. As well, there were your other comments that dealt with issues of housing that are beyond the scope of this bill: day programs, education and the Ontario disability support program. It's critical that in order to deal with disability, we need to tackle those. I hope you will continue to put pressure on any government—but at the moment, it's the Liberals—in order to be able to get the services that we need.

Joshua, you're very strong in defending your sister in the problems that she's facing. I hope that you and others will be able to convince the government that we need to be able to put more money past age six, so that when your sister Sophia gets there, she'll have continued service after that. So don't stop your lobbying.

The Chair: Thank you very much for your presentation. That is all the time we have. Thank you for coming.

DISABLED PERSONS COMMUNITY RESOURCES

The Chair: the next presentation will be from the Disabled Persons Community Resources. Sir, you can start any time. Of course, you have 15 minutes.

Mr. Terry Gilhen: Welcome to Ottawa. I would like to begin by thanking you for giving us this opportunity to speak to you today. I'd also like to give my regrets from our board president, Dr. Tamra Moretton, who intended to be with me today but, unfortunately, at the last moment, wasn't able to be here.

We are pleased with the direction and major thrust of Bill 118. In our view, it represents a significant improvement over the current Ontarians with Disabilities Act. It is evident that the government is committed to an Ontario where people with disabilities are able to contribute to, participate in and benefit equally from the quality of life available in the province. It is further apparent that the government values the engagement of Ontarians.

Before talking specifics, and perhaps to give you some context and the perspective of where I'm coming from, I'd like to take the opportunity to tell you about the agency we represent. Disabled Persons Community Resources, or DPCR, is a non-profit organization that has been part of the Ottawa community since 1957; that's almost 50 years. We work with people who have disabilities, their families and other service providers. Our agency is dedicated to ensuring the independence, participation and integration of people with physical disabilities in the Ottawa area through the delivery of our services and programs, and we envision a dynamic, inclusive and accessible community in which people with disabilities are able to exercise the same rights, choices and responsibilities as other Canadians.

Specifically, DPCR provides information about community resources and specialized programs and services;

identifies unmet needs and gaps in service and advocates for programs to meet those needs; encourages the public and decision-makers to become informed about the issues and needs of people with physical disabilities; promotes accessibility of buildings, facilities and services; provides attendant care services in community environments; and offers leadership in mobilizing the community to develop and implement community solutions. DPCR is funded by the Ontario Ministry of Health and Long-Term Care and the United Way/Centraide Ottawa.

As stated earlier, I welcome this opportunity to submit a number of suggestions that we believe will enhance the new legislation as it is currently drafted. Let me elaborate. In our view, it is absolutely essential that the legislation be infinitely clear about which individuals or organizations are implicated, what is expected of these individuals or organizations, the timeframes and the repercussions of non-compliance.

On the issue of application, we believe that the inclusion of the private sector is a huge step forward. The business community plays a significant role in the quality of life for Ontarians, both as providers of goods and services and as builders or owners of the physical environment in which these are made available.

We have a concern, however, that the phrase, "to which an accessibility standard applies," currently included in section 4, potentially creates some ambiguity in the application of the legislation. In the interest of clarity and to avoid the creation of potential loopholes, we recommend that this phrase be dropped from section 4 and, respectfully suggest that the text simply read, "This act applies to every person or organization in the public and private sectors of the province of Ontario."

Still on the issue of application, while subsection 6(3) more precisely categorizes the people or organizations that may have accessibility standards applied to them, in our view the list is not sufficiently inclusive. We contend that those individuals or organizations that are engaged in the design or construction of buildings, roads, sidewalks etc., or in the design and manufacture of products for sale or use by the general public, should also be governed by accessibility standards.

Automated banking machines, public telephones, and food and beverage vending machines are only a few of the products that continue to be manufactured and put in use despite having serious design flaws that render them unusable by individuals living with disabilities. Control buttons, screens and coin slots are often unreachable for people using a wheelchair or cannot be manipulated by individuals with insufficient strength or dexterity. In fact, recent innovations such as the self-serve parking attendants now prevalent in many parking facilities are another excellent example of this type of barrier.

We are very pleased to see the emphasis that the new legislation puts on the development of accessibility standards. There is no doubt that the absence of standards has been a major stumbling block on the road toward an accessible Ontario. Development of a comprehensive range of standards covering public services and the

physical environment, including residential, commercial, academic and government buildings and outdoor spaces, sidewalks, roads etc., is absolutely essential.

Substantial work has already been done by a variety of organizations, universities, municipalities and school boards among them to develop accessibility standards. Unfortunately, in many instances this work has progressed in an uncoordinated and disconnected fashion. We recommend that the newly created standards development committees make use of this work, which represents a substantial foundation for the creation of province-wide standards.

The full participation of individuals living with disabilities in the process of developing standards and monitoring progress toward the ultimate goal of a fully accessible province is essential. The new legislation recognizes this point; however, it does not specifically make reference to the provision of supports that allow individuals to participate. Travel costs and specific needs such as attendant care often inhibit individuals from participating.

We are concerned that many individuals will be unable to engage in the process unless support is provided. Failure to provide this needed support would in itself constitute an accessibility barrier. We therefore recommend that the government ensure adequate enabling support is provided.

The fact that the legislation allows for the appointment of inspectors and includes the application of penalties for non-compliance gives a clear message that the government is committed to ensuring that Ontario becomes truly accessible. While we are pleased to see the new act given some weight, we also encourage a conciliatory approach. We believe that for the most part, slow progress, particularly in the private sector, is due more to lack of information, expertise and innocent ignorance rather than a lack of good will or a deliberate refusal to accommodate individuals living with a disability. Therefore, we suggest that resources both in the form of expertise as well as of financial grants should be made available to assist small businesses in particular.

One last point we would like to make is the need to ensure that accessibility standards developed as a result of this act reflect the spirit of the Canadian Human Rights Code. We believe the Human Rights Code should always take precedence over any other legislation or standard developed for the purpose of addressing accessibility barriers.

Once again, thank you for allowing us this opportunity to speak to you on this very important matter.

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The Chair: There is about a minute and a half each left for questioning. Mr. Jackson.

Mr. Jackson: First of all, thank you for your brief. Are you aware that two sections involving linkage to the Ontario Human Rights Code are being deleted from the ODA in this new bill?

Mr. Gilhen: I wasn't specifically aware of that, no.

Mr. Jackson: In the current ODA, the provincial government is required under law, subject to penalty, if it does not provide employment protection and services for persons with disability who are working for the Ontario government, and by extension who apply for jobs—they have the duty to accommodate. The standard test in the legislation is the standard set by the Human Rights Code. That's in the legislation right now and is going to be removed. Do you not think that that should apply to the hospital sector, the school board sector, the public sector at large and the private sector?

Mr. Gilhen: Yes. I would be concerned about that.

Mr. Jackson: Thank you very much.

The Chair: Mr. Marchese.

Mr. Marchese: Terry, just one quick question. At the moment the law is not obeyed, it doesn't matter, and there's so little enforcement that it's flaunted. So when you say that we need a more conciliatory approach, this bill couldn't be more than that, because at the moment the government says through the bill that you don't have to hire inspectors—you may—and that you don't have to have a director review those accessibility plans—he or she may. There's no tribunal that's set that can review these things. It's not set, so it might not be. So the law, as it is, isn't working, and people have to go through all sorts of hoops to be able to get justice done. And this new law has little enforcement. You understand, voluntarism doesn't work in this sector. If you don't push people to do things, they just don't do them. Don't you think we should be strengthening our enforcement mechanisms rather than weakening them?

Mr. Gilhen: I wasn't suggesting that the enforcement mechanisms be weakened. In fact, I made the point that I believe that the new law carries sufficiently more weight than the former one did. But I'm calling for recognition of the fact that, particularly within the small business sector, they're going to need a little bit of help.

Mr. Marchese: I understand that, and I wanted to make a separate point, because I think a case can be made that some individuals might need help. The government needs to introduce some measures to be of help, and they haven't talked about that.

The other point is the fact that there is no enforcement built into this bill. That worries me and it worries a whole lot of other people in this sector. I thought it would worry you as well.

Mr. Gilhen: Certainly I agree with you that a voluntary approach hasn't worked particularly well, but I also believe that there's a considerable lack of information out there that's at play and a reason for a lot of it.

Mr. Marchese: So if they have the information, they'll do it?

Mr. Gilhen: Expect information expertise.

The Chair: Ms. Wynne.

Ms. Wynne: Thank you for coming today and thanks for your presentation. I just wanted to make a point first, that as this bill comes into place, the changes that were made as a consequence of Bill 125 and sections of that bill that have not been replaced yet by the new bill will

stay in force. So I think that's something that needs to be clear.

The question I wanted to ask you is—you're basically saying to us, "Don't reinvent the wheel." You're saying that the work that has been done needs to be built upon. What I'd like to know is, what's the consistency already across those sectors, across the school boards, the municipalities? Those plans that have been put in place and haven't necessarily been implemented, the work that's been done: Do you have any way of assessing what the consistency is across the province?

Mr. Gilhen: I would see that as a benefit of having that committee in place, whichever model is chosen, whether it's one standards committee or several. I'm aware that a lot of work has been done because I'm in currently in the business of doing accessibility audits myself, so I'm constantly looking for standards when I don't find them in place. I'm finding, in doing that, that there have been pockets across the province where a lot of people have been looking at accessibility barriers and trying to develop standards. It's happening within the university campuses.

Ms. Wynne: OK, I hear that. But do you think there is the ability, because of the work that's been done, for some agreement to be found pretty quickly on some of these issues?

Mr. Gilhen: I think so and I think that would give us a considerable head start on it. We're not starting from scratch here.

Ms. Wynne: That is our hope. Thank you.

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

OPERATION FAIR PLAY

The Chair: The next presentation will be Operation Fair Play, Robert Hammond. You can start any time you're ready, sir.

Mr. Robert Hammond: Good afternoon. My name is Robert Hammond. This is Ann Kindervater.

Operation Fair Play is an independent committee of individuals which has as its objective improvement of government assistance for amputees in Ontario. Our committee is small and lacks resources, but our message is important. Our focus is funding for prostheses for individuals through the assistive devices program.

We are not here to speak specifically with respect to the provisions in Bill 118. Rather, we want to try to give you a simple and direct message as to what is wrong currently and what needs to be done. We are asking you to listen carefully to this message and apply it when you consider the provisions of this bill and report back to the Legislature.

What is wrong with current funding? Simply put, there is not enough funding in the existing assistive devices program to cover the costs of appropriate prosthetic devices for amputees. We see two broad aspects to this problem. First, the funding is established on the basis of obsolete technologies which do not reflect the tremen-

dous advances in the past 15 years in terms of function, safety and comfort. Second, the funding is arbitrary and takes no account of individual needs or allowance for different levels of functionality.

That's what we see as being wrong. What do we see as needing to be done?

Number one, the ministry must listen to and apply the information available to the ministry from Ontario's amputees and from Ontario's prosthetists. I recognize that what is happening here today is part of that answer, but I am also advised that the prosthetists of Ontario, through their association, have had extreme difficulty in having their information, which would be very helpful, heard, and the person who is sitting beside me has never previously, as far as I know, been given an opportunity to be heard in respect of the specific nature of the problems she has.

Secondly, a funding system must be created which is flexible enough to meet changing costs and needs. I'm told that this is an area in which there has been tremendous advancement in terms of what is available for people. Obviously the costs have followed the advancement, but the funding has not. So there are many, many people, including this person, who are working with antiquated equipment which does not allow them to be functional in society.

Our simple message is, I feel, best illustrated by describing the circumstances of one Ontario amputee, Ann Kindervater. Ann lives in Brockville, Ontario. She is 55 years of age and since age 18 has been an amputee. She is missing the lower half of one leg.

In 1967, Ann was a healthy 18-year-old in the last year of high school. As the result of an automobile accident caused by another person, Ann suffered injuries which resulted in the amputation of the lower half of her leg. The responsible driver had no insurance and no assets. He was found guilty of failing to stop at a stop sign and was given a \$70 fine. Ann missed her high school graduation as a result of the accident. More importantly, she was unable to enter a nursing program at St. Mary's Hospital in Montreal, which she was supposed to have started a week after that accident date. She had been looking forward to that for years. A year later, Ann tried to start the nursing course but was unable to handle the physical exertion of getting to and fro from the classes. She was never able to take the nursing program.

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Before her marriage, Ann's father paid for her prostheses. He refused help from War Amps because he felt that other families needed their help more than his family. Ann married Carl Kindervater, a policeman with the Prescott municipal force. Until 1997, when Sergeant Kindervater retired, Ann was able to access some financial assistance for her prostheses through her husband's employment benefits. That assistance stopped with his retirement. Sergeant Kindervater died in 2001.

Ann is now living alone in Brockville. Her three daughters are all adults living in other places. Ann lives with a constant fear of falling or going out in inclement

weather, together with the other physical challenges from her condition. She has found it difficult to pursue further education or employment. She has not worked since the mid-1990s. Her income consists of the survivor's pension relating to her late husband's employment, together with the survivor's benefit relating to her husband's Canada pension plan entitlements. She really has no prospect for any further income, and therefore no prospect for being able to afford what she needs in terms of a device.

Ann cannot stand for any length of time or be involved in any activity involving much mobility. Unfortunately, she is also a diabetic and suffers from peripheral vascular issues, some of which relate to problems with the prosthesis. She is in remission from breast cancer.

She is the owner of a modest home, against which there is a small mortgage. She has the usual medical costs relating to the conditions which she has. She has no medical or prescription coverage other than through OHIP.

Ann does not fit into one of the categories of Ontario amputees who get assistance beyond that of the basic assistive devices program toward the cost of a prosthesis. She and many others in similar circumstances have fallen through the cracks. Every three years, she faces the impossible problem of being able to afford a prosthesis which will meet her needs. These devices last about three years. She has to choose between a reduction in mobility or increasing the mortgage on her home. She has had to ask War Amps for assistance, but even with their generous help, her prosthetist has essentially been subsidizing her needs for a number of years. That's really difficult for Ann Kindervater. She's as proud as the rest of us, and that's very difficult for her. Meanwhile, as her prosthetist says, to use a vehicular analogy, she is "riding a rusty Lada." She is using a device which provides much less safety than is available. Like many others in her circumstances, she is in constant fear of falling and avoids leaving home except in good weather.

With even a modest improvement—I'm told that this isn't exactly accurate, but I'm going to suggest to you that, relatively speaking, with even modest improvements in government funding, Ann's prosthetist believes that her mobility and sense of safety could be greatly improved. I'll tell you what I mean by that. I'm told that up until about five years ago, the entire provincial budget for the assistive devices program was about \$10 million. We don't know what it is at this point; the information will not be provided by the ministry. But I would suggest to this group of people that doubling, even tripling, that number would constitute a drop in the bucket in terms of the provincial budget. If such an improvement could be made, it would vastly improve the lot of people like Ann.

Ann's circumstances illustrate what is wrong with the present funding system. The level of funding does not match the cost of the current technology. The funding is arbitrary because it does not account for the needs of people who do not qualify for other sources of funding, and because it does not take into account individual needs or different levels of functionality. The result is

that people like Ann, who would otherwise be useful and contributing citizens, are forced into a situation of dependency.

When you are making your recommendations to the ministry with respect to this bill, please ask yourselves whether the provisions will improve the quality of life of people like Ann Kindervater. These are people who want to be productive. More money into this area will have positive results not only for the direct recipients, but for the economy as a whole.

Thank you very much.

The Chair: There's about two minutes left. We'll do one minute each. Mr. Marchese?

Mr. Marchese: Thank you both for reminding us about these problems. There are some political parties—at least one federally, and even provincially—that would still like to have income and corporate tax cuts. When you do that, it takes away revenues from provincial coffers and forces choices in terms of how you spread that money around. There are other governments—there's one here now—that say, "We really can't afford to raise taxes. We just can't do it." When you have people wanting to take more money out and others who are unwilling to raise money to recover what we lost, we're left in the position that when we've got people with disabilities—in this case, you with a prosthesis and a desire to get a modernized one that can help you better and get you into a healthier situation—we just don't have the money. It's sad that we just won't be able to find enough money to be able to deal with these things that, in my view, are government obligations.

I think you need to keep on lobbying. We need to have governments take greater social responsibility for some of these things, and I hope this government will find its way to do it.

The Chair: Mr. Fonseca.

Mr. Fonseca: Thank you, Mr. Hammond, for your presentation. Actually, I'm new to government; I was first elected in October 2003. You were talking about the ADP program and who funds that program. I know you brought up \$10 million. I say that because in many of the depositions, this is such an inter-ministerial issue that has to be dealt with. I will look into the ADP and what is being done on that file.

Ms. Ann Kindervater: Could I just say one thing, please, on his behalf? I think you would all be served very well if you went home this evening and looked up your insurance policy and found out what your coverage would be if you were to lose a leg tomorrow through disease or accident. I think you'd be greatly surprised at how little it is, and it's an ongoing thing. It's every three years or less. I think you might be really interested to go home and find out.

The Chair: Thank you. Mr. Jackson?

Mr. Jackson: I was going to yield my time to Ann, since nobody had asked her a direct question. I'd like to give you another minute and a half of my time.

Ms. Kindervater: That's about all I have to say. It's the stress level that all amputees in my situation get to

experience about six months before the three years. The leg I have now is made up of old pieces and parts from other legs—just trying to accommodate me that way. It's really sad. I have sat in a lot of rehabilitation centres since 1967, and you see the torment that people go through, particularly amputees. The technology is there, and we need to be able to access it.

The Chair: Thank you very much for your presentation.

Mr. Jackson: Mr. Chairman, I was quite concerned at the reference to efforts to get an accurate number from the government on the amount that's being spent on prosthetics and assistive devices. Could we put that on the record as a request, that the committee receive from research what the budget is for, say, the last two years? Thank you very much.

The Chair: Yes.

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INTER-UNIVERSITY DISABILITY ISSUES ASSOCIATION

The Chair: We'll go to the next presentation, the Inter-University Disability Issues Association. You can start any time you're ready.

Ms. Janice Martin: Thank you. My name is Janice Martin, and I'm from the University of Toronto. My colleague here to my left is Eunice Lund-Lucas, from Trent University, and this is Dan Pletzer, from Nipissing University. We work in offices for students with disabilities, and we represent the Inter-University Disabilities Association, known as the IDIA.

The IDIA is a professional organization of university service providers for students with disabilities. It comprises representatives from 22 universities across Ontario, with an elected executive body. The executive is mandated to speak on behalf of the association with regard to issues related to disability and post-secondary education in the university sector.

With the number of students with disabilities registered to receive services in the university sector increasing from approximately 2,800 in 1990-91 to approximately 13,000 in 2003-04, support systems for students in higher education in Ontario struggle to meet the needs of this increasingly growing, younger and more demanding student population. The range of disabilities is inclusive of both visible and invisible disabilities, ranging from learning disabilities, mental health disabilities such as depression and anxiety, chronic health disabilities such as arthritis, epilepsy, cancer and bowel diseases, and sensory impairments such as low vision or hearing impairment, as well as mobility disabilities.

First, our association would like to commend the minister and her government for bringing forward such a progressive piece of legislation. We believe that Bill 118 includes significant improvements upon the current Ontarians with Disabilities Act and has the potential to help achieve the objective of removing barriers for persons with disabilities, allowing all persons to fully

participate in society. Bill 118's potential is evident to individuals with disabilities as well as to their support services, such as those in the post-secondary sector.

This brief outlines many of the issues identified by our members at a recent meeting of the Ontario university offices for students with disabilities. Effectively, what we'd like to do is address six issues in this presentation.

The first issue is the standards committees. We support the principle of appointing standards committees to conduct the work of developing accessibility standards by sector and we are encouraged that education could be one of those sectors. We are also pleased that representation from all affected stakeholders will be required on these committees and, most importantly, that those persons with disabilities and agencies with specific expertise are able to participate in this process.

Given the wide range of disabilities, we recommend that in order to make this process meaningful, the selection process is open and transparent and that representation from all disability groups is present, with representation from students with disabilities in the education sector. Further, we support target dates for barrier removal activities with short-, mid- and long-term goals.

Secondly, we'd like to address awareness activities and training. Universities have traditionally placed responsibility for improved awareness, understanding and sensitivity in the hands of offices that provide support for students with disabilities. Limited staff resources and the increased number of students have made this process difficult to achieve. As a result, some faculty, and older faculty in particular, have been less exposed to information pertaining to myths and stereotypes about students with disabilities. Such limitations lead to comments such as, "Learning disabilities do not exist. They are just lazy students who watch too much television."

The university community, and in particular instructional development departments, should take a more active role with the application of universal instructional design principles that allow faculty members to consciously and explicitly think through accessibility issues that relate to course design. This will bring about greater awareness and understanding among faculty about the nature and the impact of disability in the university community. Faculty should be encouraged to apply universal instructional design principles in the classroom so that the entire community—all students, not just those with disabilities—can benefit from inclusive instruction. This approach focuses on making learning environments and tools user-friendly and may include anything from classroom layout to Web page design, as we heard earlier, to a selection of a course text to handouts that explain assignments.

We recommend that funding be provided for outreach, public education, advocacy services and universal instructional design across university campuses aimed at creating a positive climate by addressing attitudes, beliefs and language in order to address misconceptions and stereotypes about students with disabilities while making learning environments accessible to all.

The third area we'd like to approach is confidentiality, for it is the foundation of an effective service for students with disabilities. As well as a requirement by law, offices for students with disabilities believe that this practice generates a student's trust and confidence. Any personal information, including disclosure of a disability, should be maintained in confidence only within the office for students with disabilities. Only with the student's permission is information conveyed about a student's disability to university staff or faculty. Even then, the level of disclosure is on a need-to-know basis, meaning that not all information should be shared with any faculty and staff member. We recommend that the right to review files in the proposed legislation be reviewed to protect the student's privacy of information.

Service providers: Currently, many universities struggle to recruit service providers to assist students with disabilities in the classroom due to the fact that there are not enough trained professionals in the workforce, particularly in the field of deafness. We recommend that funding be provided for a pool of skilled accommodation service providers and that these service providers include people such as sign language interpreters, attendant caregivers, learning strategists and support workers for students with mental health disabilities.

The next issue is alternative-format text materials. For many years government has funded the provision of post-secondary textbooks in alternative formats. While the amount of funding in this envelope has increased demand for services, it has outpaced the increases. Even though funding has improved and steps have been taken to improve the ordering, storage and datum of alternative format titles, service delivery continues to be of concern. The result is that students with print disabilities fail to receive, in a timely way, their textbooks in a format that is accessible to them.

Responsibility for the provision of texts in alternative formats lies with the publishers, not government and not post-secondary institutions. This fact has been recognized by many jurisdictions in the United States and has yet to be so recognized in Ontario. Placing the duty to accommodate in the hands of publishers should result in a more efficient delivery of text material. Discussions with publishers on best practices for the conversion and delivery of alternative-format texts are essential, and information and processes from other jurisdictions can be a sound model for Ontario.

The final piece we'd like to address is our aging buildings. Many of our post-secondary institutions have aging buildings and infrastructure which constitute significant barriers. Many of our buildings were built well over 50 years ago, and some over 100 years ago. Without funding assistance, universities that already find themselves in a funding crunch will experience an adverse financial impact. We recommend that ongoing and sustainable funding be provided to meet the target of a barrier-free university sector within 20 years, implementing the Rae review recommendations on deferred maintenance.

In conclusion, the IDIA feels that Bill 118 is a strong, effective proposed piece of accessibility legislation which has the potential to break down the barriers faced by people with disabilities. IDIA supports the steps made by the Ontario government toward a barrier-free Ontario through the proposed legislation. This submission identifies issues related to students in the post-secondary sector, and we respectfully submit these for consideration. Thank you.

The Chair: There is two and a half minutes for each group. Mr. Leal, please.

Mr. Leal: To my friend from Trent University in Peterborough: On page 3 the second bullet point talks about awareness, and then we go down to the paragraph that starts, "The university community, and in particular instructional development departments," and it goes on. We just opened the new Peter Gzowski College at Trent University and the faculty of learning for First Nations people. I would have thought that the philosophy incorporated in that paragraph would have been part of that design for new buildings such as the Gzowski building at Trent University.

Ms. Eunice Lund-Lucas: Part of the UID, or universal instructional design, approach is that it's a multipurpose approach. It takes into account the physical layout in terms of instructional environments but also many other factors: course design, usage of technology, resources made available and how they're made available, the manner in which students are instructed and the engagement of the students. Yes, the new college was a very good start, but it merely has one factor involved in it, and we now need to look at the much more global approach.

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Ms. Wynne: Can I follow up on that, where Mr. Leal left off? What is holding you or universities and colleges in the province back from incorporating those other aspects? I understand it's multi-faceted and has to do with program design. When a student brings a note to a professor asking for accommodation, my assumption would be that it would be within the capacity of universities now to have that professor understand what those accommodations should be. Are you saying it's not? Is it the standard you're looking for which this bill will address?

Ms. Lund-Lucas: It's actually, more importantly, the inclusivity of students with disabilities in the whole process. To ask for an accommodation adds an additional burden to a student with a disability. I strongly feel that by embracing our approach to instruction, the student in that classroom has their needs met immediately and it doesn't have to be an additional accommodation. That then frees up resources from offices such as ours to make those additional accommodations that need to be made for those particular students for whom even that will not necessarily meet their needs in an individual way that respects their dignity.

The Chair: Mr. Jackson.

Mr. Jackson: Thank you for your presentation. Two quick questions: The government has indicated that it wants to begin its standards process with the hospitality sector and the hotel sector. I'm wondering if you aren't wanting to recommend to the committee that they start with post-secondary institutions as an area where standards, and therefore hopefully funding, would occur as one of the first priorities in terms of the activity, because with 20 years out, we may not get to education generally and post-secondary specifically for 10 or whatever number of years. Any short comment on that? Then I have another question.

Mr. Dan Pletzer: I would reply that with the introduction of the ODA in 2001, the university sector took a proactive response to that and began to address those concerns. I think the university sector is ready to begin to adopt some of the principles of the AODA as well. Whether we will be the first—you mentioned that the hospitality sector seems to be identified. I think the universities are well positioned to begin.

Mr. Jackson: Thank you for that answer. When I visited Lakehead University as the minister working on the ODA, that was where they convinced me that 10 years was a building cycle. Every university I visited from there on, I asked them the question, and I was quite pleased and amazed to see that virtually all universities and colleges were on an accessibility accommodation 10-year plan. So in my view, there's a sector that is quite poised and ready.

Here's my question: I specifically wrote into the legislation of the ODA that your access committees and your reporting mechanism would become part of the legislation. That's not part of this legislation. Do you think that process should continue, that you report publicly to your alumni and your communities that you have access plans, that you accommodate disabled students on your advisories and that you are the subject of potential penalties and not of an exemption under the current legislation?

Mr. Pletzer: I don't think I have full authority to speak on behalf of all universities.

Mr. Jackson: Well, you can do it for Nipissing.

Mr. Pletzer: Even Nipissing. I would say that public accountability in principle is important.

The Chair: Mr. Marchese.

Mr. Marchese: Thank you, all three, for coming. I want to simply make some statements in agreement with the presentation. You're the first ones who have suggested—actually, I was the first, but you're the first group to have suggested that perhaps we put together a standards committee as it relates to the education sector. I wasn't just thinking of post-secondary; I was thinking of elementary and secondary and post-secondary as part of a continuum, because I think it makes sense in so many different ways. It has to do with education generally in terms of educating our public, people with disabilities but particularly those who don't have a disability, and it could deal with all the other issues you talked about in terms of universal and structural design, funding for

outreach, public education, advocacy services and the other things you mentioned; service providers and all the funding that should be there in terms of providing a pool of skilled accommodation service providers who are in short supply; alternate format text materials as a key component of this, and forcing companies to actually do something about it. That's probably separate, but it might come out in terms of these standards development accessibility practices, and aging buildings.

I think it would be good for the government to set up a standards committee on education. None of the government members has spoken to this, so I'm not sure what they think. I think it's a good idea and I hope they heard you as well.

Mr. Pletzer: If I could just echo that point, we realize that a post-secondary student is a product of their elementary and senior schooling experience. Having been served standards at those earlier stages of their education, carrying through to the post-secondary level makes a lot of sense. There shouldn't be separate standards. Currently we deal with that at times where there are more resources in some areas of the post-secondary sector than what students may have been accustomed to at the elementary or senior level, and that creates some difficulties. So achieving one standard at all the levels of education makes a lot of sense.

The Chair: Thanks very much for your presentation.

CANADIAN COUNCIL FOR THE RIGHTS OF INJURED WORKERS

The Chair: We'll move on to the next one, the Canadian Council for the Rights of Injured Workers, Maria York. You can start any time you are ready, please.

Ms. Maria York: Good afternoon. Please accept my gratitude for creating this opportunity to present my views about this very important bill. I also wish to say thank you to Mr. David Lepofsky and the Ontarians with Disabilities Act Committee for their excellent work and commitment to the advancement of the rights of people with functional limitations. I prefer the words "functional limitations," but we say "disabilities."

My name is Maria York. I am the president and founder of the Canadian Council for the Rights of Injured Workers. Our organization's main function is to conduct research. Our mandate also allows us to legally challenge the statutes and policies or practices that, in our opinion, are not compatible with the charter.

I will skip portions of my presentation to allow more time for Josef, an injured worker.

We are a non-partisan, national organization that is pro workers, democracy and progress. We are not anti-union. Our past projects include our national campaign to amend the Criminal Code of Canada, Bill C-45, between 2001 and 2004, and a presentation and project to the federal subcommittee on the status of persons with disabilities in April 2003 pertaining to the Canada

pension plan offset; this is an ongoing project. More information can be found on our Web site.

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I also wish to provide some information about myself. I am an economist. I have experience in research and education. I began my studies of economics in Communist Poland and completed them in Edmonton, Canada. Four years ago I joined the Ottawa and District Injured Workers Group and became actively involved in helping disabled workers to cope with the complexities and the injustice of the Ontario workplace insurance system. In 2001, I founded the Canadian council. I left the injured workers' group to pursue my work with the council. I must tell you that it has been a true challenge, and continues to be a challenge, to build a non-partisan organization for injured workers.

Our submission is entitled "Accessibility for Injured Workers." On February 2, 2005, this committee heard the story of a worker who sustained head injuries. He spoke about how his productive life since his workplace accident had been reduced to about a 15-year-long battle for his entitlement to benefits under the Workplace Safety and Insurance Act, which is a mandatory workplace insurance policy underwritten, in a sense, by the province of Ontario.

I know many injured workers and I have heard many heart-wrenching stories since 2000, when I first began working with them. I have also read their desperate pleas for help written to their elected representatives of both federal and provincial Parliaments, including letters to our country's Prime Minister.

However, I did not come here to tell you about their battles for entitlements, because I know that you and this government already understand the problems with Ontario's current system of workplace compensation. I am here to suggest ways to fix some of these problems and help you to enact a powerful and enforceable act, Bill 118, for all Ontarians with disabilities, including every injured worker.

One of my objectives today is to ensure that whenever the term "injured worker" is spoken in Ontario, and everywhere in our country, it is understood that they are disabled persons under every statute that exists or is being created for the purpose of their protection, like this bill. I believe there is a great deal of confusion surrounding this issue. I have a letter from the Canadian Human Rights Commission to prove it to you.

To prevent any misunderstandings regarding the status of injured workers for the purpose of this bill, we are asking you to amend the definition of "disability" in part I, section 2. The following are the amendments that I believe are necessary to protect the rights and interests of injured workers and their families and dependents:

(1) Please add the word "illness" to subsection 2(e) to read as follows: "(e) an injury, illness or disability...." The rest is in the act; so between "injury" and "disability," please add "illness."

(2) Please consider adding a new subsection, "functional limitations caused by attitudinal and physical

barriers, injuries and/or illness." This requires a long explanation, and I won't be able to explain why we are asking you to add it here.

Why is the insurance, the coverage, the protection so important to injured workers? Please consider the following statistics: On a typical working day in Ontario, one worker dies from a work-related injury or illness; three workers require amputation; 30 suffer from permanent disabilities; and 400 are injured seriously enough to require time away from work, which means the protection of workplace compensation.

These statistics serve as an extremely important reminder about the alarming probability of becoming disabled at work and losing the functional abilities that are essential for employment, essential for the purpose of competing in the job market.

Disabled people are among the poorest citizens of our society. All of us, all of you, know this. This is why our goal is to ensure that workers who become injured or ill at work are protected from the suffering and deprivation caused by poverty so commonly endured by disabled Canadians who do not have any, or appropriate, disability insurance.

The income replacement plans provided by crown insurance corporations like the Workplace Safety and Insurance Board, known as the WSIB, and private insurance plans for working citizens are an essential component of every advanced society. The benefits provided by them are invaluable for as long as they continue to serve the needs of their insured members and society by honouring their contractual obligations defined by the respective insurance policies promptly, competently and completely, without lengthy legal battles.

I've included some statistics about insurance borrowed from insurance companies' Web sites. I just want to read one statement which is extremely important: "It is a wise person who realizes that their most valuable asset is not a car or a house or any of life's luxuries; not stocks, bonds or other investments—but the ability to earn income." You have some numbers here that were submitted to help you to recognize why insurance companies fight insurance claims. It's about some unbelievable sums of money. A person who is 40 years of age, earning approximately \$6,000 at the time of an accident, will cost the insurance company about \$1 million to \$2 million. If the insurance company can fight them, this is what they can get away with, but the person is not going to be able to work if they lose their case. They will end up on welfare, where people who come to our group are, or were.

Now I'd like to talk about this bill.

I'm an economist—I've said this before—and perhaps this explains why, to me, Bill 118 reads like a very flexible business and investment plan with a great potential for creating enormous business opportunities and employment, I hope, for disabled persons. However, in order to benefit disabled Ontarians, including injured workers, the bill must be enforceable, which it's not. The language of the bill allows one to conclude that the government wishes to maintain a very significant level of

control over the development and implementation of its business and investment plan.

I personally do not see how this bill could help protect the interests of injured workers, as it is incapable of removing the barriers to meaningful, sustainable and gainful employment and timely access to goods and services provided by the health, life and disability insurance sector.

How much time do I have?

The Chair: You have about two and a half minutes.

Ms. York: OK. I will skip the portion about the Ontario Human Rights Commission. You know about this. I will just go to our recommendations.

The Chair: And we do have your written material.

Ms. York: Yes. I'd like to just state our recommendations.

Please create standards committees responsible for evaluating and prescribing the standards applicable to:

- employment and vocational rehabilitation of disabled persons, including injured workers, who are able to work. Jo is going to read a statement and you will understand why.

- health care and rehabilitation of disabled persons, including injured workers. We have tons of evidence to explain to you why.

- group disability insurance plans with the authority to evaluate all plans negotiated under collective agreements. You need to do this because the reason, what's in those plans, causes the problem. It forces people to welfare.

Amend the Ontario Human Rights Code to achieve the following results:

- direct access to services of the human rights tribunal of Ontario to all disabled citizens. This would be compatible with the Universal Declaration of Human Rights' access to a competent tribunal;

- ensure equal access to its services and the benefits of the code and Bill 118 to all non-union workers.

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(3) Delegate matters arising from the enforcement of the amended code and the standards and regulations prescribed under Bill 118 to the empowered and properly funded tribunal.

(4) Amend Bill 118 by adding a detailed definition of goods and services—people do not understand this—which would include disability benefits, pensions, services of the insurance sector and statutory bodies like the Ontario Labour Relations Board, administrative tribunals and all unions.

(5) The last recommendation, I believe, is extremely important: Create a foundation that will receive all the revenues from the enforcement of Bill 118—the rest is explained in our submission—otherwise, you will be transferring money from one taxpayer source to another.

I just wanted to thank you for your attention. We've suggested in our conclusion that you consider arranging a meeting with injured workers, injured workers' groups and perhaps ask us so we can explain why we are asking you to consider our recommendations.

Do I have time for Josef to read his statement?

The Chair: About a minute. Would that be enough?

Mr. Josef Rochon: Sure.

The Chair: Not much more than that, please.

Mr. Rochon: My name is Josef Rochon. I'm 38 years old and an employee of 14 years. I loved my job. It paid very well, and I was just recently given a pay increase. But due to my injury, I never got to see it.

On the evening of April 1, 2003, there was a loud crack, followed quickly by a pop sound, and I couldn't move or stand up straight, not only for that moment but for weeks after that. I did what I was supposed to do. I called my work and explained what happened. I'm an honest employee.

I did see my family doctor and eventually saw a back specialist. The one thing they had in common was that my injury was definitely work-related. Due to this accident, I started to fall behind in my child support payments because my insurance didn't want to pay me at first. Frustrated and angry, I just wanted to go back to work, but I knew I had to get healthy again. I followed the exercises and went to physiotherapy constantly until I started feeling numbness in my left leg, forcing me to stop. That's when I had to stop going.

The decision could have been made to retrain me elsewhere or at least a new career, but my work, as well as the insurance and WSIB, all had to be right and fight me on this. I know for a fact that I would have been accommodated at a local college when taking a new course, and although I wouldn't have been able to do my other job, I could have done something productive.

I'm motivated and bored at being at home. The bottom line is that I enjoy working, providing for my family and everything else that goes with it. I'm here to say, please, I just want my life back and I also want what is rightfully mine. I would like to be retrained so I can try to obtain the life I had and support my family. All I wanted was fairness and support.

Thank you for your time.

The Chair: Thank you, Josef and Madam York, for your presentations. There's no time for questions.

Ms. York: I understand.

COMMUNITY LIVING ASSOCIATION, LANARK COUNTY

The Chair: We'll move on to the next presentation, the Community Living Association, Lanark county. Good afternoon. You have 15 minutes for your presentation and potential questions. Please start whenever you're ready.

Ms. Elizabeth Snyder: Thank you. My name is Elizabeth Snyder. I'm a manager at the Community Living Association, Lanark county. I'll have my co-worker introduce herself.

Ms. Alice-Anne Paterson Collinge: My name is Alice-Anne Paterson Collinge. I'm also a manager with Community Living Association, Lanark county.

Ms. Snyder: You have in front of you the brief that was presented to you, and what we'd like to do is just quickly go through it and highlight the areas we want you to take note of.

We do support previous submissions that were given by Community Living Ontario, the Ontarians With Disabilities Act Committee and A Legal Resource Centre for Persons with Disabilities. In our submission there, you can see some of the points we are affirming.

The time frame: We're looking at it being shorter. Instead of 2025, we're looking at it being 2020.

The idea of accessibility advisory groups: Again, we're supporting that idea.

Standards: Once again, we're supporting those.

The standards development committees and participants: We're supporting those.

Before I go on, I would like to briefly—even though you have a copy of our brochure, individuals in the audience don't—give people a sense of who we are and what we do. We support people with developmental disabilities. We have a number of homes where people are supported, and we run a number of day programs in which people are supported.

Our goals and visions: Our goal is that all people live in a state of dignity, share in all elements of living in the community and have the opportunity to participate effectively.

Some of our values: Every person is unique and has the capacity for growth and expression, every person is entitled to respect, and every person has inherent equal dignity and worth. There are a number of items, and what I would like to do is continue and, if we have time, come back to these.

The major focus of our presentation here is that we realize that a lot of the barriers out there have to do with attitude. One of the things we're noticing is that if you have the attitude, then things will change; if you don't, people are pulled kicking and screaming into making some changes. What we're saying is that this bill, Bill 118, needs to encompass the attitude of—I'm not sure I want to use the word "forces," but encourages change to occur so there is accessibility.

What I'd like to do now is pass it over to my co-worker to speak further.

Ms. Paterson Collinge: I'll just talk about financial resources. Everybody has heard the thread of some of the speeches and talks today. We believe that the ODSP is just another concrete example of attitudes and how they reinforce poverty in the lives of people with developmental disabilities and anybody on it with a disability. For me, it reinforces how people are valued, and how they are valued in what they can contribute to a society.

Ms. Snyder: Further to that, we're looking at government funding. For many of the people we support, their supports are not flexible enough. Again, on the third page, in the bottom paragraph, I just want to reiterate to you that if someone is moving into Lanark county from another area, oftentimes that movement of services for them is not timely and they're then on a waiting list and

therefore find it difficult to move, and they end up not moving.

Part of the next thing we want to talk about, again re-emphasizing the whole thing about negative attitudes, was the closing of the institutions.

Ms. Paterson Collinge: Listening to the news and reading papers, and even through the association, there's a big discrepancy between what the government is saying and how the community is responding to the closure of the institutions—a lot of negatives. We're hearing all kinds of stories about how people won't be supported, that communities don't have the resources. One of our questions is, where are the news reports on the successes of people moving out of institutions? There have been institutions in Ontario that have closed. In Canada, a number of institutions are closed. There are provinces that have no institutions. Where are those success stories? What information are families being given on the successes in people's lives? We're not seeing that, and I think that's a lot of the reason why there's so much outrage from families. There are no concrete plans in place that families are aware of, and that needs to happen.

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We, just in our own service, have seen many successes. I know a person who moved out of an institution who lived there most of his life—probably 30 years of his life—with no expectations about his success. He is pretty much living independently on his own now. His self-image was almost nothing, just because of what he'd been told by many paid workers and by other people in the community. It's just amazing where he is now. He's talking—and this is just an example of where he is. When I first met him, he couldn't talk about himself. He could barely say his name. Now he's talking about what he wants and the choices he wants in his life and the people he wants in his life. When you hear somebody say that, after six years of working with that person—I can't even explain it.

Ms. Snyder: It's actually very wonderful when that moment happens.

I guess another part of what we want to do is reinforce what was stated earlier about Bill 118, that it needs to encompass non-physical disabilities. The language must be strengthened to recognize individuals who have developmental disabilities, who are primarily the people we support. So strengthen the language that's a bit weak right now.

Also, remove the opting-out clause that's in Bill 118. Again, this falls back into the whole thing about attitude. If you have the attitude and if the language is strong, we—and I say "we" because this is what this is all about—are very clearly stating that we are moving into a new world where everybody has accessibility and everybody is recognized.

I just wanted to make another point here. The question was raised in relation to whether there should be a separate standards committee on education. One of the phenomena that have happened in our world is that there are very few places where we have an opportunity to talk

about attitudes and make changes and talk about respect. The education system is one of those places where students, whether it's in the elementary school system or the post-secondary school system, have those opportunities, where there are workshops, where we talk about diversity. There is that natural forum that occurs. There aren't very many other organizations where that can happen naturally. I think that having a standards committee on education which could begin to encompass that attitudinal change that needs to happen would reinforce that need for having a committee.

I'm trying to think if we've lost our—

The Chair: You have about two minutes. If you don't have anything to say, there will be questions from the members.

Ms. Paterson Collinge: OK.

There was a news release by Nelson Mandela—I'm not sure if any of you have seen it or read it—on February 3, 2005, on natural poverty. I'll just read something he said in that speech: "I entrust it to you. I will be watching with anticipation," he told the crowd. "Sometimes it falls upon a generation to be great. You can be that great generation. Let your greatness blossom."

His sentiment captures the message that we have a responsibility to take action with Bill 118 in changing attitudes. Bill 118 needs to mandate it by shortening the time frame, changing "may" to "shall" and making money available to people so that they are able to sit on and be a part of committees and feel that they are a part of the committees.

The Chair: Thank you. Mr. Baird, one minute.

Mr. Baird: Thank you very much for your presentation. I did want to refer to page 4 of your presentation, with respect to the deinstitutionalization initiative that the government has taken. I want to totally agree with you. If you look at the last 30 years in this province, there's probably only one single policy that has been supported by the Davis government, by the Peterson government, by the Rae government, by the Harris government and by this McGuinty government; that is, that everyone deserves to live in the community. I think people too often confuse people with developmental disabilities with those with psychiatric illnesses. There have been some pretty significant challenges, following that process, that people associate those with developmental disabilities, and the experience has been very different. By and large, the experience has been a very positive one; I completely agree with you. I think it requires those of us who agree with community living to speak up.

There is some fearmongering going on by some, particularly in some of the unions in Smiths Falls, and that's unfortunate because it's an otherwise good decision. I think we're all going to want to watch very closely to ensure that the committed resources that accompanied that announcement flow and that it's done in a timely fashion. I know I've met with the ministry's regional office and the regional director, and they are proceeding tremendously well with the plans.

Just to respond to one of your concerns, either way, they get in trouble, I think. Either they have all the plans made so that people know exactly what will happen, and then they get complaints that they're not getting any input from the families, or when they tell families what they'd like to do in the next five or six years, they get complaints that there's not enough detail. I think they'll work on individual plans, but I want to strongly agree with you that community living is the way to go. We should celebrate the day that the last of those three institutions closes. We're down to about 1,000 people.

They're not the most hard-to-serve cases. It's a common misconception. I had one family who was concerned about their loved one in one of the institutions and went there to visit, and the individual was off on his daily four-mile walk that he took by himself every day. They said he was too low-functioning to be a success in the community.

The Chair: Mr. Marchese.

Mr. Marchese: Thank you, both. I just want to agree with you on a couple of things that you've said. You're not the first to say the time frame is simply too long. You have been a little more generous than most, to give them 15 years as opposed to 20. Most have been talking about 10.

The exemption clause: Most people are opposed to the exemption clause, so your voice is yet another voice that says don't do it.

I was going to ask another question but he tempted me to say this. When you deinstitutionalize, it's a good thing; without support, it's a bad thing. So when you put people out in the community, no matter what the issue is, what the problem might be, if you don't have the supports built into that system in that society, we're getting everybody into trouble. Do you not agree?

Ms. Snyder: Completely.

The Chair: Mr. Parsons.

Mr. Parsons: As the Comsoc parliamentary assistant responsible for disabilities, the closure of institutions is an area I'm working on. For me, it's very much making people who reside there now get their citizenship back. It had never been taken away.

I want to say, quite frankly, that the staff who work in these institutions have done superb jobs. The parents are concerned about change, as I would be. Everybody is concerned about change. Rather than taking the plan to the parents, right now I'm touring Ontario, and flying in planes that shouldn't be licensed to fly, talking to parents about their concerns, and out of their feedback will come the plan.

As to the parents who have asked me, "Show me some successes," I refer them to community living organizations where people who have formerly been in institutions reside. You've done superb jobs across Ontario. You should be very proud.

Ms. Paterson Collinge: Can I just say something? I think there is a misinterpretation of what I said. When I'm talking about the government having plans, I'm talking about government having and showing successes

of people who have moved out and succeeded, because I truly believe in an individualized approach and individualized support of one person and their family and their network.

The Chair: Thank you very much.

QUEEN'S UNIVERSITY, OFFICE OF
THE UNIVERSITY ADVISOR ON EQUITY

The Chair: We'll move on to the next presentation, please, and that is from Queen's University, Office of the University Advisor on Equity, Ms. Jeanette Parsons.

Mr. Parsons: No relation.

The Chair: OK. Good afternoon, Ms. Parsons. You have 15 minutes total for your presentation, and if you have any time left, for questions.

Ms. Jeanette Parsons: I appreciate the opportunity to share my views on Bill 118 as a program coordinator for the Ontarians with Disabilities Act, or ODA, at Queen's University. Along with my responsibilities for helping to improve accessibility at Queen's, I am also a person who has been impacted by barriers. I'm deaf.

I'll begin by sharing with you some of the accessibility work we have been doing at Queen's since the enactment of the ODA in 2001.

First, to ensure widespread involvement in the business of accessibility planning, we brought together representatives of departments throughout the university to form an advisory committee, even though this wasn't required by universities. The Queen's accessibility committee helps us to identify a range of barriers and to effectively assign responsibility for their removal. Some 40% of this committee has self-identified as having a disability.

Second, in preparing our first and subsequent accessibility plans, we used the World Health Organization's international classification of function, health and disability to assist us in how we look for and identify barriers. Using this classification system ensured less focus on specific disabilities, which can change over time, and more focus on the environment. Please note, when I use the word "environment," I'm referring to people, places and things, not just the built environment.

The system is based on the principle that much of what disables people does not necessarily reside within them, but rather in the environment. Given that our society has been created by able-bodied people for able-bodied people, removing barriers means changing the way we do things. It means thinking outside the box.

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Third, Queen's, recognizing that the work of accessibility could not be done justice if we simply tagged it onto someone else's already-full portfolio, was the first university in Ontario to hire, using base funding, an ODA program coordinator.

With these support systems in place, I am proud to report that Queen's has been making steady progress. I won't get into those details here, but one initiative I want to highlight is the university's effort to develop and

implement a set of physical accessibility standards to be used in new constructions and renovations.

It is well known that the current Ontario building code does not provide for sufficient accessibility requirements, and in 2002 the Ontario Human Rights Commission indicated it would reject the building code as a defence in disputes regarding levels of physical accessibility. Queen's understands this, and we aim to create a set of standards that will clearly communicate to architects and design teams the quality and level of accessibility we expect to be incorporated in proposed designs. Mind you, this is not just about providing technical information on barrier-free design, but also about providing direction and guidance on the application of such technical information and on how far the university wants to go in ensuring its new buildings and renovations are accessible.

In the time we've been working on this, we have quickly realized just how complicated this process can be. We've grappled with questions like: How do we achieve physical accessibility without incurring astronomical costs for building and renovating? How do we make appropriate choices for accessibility, being cautious not to overlook anything? For example, do we make all offices in an office building accessible or just some? How do we choose which ones to make accessible? Do we install power door openers on every door or just on main entrances? Must all elevators be fully accessible or just some? Which ones? If we have three or six elevators in a building, how many do we make accessible? Do we use Braille or raised text or both on our signs? Should all lecture classrooms have built-in FM systems or just some?

Although these questions are still being explored, we have come to understand that while we may address barriers as they exist, we cannot possibly predict where and when individual accommodations will be needed in the future. Therefore, accessibility is a two-pronged concept: removing barriers and responding to reasonable individual requests for accommodation when they occur.

I have a few comments on the proposed Bill 118.

Guiding principles of accessibility: It is surprising that Bill 118 does not provide any guiding principles to the standards committees as they go about their work of improving accessibility. For example, there is no mention that the standards committees will be given a mandate to create standards that respect people with disabilities, their contributions, their entitlement to dignified access and their right to full participation.

Guiding principles, such as those endorsed by the Ontario Human Rights Commission, would help reduce inconsistency among standards committees, inconsistency which could impact on the overall outcome of accessibility improvements. Granted, the standards committees will be answering many challenges such as the ones I've indicated Queen's is already contending with. However, answering these kinds of questions could be made easier with a set of basic, fundamental principles.

Take, for example, the question of how many elevators to make accessible. Well, the answer depends on where the elevators are located and the comparable quality among them. Perhaps in one situation you might have the accessible elevator located near an entrance, one of similar quality and speed as the inaccessible elevators. In another situation, you might have an accessible elevator located at the back of the building, requiring long travel distances, or one that is slower or of poorer quality, or perhaps one that requires the assistance of another person. On the face of things, both scenarios might be described as “accessible,” but only one protects the user’s dignity.

I have a few other comments on the bill. The first one is about compensating people with disabilities for their expertise and involvement with the standards committees. I won’t go into too much detail about that, but you do need to think about whether or not you are creating an unfair situation if everyone else on the standards committees is going to be paid and compensated through wages or what have you, and you’re expecting people with disabilities to volunteer their time. It creates an imbalance. It sends out a powerful message about the kind of personal responsibility that people with disabilities must assume for removing barriers, and it puts a strain on those who feel obligated to participate but have no means to do so. So we’d just ask you to think about that.

The second comment I have is about transitioning from Bill 125, the current ODA, to Bill 118.

Queen’s has already undertaken several significant initiatives to address barriers to people with disabilities. One, as I mentioned earlier, was to set physical accessibility standards for use in new construction and major renovations. Another initiative is the work currently underway by our information technology services and marketing and communications departments in developing Web site accessibility standards across the university. As these initiatives were identified to be of pressing concern for Queen’s, we expect that the phasing in of Bill 118 and the subsequent repealing of Bill 125 will provide for current accessibility work to become part of future accessibility planning and barrier removal.

Queen’s, as directed under the current ODA, has taken seriously the responsibility to review practices, policies, systems and procedures not only to remove barriers but to prevent new ones from occurring. Much time and effort has been vested into this aspect of accessibility planning. Therefore, it is essential that the transition from Bill 125 to Bill 118 not frustrate current efforts or, worse, have the effect of undoing much hard work already done.

My last comment is about public education. Currently, public education about accessibility is tackled in a piecemeal fashion, often with the flavour of “raising awareness.” Such efforts have not had the effect of changing or improving the public’s general understanding and attitudes, one of the biggest barriers faced by people with disabilities. Something more permanent and systematic is required.

Ideally, Bill 118 should be launched in combination with a well-designed educational program supported by the Ontario government. Such a program should be aimed at educating Ontarians about accessibility, the entitlement of people with disabilities to a fair and equal opportunity to participate in society, and how everyone has a role to play in achieving and maintaining accessibility. Education in this sense is not about “those poor people with disabilities who need our help,” but rather about changing the way we do things and the assumptions we make. More importantly, it is about understanding what we lose when we continue to exclude people with disabilities by the barriers we create.

Education in disability issues is about making accessibility a part of everything we do and ensuring it is considered in every possible area. Simply put, it’s flipping things on their heads. For example, it’s about art galleries ensuring accessibility for people who are blind, it’s about rock-climbing groups providing for the involvement of people with mobility disabilities, and it’s about reading circles encouraging people with learning disabilities to volunteer as literacy teachers. And on and on it goes.

Referring again to the World Health Organization’s international classification of function, health and disability, much of what disables a person lies in the environment and not within themselves. Any educational program aimed at improving attitudes and understanding accessibility and people with disabilities should be built on this principle. It helps to ensure that energy is focused on changing the environment and not on the person with the disability.

My conclusion is that Bill 118 has been hailed by disability groups and others as a major step in the right direction to achieving accessibility for people with disabilities in Ontario. I’d like to end by saying that Queen’s University is committed to the business of improving accessibility and will continue in its efforts until accessibility becomes the ordinary way of doing things.

Thank you, and I’d appreciate your comments.

The Chair: Thank you. There is just under one minute each for comments or questions. Mr. Marchese, please.

Mr. Marchese: Thank you, Jeanette. I just want to agree with you on the whole notion of public education as something a little more permanent and systematic. Unless we build it into the bill, it just won’t happen. We say it will, we say we should, that “The minister’s committed to...,” but if we don’t build it in as part of the bill, my fear is it just won’t happen.

You are not the first to talk about guiding principles for standards committees. I’m not sure that that would be a problem for the government to do. Obviously their argument is that we should let them do it and decide in consultation with each other and so on, but it wouldn’t be inappropriate, in my view, to have guiding principles, so I wanted to say that I support that as well.

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The Chair: Thank you, Mr. Marchese.

Mr. Marchese: I was about to ask you a last question, but I'm going to honour the time.

The Chair: It's really tight. On the government side, any questions?

Mr. Ramal: I just want to thank you and thank Queen's for the tremendous effort you are making in order to break barriers for people with disabilities. I just want to assure you about the transitions: You raise in number 2 your concern about Bill 125 to Bill 118. I assure you it's going to be a smooth transition. The bill won't be enacted until we put the standard in Bill 118, then it will be a replacement for Bill 125. But at the present time, there will be an education mechanism. I will echo other people who talk about education: It's very important to eliminate the barriers. It requires great effort, not just from the government's side but also from the disabled groups and organizations, to work together in order to create some kind of messaging to eliminate those barriers, in order to overcome them in the future. Thank you again.

The Chair: Mr. Ouellette

Mr. Ouellette: Thank you for your presentation. You mentioned about the advisory committees that were established by Queen's. I believe you gave us some kind of background on some of the decision processes that they've gone through. Do you envision a province-wide advisory committee or how it would play out to the province? Can you see your example as being expanded province-wide?

Ms. Parsons: Can you repeat that one more time, sir? Do I see—

Mr. Ouellette: The advisory committees, and how it worked with Queen's and how it would expand province-wide: Do you see any comparisons, or how would you move forward with that?

Ms. Parsons: Certainly, I think all the universities would benefit from a committee that will advise us on its obligations in terms of barrier identification and removal. The challenge with an advisory committee for all universities is that it will need to not only incorporate all aspects of disabilities but there are great variations among the universities themselves. Queen's University is one of the oldest in the province and dealing with what was already mentioned earlier, aging buildings and those kinds of things. So an advisory committee, I think, would be of some value, if it does incorporate as much of the diversity among the universities as it possibly can.

The Chair: Thank you very much, Ms. Parsons, for your comments.

JORDAN HERITAGE RESOURCES

The Chair: The next presentation is from Jordan Heritage Resources. Diane Gallinger, please. Madam, you have 15 minutes for your presentation. You can start whenever you're ready, please.

Ms. Diane Gallinger: Thank you very much. Can you hear me?

The Chair: Yes, very well, if you stay close.

Ms. Gallinger: Thank you for including me in these hearings. My name is Diane Gallinger, and I am here representing myself. I am a specialist in how to make museums accessible to people with disabilities and would like to make a few comments on how the new legislation might impact the museum and gallery sector.

As someone who has worked in Ontario's community museums, I believe that museums and people with disabilities should go together hand in glove. For people with disabilities, as much as for any other citizen, they should be places for lifelong multi-sensory learning; entertainment; a place to volunteer, learn job skills or gain employment; a place to integrate with society and see inclusive attitudes role-modelled and to have one's cultural identity and contributions to society affirmed.

That's how it should be, but the reality is that many Canadians with disabilities see museums as inaccessible, unwelcoming and irrelevant places that reflect none of their history or culture. Museums, for their part, are often so focused on history or art that they don't know that people and society are in fact their core business. Accessibility just hasn't been on their radar screen in any serious way for a long time. For example, the draft of Canada's new National Heritage Policy gives a long, detailed commitment to access for many very specific disadvantaged groups but literally forgets to name people with disabilities in the list of those who should be able to gain access.

I have spent the last four years specializing in museum disability access issues, studying best international practice. My research has taken me to some of the world's greatest museums in Britain, France and the United States, as well as to culture ministries and disability support groups abroad. I've had to do it almost entirely out of my own pocket and on my own time, because the sector doesn't fund this area of research much as it's not a priority for them. Currently, we are, by my estimates, 10 to 15 years behind best international practice. We lack the governmental and professional infrastructure needed to make museum disability access happen, let alone in a way that is excellent and sustainable.

I want to say that I welcome the Accessibility for Ontarians with Disabilities Act with open arms. In the absence of strong legislation, there has been nothing to confront widespread apathy and stalling and motivate serious change. I share Dr. Marie Bountrogianni's personal commitment to this issue and desire to see Ontario become a best practice leader that can take its place on the world stage, and this we could easily do if we're willing to be proactive.

The new legislation represents a quantum leap over the ODA in many ways for the museum sector. In addition to calling for the creation of standards, it addresses the public sector. There has been little motivation for museums to get serious about access if there is no accessible transportation to get people to the site or accessible hotels and restaurants to offer accommodation or meals.

It also identifies a full range of barriers to access. Museum professionals typically do not understand the range and degree of disabilities across the full physical, intellectual and sensory spectrum. The museum that is currently held up as best practice in Ontario is good as far as mobility issues go, but is frankly operating at a level that the British call lifts and loos. I would actually be happier if the act explicitly used a term like “social model of disability,” although it gets around that concept.

While I see much that is good about this legislation, I also have serious concerns as to how it will be implemented. While it's true that we need strong legislation, we also need to make sure that the tools to make it work are present. For that reason, I suggest that we follow international best practice and create the full-time permanent staff position of a government museum disability development officer. The British government did this to help museums get ready for the implementation of the Disability Discrimination Act, or the DDA, and hopefully the Accessibility Directorate will do the same, and soon.

We all know that a basic principle of good practice is planning strategically for access from the start of projects. That's why the British government first did a study of current disability practice in British museums as a prelude to future planning. Such a fundamental study has not been done either for Canada or Ontario, in spite of my requests for funding to do the research we so desperately need. The number one need identified by British museum professionals was for the creation of a disability development officer to act as a coordinating, expert resource person for the sector to help it get ready to meet obligations under the DDA. Marcus Weisen accordingly was hired in 2001, and within the last three years has generated multiple award-winning user-friendly publications, Web resources, training seminars and partnership ventures, and at the level of best international practice. By contrast, it has taken four years to get into print one 34-page article on museum access within one ministry, which shall remain nameless, and it has been stuck in translation for over a year now. Now that the legislation has changed, it is already obsolete even before it is published, yet they have no plans within that ministry to revise it even though they know they have a problem. This could be a source of international embarrassment for Ontario if word of this type of practice and attitude gets out.

Left to their own and relying on sporadic grant projects, individual British museums would never have been able to get so far so quickly. Unlike other sectors in the United Kingdom, museums did not panic on October 1, 2004, when the fourth and final phase of the DDA came into effect after a 10-year rollout. Britain has become a main hub in an international network of museum access experts, and I am now connecting further into other countries within the European Union through this resource person. That is how I was invited to do three lectures on disability for the British museum sector last fall during my last research trip yet, I am still largely unknown in my own country.

1610

Why does Ontario need to follow suit? Museum disability work is still in pioneer mode in Canada. The last presenter alluded to that in practices within art galleries. We are talking about creating a whole new work culture that doesn't yet exist. Canadians who do this type of work do so in isolation from one another, reinventing the wheel when new projects are undertaken. We need a facilitator with the skills to build bridges and bring people together in a spirit of co-operation within a sector that can be very territorial at times.

Also, if American museum practice is any indication, the Americans with Disabilities Act, or ADA, with its prescribed to-do list, has fostered a been-there, done-that, minimum-compliance mentality within the museum sector. That is why the United States is no longer the world's leader in museum access issues, even though the ADA has been in effect for a decade. I realize that there is that freshness in the UK sector right now with the DDA. It's new, and we need to monitor what's going to happen, but I do believe there are things within that sector that are going to keep it fresh. I would like to ask that Ontario's new legislation clearly address this issue of minimum-compliance mentality, and use specific words such as “evolving and continuous duty requiring ongoing learning, improvement and commitment.”

The DDA is different from, say, the ADA or Bill 118 in that it takes an anticipatory-duty approach to legislation. It does not give you a list of what to do to make your museum or your facility accessible. It's up to you; the onus is on you to anticipate what people with disabilities will need. What this has done is that it's fostered an incredible creativity and problem-solving ability within the museum sector in the UK because the issue gets personal: You have to, within the context of your own museum, figure out how you can make it accessible within the resources that you have at hand. So now the whole sector is tending to buy in in a very personal way that American and, I suspect, Canadian museums will not.

The use of standards is fine, but I also see that this concept of anticipatory duty has created a more constructive attitude in the UK than in some other sectors. Great care is going to be needed in developing training materials for the cultural sector to know how to go about meeting obligations under the legislation. They're going to have to be taught by a role model who believes in this passionately and is able to help them get beyond that minimum-compliance mentality.

Harmonization of good practice across heritage sites and art galleries is a real problem in Ontario. A dedicated resource person needs to be there to grasp the big picture and work to help a sector that has issues spread across different ministries and agencies. For example, community museums and large institutions like the ROM and AGO are under the Ministry of Culture, yet important living history sites like Sainte-Marie Among the Hurons and Old Fort William are under the Ministry of Tourism and Recreation.

Even within ministries, the right hand often doesn't know what the left is doing. For example, last year, in one culture-related ministry that I was working with, I was faithfully promised work to improve access at their site. I then incurred several thousand dollars in costs in Europe getting the specialist training I needed to do the job, only to be told on my return that the ministry was rethinking its approach now. So obviously, the money was not there, and I am now several thousand dollars in debt for work that didn't come about. The unfortunate by-product of this is that I had been offered an invitation to speak at a conference on disability and museums in Brazil in April. This type of conference is held only once every four years, and to my knowledge, I'm the only Canadian right now who's consistently publishing in this field of research. I cannot afford to go now because of this mistake within the ministry. I don't have the funds.

Another example of this harmonization issue: Until recently, Trillium grants that could fund accessibility retrofits and pilot projects were not available to the vast majority of museums, since they are normally municipally owned and are not not-for-profit organizations. Ironically, a sector that really needed the money to retrofit old buildings was exactly the one not able to access the only serious pot of money designated to do the job.

It is going to take great skill to address the issue of making facilities, buildings and structures accessible in a sector with unique issues. Many of our buildings are historic structures, where access and preservation issues butt heads frequently. How will we develop standards for these, and how do we harmonize the Ontario building code and a new legislation with these types of buildings? This could lead to the closure of some community museums that are already hard up for cash. Some municipalities may just pull the plug rather than pay for retrofits to meet the legislation. There is precedent for this in Nottingham, England—

The Chair: I'm sorry; you have already used your 15 minutes. You're just slightly over 15 minutes. We have to move on to the next presentation. We have your material in writing already, I believe. We have a copy, which will be given to everyone by the clerk.

Ms. Gallinger: I'm sorry; my presentation came about pretty quickly. That's why you don't have it.

The Chair: There's no problem. The clerk has a copy. As I understand it, she will give a copy to all of us. That will be fine. That's the way we do it. Thanks so much for your presentation.

Ms. Gallinger: Can I just finish with one sentence? Is it possible?

The Chair: If it's 10 seconds or less, yes.

Ms. Gallinger: OK. We're at a crossroads right now. There are several major capital projects like the ROM and the AGO and the War Museum happening in Canada. This is our time to really start putting access on the agenda in a very visible way in our sector, and yet it's not happening. Hopefully, if, in conjunction with Bill 118, we can create this kind of staff position or create the

leadership that's needed in this field, we will finally start to get on the international map on this issue. Thank you.

The Chair: Thanks very much. There are other people waiting. That's why we are sticking to the time. Otherwise, we would give more time.

NATIONAL FEDERATION OF THE BLIND:
ADVOCATES FOR EQUALITY,
OTTAWA-GATINEAU CHAPTER

The Chair: Our next presentation is waiting. Please have a seat. Mr. Ramal is assisting.

Yes, Mr. Jackson?

Mr. Jackson: Mr. Chair, I wish to apologize to the committee, but my daughter has taken quite ill and I've been asked to go home. I will not be able to be here for the last five deputants. I have not missed any of these hearings, and it was not my intention to leave, but the committee won't be able to get home until midnight tonight and I really must get to my wife and daughter. So I apologize and I wish the committee well, and I'll see you back in Toronto.

The Chair: Thank you. Have a good ride back home, and take care of your daughter.

When our friends are ready, they can start.

Ms. Melanie Marsden: Thank you. My name is Melanie Marsden and I'm the chapter president for the National Federation of the Blind: Advocates for Equality, an advocacy group for persons who are blind, deaf-blind and partially sighted. We support all briefs that have been submitted by all members of the NFBAE. As a consumer group, we welcome new members, either persons with a disability or persons who are able-bodied.

We seek full equality in all parts of society, which includes but is not limited to the following:

Any documents that are available to the public must be offered in alternative formats, i.e. Braille, large-print, cassette or computer disk etc. Just think of all the print material you receive in one day. Furthermore, all buildings, parks and streets must have universal signage, i.e. Braille, large-print, audible signs and signals and user-friendly transit. By user-friendly transit, we are referring to bus stops that are called out by name so that people can get off the bus independently, without always asking a driver for a specific stop. Universal design benefits all people in society. Buildings need ramps in and out the buildings, bright lights and tactile markings, for just one example.

1620

The National Federation of the Blind: Advocates for Equality wishes to be consulted with regard to any issues pertaining to the act. We understand that the AODA aims to have full access in 20 years. However, we recommend the following:

—That there be a formal process put in place immediately to make sure that the necessary steps for access be accounted for. If there are no benchmarks for accountability, the AODA will sit on the shelf and collect dust.

—The necessary steps need to be formally documented and available in alternative format, which we made reference to above.

—There needs to be a plan put in place to illustrate what has been done in 2005-06 etc. Also, where are we going from here, and what are the other issues that still need to be addressed so that the goal of the 20-year access will be attained? We all know that if we assume that this act will just come together in 20 years—well, we know what “assume” does.

Ms. Kim Kilpatrick: My name is Kim Kilpatrick. I’m the executive assistant with the NFB AE. I want to thank you very much for all the work you’re doing with these hearings and listening to everybody’s points of view. I think this will really help to ensure that the new bill will be better than the old bill.

I’d like to talk a little bit about the composition of the committees. As a consumer organization, we recommend that the bulk of the representatives on the committees come from the disability community, and we recommend that they come from organizations of persons with disabilities. These groups need funding in order to dedicate the time needed to participate in these committees. We recommend that cross-disability training be provided for everybody on these committees so that everybody knows about various disabilities. Also, the information on these committees should be available in alternative formats, as we’ve discussed. We may need some resources on these committees, possibly readers or other resources. We think that disabled people should also be considered in the process of hiring inspectors to inspect the work sites. As to the makeup of the committees, even within the blind community there are differing needs for totally blind people versus partially sighted versus deaf-blind people, so they should all be represented on these committees.

We feel that this bill as it is doesn’t give persons with disabilities the opportunity to file complaints. People have talked already about the Human Rights Commission. We need the ability to file complaints and have them dealt with.

It seems to be a common theme here today, and I’m going to touch on it a little bit again: public education. We feel this is very important. Educating kids when they’re in the school system helps to break down the barriers earlier. I can’t tell you how many kids will tell their parents not to touch my working dog. We saw a young man earlier today who was very eloquent in speaking about his sister with autism. This is an example of a young person who has been educated about someone with disabilities.

We also think that education should extend to professionals as well, for example doctors. I visited a doctor’s office recently and he refused to have my guide dog in the examining room with me. He said he was terrified of dogs and made someone take it outside. Then I was unable to leave the room independently because my dog was not there. Someone would not make someone in a wheelchair leave their wheelchair outside an exam room.

Social workers and employment counsellors should be educated as to the careers that people with disabilities can pursue, given the right accommodations. Architects—someone mentioned this before—in designing buildings, should make sure that buildings are not only accessible but easy to get around in and not too confusing. For example, I practically need a compass to navigate some of the local malls around here because there are no straight lines and they’re so confusing.

We think the education should not be just in, say, medical school or in social work school but in ongoing public education throughout professionals’ careers so they can continue to learn and be open.

We expect this bill to make a difference in our lives. We’re hopeful of that. We expect it.

That’s all we have. If you have any questions, we’d be happy to answer.

The Chair: Are there any questions? We’ll start with the government side.

Mr. Ramal: Actually, I don’t have a question. I agree with whatever they mentioned. Hopefully, if this bill passes, it will achieve our goal and your goal to have Ontario barrier-free. You can go to the mall without any complications, and if you go to the doctor, you’ll be able to take the dog with you. That’s the intent of the bill, to assist people with disabilities to have access to all the places, whether it’s a mall, a hospital, a doctor’s office, a coffee shop or a restaurant. That’s our aim, and with your support and other people’s support, hopefully we can pass this bill and achieve our goals. Thank you very much for coming.

Ms. Marsden: I think we’ve found it’s attitudinal as well. Sometimes people are very helpful and want to help you, but they go overboard. There’s that assumption that you absolutely have to have help to come to this table or you have to have help to do whatever. So it’s also about letting people choose what they’d like.

Mr. Ramal: Definitely, attitudinal barriers are very important. It has to go through educational messaging, through the media, school, university, the social network, in order to send a message.

Ms. Kilpatrick: The way that people with disabilities are portrayed in the media makes a difference as well, so that education carries over to the media. If we’re portrayed as helpless and incapable, then that’s what society believes about us.

Mr. Leal: Thanks very much, Melanie and Kim. Do you feel there’s a need to have an advocacy provision in this bill? Going to the Ontario Human Rights Commission has been a very slow process in the past. Perhaps an advocacy provision within the legislation would help people who have come across additional barriers.

Ms. Marsden: Absolutely.

Ms. Kilpatrick: Yes, I think so. You’d have to see how it was worded, but complaints processes, as people have said before about going to the Human Rights Commission, are so slow. If it takes you two years to get access to somewhere or two years to get the taxi driver to

let you in his taxi with your dog, that's two years too long. It shouldn't take two years.

Ms. Wynne: Kim, I think it was you who said that the bulk of the representation on standards committees be people—and I didn't catch whether you said "from the disability community." I wanted to clarify, because there has been some distinction made between people and organizations who represent people with disabilities and people with disabilities.

Ms. Kilpatrick: We believe that the bulk should be people with disabilities. We understand that people who represent people with disabilities do have very good intentions and knowledge, but we feel that the people who best function are the people who live in the shoes.

Ms. Wynne: And by bulk, you mean the majority?

Ms. Kilpatrick: Yes, I would say the majority.

The Chair: Mr. Marchese.

Mr. Marchese: Thank you both. I have just a couple of comments of agreement with what you've said.

One of the major weaknesses of the bill is that there is no ability to file complaints, as you pointed out, and Bill 118 still leaves you vulnerable to having to file a complaint with the Ontario Human Rights Commission. Whatever we're dealing with now when people do not abide by the current law, we will continue to have the same problems under Bill 118, because there is no process in place, including no tribunal that's been mentioned, which may or may not happen, that would deal with actual individual complaints. I wanted to point out, in agreement, that this is a major flaw.

You are the second person to mention employment equity practices as related to inspectors, and I agree with that. If they are going to hire inspectors—because it says they "may"; I believe they should hire them—I believe they should employ the employment equity practices that you've suggested. I hope the Liberal members are listening to that.

1630

Ms. Kilpatrick: The other thing about the inspectors is that the inspectors are doing a public education job as they go forth to inspect, and they are then also saying, "This is the reason why this is not quite right"—so even as ambassadors as well as inspectors.

Mr. Marchese: I agree absolutely with that.

The third point I want to agree with—and you're the first one to talk about this, as far as I recall—is the cross-disability training to be provided in the standards committee. No one else has talked about that.

Ms. Marsden: Well, the thing is that we know ourselves. My vision is different from Kim's and the next person's, or two people can be in a wheelchair and have different needs. They all have different needs. That was in reference to that.

Ms. Kilpatrick: If you're on a committee where you're trying to do all these access standards, you need to have some knowledge; not that you'll have as personal a knowledge, but you need to have some knowledge of all the disabilities you're trying to represent.

Mr. Marchese: Of course. Thank you very much. I hope Mr. Ramal is listening.

The Chair: Thank you very much for your presentation.

MUTCHMOR SCHOOL COUNCIL

The Chair: The next presentation is from Mutchmor School Council. Please have a seat. Is it Megan Wallace from Woodbridge?

Ms. Megan Wallace: From Mutchmor School Council.

The Chair: I was referring to your family name. There used to be a number of people with the same name from that village.

Ms. Wallace: No, we're from Ottawa.

The Chair: No problem. Please start.

Ms. Wallace: My name is Megan Wallace and I am here today as the co-chair of the Mutchmor School Council to speak on their behalf. Our school is a kindergarten-to-grade-6 school in downtown Ottawa. We are a school in the English public board and one of the many schools that are a part of the Ottawa-Carleton District School Board.

Our school was built in 1895, and as a result of its age, it is not wheelchair-accessible. In schools of this age this is probably not uncommon. What is unique about our situation is that we have a parent of a child in our school who is in a wheelchair and therefore cannot visit his children's school. I wanted to come and speak to you today to tell you what we call the sad history of trying to convince the Ottawa-Carleton District School Board to make our school accessible and to urge you to ensure that under Bill 118 these kinds of situations will not be allowed to continue to occur.

The story I'm going to tell you today has changed as of last Thursday. We now have every reason to believe that we will be getting a ramp to provide access to the first floor of our school. However, our concerns remain the same. We are not getting a ramp because there is a system that has worked, and we feel that under the proposed legislation there could still be little hope for people who find themselves in our situation.

As I said, we have a parent at our school who is in a wheelchair. He has been a Mutchmor parent for six years. Our school is not accessible at all. Each entrance has a number of stairs, and there is absolutely no way for someone in a wheelchair to access any level of our school building. There is no way for this parent to independently enter the first floor of the school and absolutely no way for him to access the second floor or the basement, where his children's classrooms are located.

This family has had at least one child in the school since 1999, and in those six years the school board has not taken one step toward accessibility. The school board has been aware of the problem, and for years they did not even consider this to be an issue which required their attention.

This family has a child in grade 1 and a child in grade 5. The oldest child has now been at Mutchmor for six years, and in this time, this father has never seen his children's classrooms, has never attended meet-the-teacher, has never attended holiday assemblies, has never attended our annual breakfasts or skating parties, has never been allowed to volunteer in his children's classrooms and has never been able to drop by the office to discuss an issue of concern with the principal. He has never been able to see the inside of his children's school. Meetings to discuss his child's special educational needs and regular parent-teacher interviews have either been held without him or in an alternative location.

The family has been actively advocating for access to our school for over a year and a half. During this time, in addition to having a parent unable to access the school, Mutchmor was housing the neighbourhood after-4 program and there was a child in a wheelchair who was unable to attend due to lack of access.

In my opinion, we have been more than reasonable in our suggestions. No one has walked into the board offices and demanded multi-million-dollar renovations to take place immediately. At the first meeting with board staff regarding accessibility, the family suggested that we make accessibility to the ground floor—the office, gym, library and first-floor classrooms—phase 1. We were hoping this would be a top-priority project and would possibly be completed during the 2003-04 school year. The suggestions for phases 2 and 3 included access to the bathrooms, second-floor classrooms and the basement. We were told that there was no money for phases 2 and 3, but we were left with the impression that phase 1, the first floor, was a possibility.

To be clear about what we were asking for, the ramp to access the first floor was estimated by an architect to come in at a cost of approximately \$20,000. This is a school board that has routine maintenance costs—roofs that cost \$300,000 to \$500,000 and annual window replacements in schools throughout the board at a similarly high cost—and \$20,000 is not a large portion of their overall budget.

However, after we were left to wait for some time, we were told that there was no money for parent accessibility or, for that matter, for the child in the after-4 program that was at that point housed in the school. It became clear to us that there was no list of schools to be made accessible, no priority list of accessibility projects and no one who seemed to be responsible for pushing these kinds of projects ahead.

Over the course of this discussion, school board staff stated that even if there were a student in a wheelchair, it was likely the school would not be made accessible; instead, the child would simply be rerouted to the nearest accessible school. It is disturbing that the board seems to have no interest in moving forward on accessibility, but it is absolutely infuriating that the idea of excluding children from their community school on the basis of disability seems to be something they would strongly consider. Our experience with the school board has shown us

that having those who have a financial motivation to prevent access determining standards and creating accessibility plans is unlikely to create progress.

As I mentioned in the beginning, we found out last Thursday that we will very likely be getting a ramp to provide access to the first floor of our school. This is a major breakthrough for us, and we are delighted. However, this is not happening because the system has worked and our name has come to the top of a list. This is not part of any plan toward further accessibility for schools in our board. What has happened is that an individual high up in the board organization has shown the integrity and kindness to do what is right. He has responded to our repeated e-mails and calls to many different staff members and our continuing pushing of this issue. Not everybody in Ontario who needs access to buildings, schools or otherwise, is likely to be so lucky as to find somebody who is willing to help, nor should we rely on this. This is why we are here. Waiting six years to have access to your child's school is a nightmare. If the construction of our ramp goes through, this parent will have access to the school for his older child's final year at Mutchmor. If not for the intervention of a senior official at the board, we would not have been this lucky.

Our concern is that under this new legislation this situation could happen again to another parent and another school community, and indeed to people in all the sectors for which standards will be developed. We are worried that Bill 118 does nothing to protect others from the same situation. If you had a child entering kindergarten this year, it appears to us as though the school board could still say you would not be able to go to your child's class until 2025 and, even then, there is no guarantee that the standards would dictate that each school become accessible. A parent in a wheelchair with a child entering kindergarten this year could still miss out on their child's entire education because the school buildings are not wheelchair accessible.

To be specific, it appears to us as though the structure of the standards development committees is potentially problematic. First, we find it interesting that those who hold the purse strings—the involved ministries and the involved sectors—are being charged with developing what they consider to be an acceptable set of standards for accessibility. Yes, it does say that on the standards development committee there should be persons with disabilities or their representatives, as well as representatives from the industries or sectors and representatives of the related ministries. However, what it does not seem to say, as it does in relation to the other committees set out in the act, is that persons with disabilities should make up the majority of committee members.

Here is the problem: If you have representatives of the school boards who don't want to spend any money, and representatives of the Ministry of Education who also don't want to spend any money, and you put them in charge of setting the standards for what needs to be accessible and when it needs to be accessible, you have a substantial problem in terms of ensuring timely and

complete accessibility. These people have a vested interest in not spending lots of money on these projects; therefore, they will quite possibly develop soft standards.

You heard the abbreviated version of our interaction with the board on accessibility. There were many phone calls and e-mails in between the main points I have made. If the people who are charged with developing these standards share the same concerns and limitations as those at our school boards, we can guarantee you that little progress will be made.

I am not saying that these representatives are not important stakeholders in the process; I am saying I do not think that having them determine what will happen, and when, is likely to move the process forward. They could easily decide that only every second school needs wheelchair access. This would exclude children and parents from their local schools, thus isolating them from their communities. This would also exclude parents, children or community members who want to take piano, cello, tae kwon do or badminton with a community group that operates out of a school. This also excludes people who want to have a child in a school-based daycare or after-school program. We need to ensure that all schools in all communities are open to those with disabilities. Schools are often the heart of a community. Excluding people from these buildings for the next 20 years should not be an option. It is unthinkable.

The main point I would like to bring to the table today is that it should not be those who have a financial interest in limiting the scope of what is accessible who determine the standards. It should be those who are sitting on the outside of inaccessible buildings who have a strong voice in this process. In the structure of the municipal accessibility advisory committees and the Accessibility Standards Advisory Council the legislation seems to provide for the strongest voice, the majority of committee members, to be those with disabilities or their representatives. We think it is crucial that this be considered as well in the development of the standards for each sector. This is, after all, the first and most important step in the process. We would also like to note that when the sector in question operates under the arm of responsibility of the provincial government, as is the case with school boards, the province has a special role in ensuring that the most stringent standards and strict time frames are put in place. They are, after all, spending our money.

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In closing, I would like to point out that strong and timely standards are particularly crucial when the institution in question is one as central to the lives of children, parents, families and communities as their local school.

Thank you for your time.

The Chair: Mr. Marchese.

Mr. Marchese: Megan, thank you for coming. It's really impressive. You don't represent people with disabilities, you don't have a disability yourself, but you're here representing an individual who's been trying to get access to the school and can't. I find that this

personal story and your desire to come and seek justice for someone else like that is just a great story.

You make a very good argument. You're saying, if the educational system and the provincial government haven't been able to find the few bucks to create an access to a school, how will these very same people create the access for all the other areas of their responsibility? So you raise a wonderful worry.

The reason I think this government wants to spread it out over 20 years is because they recognize it's going to cost them money and they don't want to spend it, because they would have to otherwise, and pony up a whole lot of money. That's why I think they are not wanting to do this in five years or 10. They're profoundly nervous and so they're saying, "Let's delay as much as we can." What do you think of that?

Ms. Wallace: I think the money is obviously a concern for everybody, and part of the problem with the schools is there's no one who's in charge of this. They have a maintenance budget which they're backlogged on, so because nobody's in charge of it at the school board, it just gets shoved aside and other projects tend to come first, which is not fair. You shouldn't do roofs before you do wheelchair access.

Mr. Marchese: Right, naturally. But here's the problem. If we're going to, as a province, commit ourselves to this bill, it will have costs and we will have to raise the money. Because boards of education literally have no access to where they can get the money, they rely on the provincial government. If provinces don't free up money to be able to create a barrier-free kind of policy, we're in trouble. So do you agree that the government will have to find money and that they need to make a commitment toward doing that, otherwise we're going to face the same problems as we progress?

Ms. Wallace: We can't say to the school boards, "You have to become accessible right now and you have to do it with your existing budget." That's not going to work. I think that's clear.

The Chair: Ms. Wynne?

Ms. Wynne: Thank you, Megan. I really appreciate your coming in. In my experience, the parents who work as volunteers on school councils are advocating for the whole school a lot of the time, so I really appreciate that.

I want to pick up on something you just said. You said, "We shouldn't do roofs before we do wheelchair access," and I just want to highlight that as probably the biggest problem that school boards have right now. We've had a number of years in this province where maintenance and renovation has not been funded adequately and so school boards have been falling behind. I know I don't need to tell you that schools that should have been maintained have been falling into disrepair. So what we're trying to do now is climb out of that hole by putting some more money into facilities.

I hear you saying, though, that you want to make sure that there's a system plan for moving to accessibility. Is that accurate? It sounds as if in your brief you were concerned when you found out there wasn't a plan.

Ms. Wallace: Well, there's supposed to be an accessibility plan. The board is supposed to have one under the old act, but they're months behind schedule, and their plan for the year is to find out what's not accessible and post it on the Web. It's not really ambitious. There's no budget for it.

Ms. Wynne: I take your point about the people on the standards development committee, but if the standards development committee dealing with education were to put in place a requirement that boards have a plan that over X number of years there is going to be full accessibility—you're arguing for full accessibility for every school? Is that what you're looking for?

Ms. Wallace: Absolutely. The issue, for me, also is that you can say you have X number of years to make things accessible, but if a parent, a child or a teacher wants to be in that school, it happens the next day. A nice man with a forklift comes and digs you a hole for a ramp immediately.

Ms. Wynne: So you think that bumps a school to the top of the list?

Ms. Wallace: Absolutely. And it should happen instantly, because this is completely unfair.

The Chair: Thank you very much for your presentation.

CITY OF OTTAWA

The Chair: The next presentation is from the city of Ottawa. Thank you for coming and speaking to us today.

Mr. Stephen Finnamore: Good afternoon, Mr. Chair and members of the standing committee. I'm Steve Finnamore. I'm the director of real property asset management, which takes care of all the facilities in the corporation of the city of Ottawa. As chair of the city of Ottawa's accessibility steering committee, I wish to thank you for this opportunity to speak on behalf of the city on the proposed Bill 118. As public consultation is one of the cornerstones of democratic governance, the city commends the province for holding public hearings on the bill prior to its receiving third reading.

People with disabilities represent a significant portion of our population. This will only increase in the future as a result of a population that is currently temporarily able becoming disabled as they age. There is a wide range of barriers—physical, technological, legal and attitudinal—experienced in day-to-day life.

As demonstrated in our 20/20 Vision for the city of Ottawa, where we embrace the notion of a caring and inclusive city, the city is in support of the objectives of the new legislation. Internally, the city has created an accessibility steering committee, made up of representation from all city departments, to work collaboratively with the city's Accessibility Advisory Committee under the legislation, and with community organizations for persons with disabilities, on the strategic aspects of implementing this bill.

As of yesterday, we finally got our city budget approved, and our COMAP—our municipal accessibility

plan—was approved as part of that, with all its funding accordingly. It has also established a disability specialist to work with those committees to produce future plans and strategic plans associated with what we have to do to implement this bill. That's good news for us. I will speak to the timing of municipal plans and the city's fiscal budget approval at the end of this presentation.

Of course, there are a large number of issues that need to be addressed concerning accessibility in the community, but given the time today, the city would like to focus your attention on those points that the city feels are key to the successful implementation of Bill 118. There are five points here collectively.

The first, with respect to provincial standards for accessibility: A void in consistent and realistic standards will not be conducive to effective planning. The province is proposing a 20-year implementation plan divided into five-year intervals. The city would encourage the rapid development of the proposed technical standards so that the first five-year phase will be meaningful in removing barriers found in the existing infrastructure, meaning that the longer we wait to put those standards in place, the more difficult it is to plan to remove them with some certainty. Also, without the timely development of new standards, it is conceivable that the building of new infrastructure during the interval without approved standards could result in the creation of new barriers ultimately unacceptable to the province.

Standards associated with retrofitting existing infrastructure need to be flexible to ensure that scarce resources are applied to the removal of barriers that will have the biggest impact. A good example of that is having to move a partition one inch, and a whole row of partitions one inch, in order to make the handicapped stall meet a specific standard. Is that a good application of money? Our advisory committee struggles with that regularly with respect to where we spend our limited resources.

Standards for new infrastructure also need to be carefully developed so as to represent the most realistic approach to ensuring a balance between accessibility and affordability. Some of the reviews of standards created by other municipalities, and in our case also, as we started down the road of doing the same thing, showed some very heavy impacts to new infrastructure that ultimately did not really address the barriers properly.

The city would encourage the province to review current standards associated with accessibility, such as the CSA standards for barrier-free design, and use them as a basis for building the new standard, and to harmonize all provincial legislation that deals with accessibility of the built environment in an effort to remove ambiguity in this regard. Have one set of standards. Don't have some in the building codes, some with another standard etc. The city's approach to this right now, in an interim step while it waits for the province to come out with its standard, is to assemble a cohesive document of current standards and the application of those in the city as a document that we can reference, as opposed to going out

and spending money to create a whole new standard only to have it replaced by whatever the province comes up with. Our accessibility advisory committee supported that strategic approach because they'd rather see the money spent on the buildings and infrastructure.

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The city would also encourage the province to include on the standards committee professionals who are knowledgeable in the design of barrier-free infrastructure and the realities associated with design and construction and their associated costs.

With respect to incentives, the removal of barriers in existing infrastructure represents a capital cost that, even if it's spread over 10 years, will, as in the case of the city of Ottawa, represent millions of dollars. The city would request that the province give consideration to one-time grants and/or interest-free loans to assist in the capital costs for accessibility retrofit work on existing infrastructure. This is not an issue on new infrastructure. We're already designing those to CSA standards etc. We will design those to the new standards that come out. This is on the retrofit work. This position is in line with that of the Association of Municipalities of Ontario with regard to assistance in this type of funding.

With respect to enforcement, it should not be assumed that a larger organization is better equipped to respond to the challenges presented by this type of legislation. Although a small business may be challenged to comply, and I am sure that you've heard from those who represent small and mid-sized businesses, so will a large organization that has, on a per capita basis, as much of a fiscal problem and a much larger portfolio, of both facilities and programs, to deal with.

Therefore, the centralized role of overseeing compliance, incentives and penalties needs to be structured to assist organizations, large and small, to achieve the goals as set out in the legislation. Similar to the enforcement of other provincial legislation, such as with the environment, an organization that is consultative and that assists in planning and approving for success is more constructive than one that simply administers and adjudicates compliance regulation and penalties.

The city would recommend that the province, for reasons of cost-effectiveness and efficiency, utilize the current organizational infrastructures in the community, such as municipal building inspectors, for front-line compliance review, inspection, reporting and to augment that front-line organizational infrastructure with training and operating dollars to ensure its sustainability. That's of course assuming the province has inspectors in this regard. There is a huge infrastructure out there already that can assist in that aspect.

With respect to education and communication, often attitudinal change comes over time, and given the implementation term for removing all barriers of 20 years, there is a very real possibility of having the next generation achieve an awareness of accessibility issues to ensure the sustainability of creating a barrier-free environment. I am very aware of this as my own son has a

significantly different awareness and attitude to things like smoking, drinking and driving and the environment, largely due to education and communication.

Therefore, the province needs to invest in ongoing educational programs to increase awareness of accessibility issues through the media and the schools. The city of Ottawa is implementing an internal training program to all staff, and as of yesterday's approval, will start in 2005 with that training over the coming years to increase awareness of issues associated with accessibility for all our staff.

One last point: A well-conceived municipal accessibility plan will entail a significant dollar investment that in most organizations requires budget approval. In the municipal setting, that fiscal approval is typically at the end of the year, depending if there's an election or not. Submission deadlines for deliverables under the legislation need to be coordinated with the approval processes already in existence, such as those for annual operating budgets. This year, for example, we struggled to get our municipal accessibility plan together. We refined it and got it ready for committee, and all the time the province was asking us for it. We could have delivered it as a draft, as a preliminary or something to that effect, but it did not have any sanction by a committee in council until it went through its budget process. Eventually we did submit it electronically and said, "This is the draft. It doesn't have any approval yet." Because it has dollars in it, it ends up in the budget process, so it would sure be handy if it was coordinated with those kinds of processes.

In conclusion, the city is committed to removing barriers from the community and is eager to contribute to the building of a barrier-free Ontario.

I thank you for your time.

The Chair: Thank you for coming. Mr. Leal has a question.

Mr. Leal: Steve, a previous person made a submission. I talked about the role I believe that municipal property standards inspectors can play in enforcement. I'm glad you agree with me. Mr. Marchese and I have a difference of opinion on that issue and the value of municipal infrastructure to carry out this legislation. I think that's important.

My question to you is, in the city of Ottawa do you have a budget line item for retrofitting various public facilities in Ottawa to make them accessible?

Mr. Finnamore: Yes, we do.

Mr. Leal: How much would that be on a yearly basis?

Mr. Finnamore: This year, it was half a million dollars, \$500,000. I have to say straight up that it was larger than that in previous years. It got cut significantly last year as a result of significant budget pressures in the city generally, and it's starting on its way back up. What the steering committee said when it presented its municipal accessibility plan to the committee of council was, "We will put a strategic plan in place that deals with the five-year intervals and be prepared to invest more money."

Mr. Leal: Does the city of Ottawa have a special price for bus passes for disabled citizens?

Mr. Finnamore: I believe so. I'm not sure whether that made it through committee and where it stands. It might still be up for council approval. But they're debating that as we speak, if not.

The Chair: Mr. Marchese.

Mr. Marchese: Steve, a couple of questions. The enforcement mechanisms in this bill are incredibly weak. In fact, I would dare say there are none. While I may not agree, I accept the fact that you say we have to be careful about how we go after some small businesses that might not have the money etc. There is no requirement to hire inspectors, which leads me to believe, by the way, that they will rely on municipal inspectors, because the government isn't saying they're going to hire them. There is no requirement that a director, who will be appointed by the minister, "will" review the accessibility plans. They "may." There's no requirement that the tribunal or a tribunal or one of those tribunals that the minister may set up down the line is going to actually deal with individual complaints. If someone has a complaint, they will have to go through the Human Rights Commission to seek redress down the line. My sense is that unless they change this, don't worry about this, because nobody's going to be taking anybody to court.

Mr. Finnamore: I need to respond to that. First of all, my experience with the Human Rights Commission is a lengthy one. Normally, I'm on the other side of the table; I have to say that. It's not very effective in that sense, so you need to have a centralized review of people's progress on non-accessibility issues. There's no doubt about that. I can't imagine doing that without inspectors. I just assumed—I have to say probably incorrectly, because you're correcting me on that—that this would be in place, that there would be some process to that effect.

But it's not so much that I'm worried. We're looking forward to making our buildings accessible. We're looking forward to some help from the province if we—

Mr. Marchese: I was about to ask you that question.

Mr. Finnamore: Because right now we're probably about 30% or 40% through our barrier reviews, and it's significant dollars.

Mr. Marchese: Steve, let me ask you, because you remember my second question—

The Chair: And last question.

Mr. Marchese: My sense is, you're going to need a whole lot of bucks. You talked about needing support for the old buildings in making them accessible. How much do you think it might cost, let's say just the city of Ottawa?

Mr. Finnamore: Like I say, we're about 30% to 40% through and it's probably running to about \$14 million or \$15 million of identified barriers according to our CSA work, not according to a new standard that you might create.

Mr. Marchese: That's a whole heap of money that you hope the province will—

Mr. Finnamore: But I also have to say that we're looking forward to the notion of strategically, over the five-year periods, actually removing buildings that are past their term, getting rid of those and putting new infrastructure in place as part of that strategy. So it's not a given that those will remain as barriers.

The Chair: Thanks very much for your presentation, and of course answering a number of questions.

The next group is not here, so we will be jumping to the next one. Is the UN Working Group for the Protection of Persons with Disabilities present? Is Erin Elizabeth Fitzpatrick present? If not, I'll go to the next one.

1700

MULTIPLE SCLEROSIS SOCIETY, OTTAWA CHAPTER

The Chair: Is the Multiple Sclerosis Society, Ottawa chapter, here? Yes? If you don't mind, sir, I'm anticipating by half an hour. Thank you. You have 15 minutes, sir.

Mr. Chris Pomroy: The person who was going to present this should be here at 5:30, but to keep the show on the road—

The Chair: Do you wish to go ahead? Please.

Mr. Pomroy: Yes. My name is Chris Pomroy. I'm on the social action committee of the Ottawa chapter of the Multiple Sclerosis Society of Canada. I'm speaking, at the moment, on behalf of Philip Goodwin, who is our chairperson.

I would first like to congratulate the minister on the bill, which is a major improvement over its predecessor. We would also like to thank you for the opportunity to present our comments to your committee.

Firstly, we would like to endorse the comments from two other sources, the accessibility advisory committee of the city of Ottawa and the Ontario division of the Multiple Sclerosis Society. We have read both of these briefs, and we support them fully. The vice-chairman of the city accessibility committee is in fact a member of the circulation committee of our chapter, so we know these presentations well. We would certainly like to endorse the provisions, in particular for the development of accessibility standards that can be monitored and benchmarked for progress, coupled with a user-friendly complaints and enforcement process, which we've heard in a few of the previous presentations.

This afternoon, we would like to address an aspect of the bill which is one of its major improvements, and that is its application to the private sector. Section 33 refers to incentive agreements "in order to encourage and provide incentives for such persons or organizations to exceed one or more of the requirements of the accessibility standards." We applaud this approach, since it is much better to encourage than to coerce. In support of this concept, we would just like to tell you of the development of a project that our chapter is currently involved in to encourage the private sector to become accessible.

There is no doubt that in recent years significant sections of the private sector have embraced the principle of accessibility. Whether this is because most people can name at least one family member or friend who has mobility problems or whether it's just good for business is immaterial, but it is an encouraging sign. Our social action committee, in partnership with some other local organizations—the local chapters of the CNIB, the Disabled Persons Community Resources and the Canadian Hearing Society—has adopted the name of the Ottawa Accessibility Alliance in recognition of this trend and has initiated a project based on several sources that we hope will offer encouragement to businesses that wish to improve their accessibility. The project is still in its early stages, but so far objectives and criteria have been established, and a business plan is being drafted and will be submitted to our respective boards for approval. The objectives are to develop standards against which properties can be measured with respect to their accessibility, to develop a means of assessing and monitoring buildings and facilities, to establish a system of recognition for those establishments that meet or exceed minimum standards, and to develop a public awareness campaign to educate the community on the rating system utilized by this project.

The project is intended to proceed, as I've said, on the basis of encouragement. Those who have facilities that meet the standards of the evaluating team would be rewarded in the form of recognition for their efforts on behalf of persons with disabilities. Those who do not meet the standard would not be actively discriminated against, of course.

The development of accessibility standards will be a continuously evolving process and will take into consideration the effects of reduced or limited mobility, vision or hearing as well as the needs of individuals who are in fact blind or deaf.

Initially, the founding partners concluded that the team would remain small, to move rapidly to get on with this initial planning phase. Once the phase is complete, then membership, we hope, will expand to other local organizations representing the disabled.

The project would operate by providing the private sector businesses and non-government organizations with the opportunity to affix a sticker or decal on the window or door of the business to show the level of accessibility that they have achieved.

Standards that will be looked at include the following aspects: the entrance to the facility, accessing of services, washrooms, safety, and information and communication.

It is expected that the benefits of this project will be that businesses can use the designation as a marketing vehicle; the disabled community will use the designation to affect their choice between competing services and it will act as a third-party testimonial and build credibility; it will promote the inclusiveness of the disabled community within the greater Ottawa community; and it will put the spotlight on accessibility rights issues.

In the past six months, the Ottawa Accessibility Alliance project team has been busy looking at various standards that exist already, such as the Americans with Disabilities Act, the DPCR accessibilities assessment checklist, the work of various Ontario disability advisors, and also, of course, the somewhat extensive experience of the founding members, who all represent various aspects of the disabled community.

The assessment criteria will be continuously revised to meet the ever-changing demands of its users. The project team will launch a focus group program whereby the criteria will be tested, and then it will be extended to the broader public. We are hoping to hire some students this summer, through some funding, to make a start on some of these aspects of the project.

We've gone into some detail about this project because we believe it offers a very positive approach to what in the past has been a controversial aspect of accessibility; namely, the response of the private sector. In the past, the excuse of cost and impracticability has been used to avoid simple improvements. We have heard that some information coming from, for instance, the Americans with Disabilities Act has suggested that the average cost of accessibility improvements to businesses is in the range of a few thousand dollars, which for an average business is not very much. Obviously, there are cases where small businesses in older premises would find such improvements a much more significant cost, and allowances should be made. We would presume that this would be covered by subsection 6(6) of the act whereby different classes of persons may be created for the purposes of standards.

We are confident that the general response of Ottawa businesses to our project will be positive. We think that the Ottawa business community would welcome the opportunity to show that they have embraced the principle that the disabled are entitled to the same access as everyone else. We are confident that the same would apply to the rest of Ontario. The application of Bill 118 to the private sector is therefore a natural progression of current trends.

The Chair: Thank you for your presentation. We have time for some questions, if there are any; otherwise, we thank you. We also have the written material you have provided—

Mr. Pomroy: Not yet. It will be coming.

The Chair: Thanks very much for that, sir.

UN WORKING GROUP
FOR THE PROTECTION
OF PERSONS WITH DISABILITIES

The Chair: We go back to the UN Working Group for the Protection of Persons with Disabilities. Welcome. We were a little fast; that's why we jumped. We are happy to go back. You can start any time, madam.

Ms. Erin Elizabeth Fitzpatrick: Thank you very much, Chair. Good afternoon. My name is Erin Elizabeth

Fitzpatrick. I'm very pleased to be here to present my submission in respect of Bill 118.

To start, just a brief introduction to give you a slight bit of background on the perspective from which I'll be speaking this afternoon. I've had the privilege and opportunity to be a graduate of the joint program at McGill University in law and social work. Thus, I visit the issues we're looking at today through a dual lens, from both a legal perspective and that of a social worker. Clearly, the issues we're looking at today are a perfect intersection of an example of how the integration, accessibility and rights issues that we face today in Bill 118 are so crucial from both a legal perspective and those of a social service provision perspective.

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I've had some experience, as an integration worker and special-needs coordinator with the city of Toronto, to have the opportunity to work with clients in a social service perspective, also working at the Montreal Neurological Hospital for my social worker internship and more recently, in a legal perspective, as a lecturer at the faculty of medicine in law and psychiatry, having now completed my law degree.

Moving on to the more pertinent issues of the day, the examination and analysis of the legislation that we have in front of us: Having had the opportunity, as obviously you have, to receive the comments of the very well informed groups that have made depositions over the past week, I have had the requirement to revise my comments several times in light of the detailed and well-thought-out analyses that have already been presented to you. As such, at this point, at 5:15 today there's very little left to be added that is significantly different from the comments, positions and strategies that could be proposed from either a legal or social service framework. That is because the groups you've had the opportunity to hear from are so diverse, have been so articulate and have been so committed to their individual and group causes, as I'm sure you would know better than I since I just get channel 70. Certainly this is a tribute to the deponents who have come before me. As such, I will simply be speaking to three points this afternoon: First, rights; second, heroes; and third, enforceability of legislation.

Rights: As Irwin Cotler has recently stated, "A right is a right is a right." Well, I think I have a bit of insight into what Professor Cotler means by this. Unfortunately, we know that in actual fact the provision and the enjoyment of rights are not equally shared, although it is a very laudable goal. I believe that is the overall purpose and the overarching goal of Bill 118.

Also recently, as our justice minister and Prime Minister have been quite preoccupied with the subject of rights, Paul Martin has said, "We cannot have a different class of rights between citizens." I think that applies equally to persons who have disabilities and to people who have physical disabilities, mental health problems, invisible disabilities, recently acquired disabilities, serious chronic illnesses which therefore render them disabled. So therefore, within the disability community,

there cannot be unequal rights. That is something that I believe has not yet been adequately emphasized at these hearings.

The concept of rights is obviously a fundamental principle, which is something that, from a legal perspective, I could go on and on about. However, the important thing to note about rights as they pertain to Bill 118 is, how can the rights of persons with disabilities be realized with the assistance, governance and guidance of this legislation? How can we actualize the rights that are meant to be granted by Bill 118?

I believe that is the crux of the issue. I believe we are past the point of debating whether or not persons with disabilities are deserving of rights. I'm so pleased that that is not an issue in Canada, whereas, as a member of the UN working group, I can tell you that in other countries it is still a very real issue. We are very privileged in Canada to at least have on paper the acknowledgement that persons with disabilities are equal rights-bearing citizens. I will speak more about the enforceability of rights in my third point.

Moving on to my second point, heroes: This too is very pertinent to Bill 118. One of the deponents here spoke quite a bit about heroes within the disability community: Terry Fox, Rick Hanson, that sort of thing. What are the qualities that we admire in our Canadian and our international heroes?

This got me thinking. I thought, first: courage. Terry Fox is obviously a brilliant example of courage. But what about the child with asthma who has finished the Terry Fox run without being teased by his classmates?

Second quality: strength. Rick Hanson is a phenomenally strong man in many respects. But what about the mom who constantly has to lift her child in a wheelchair over tons and tons of curbs, and up flights and flights of stairs?

Third quality of a hero: excellence. Well, we know about Superman and, most recently, his life in a wheelchair. But what about all the unrecognized supermen who actually get up, get dressed and go to work after having taken their antidepressants, and who function through a day without ever having acknowledged the challenge it is to behave like a person without a mental health problem when they are actually struggling?

The fourth quality of a hero, in my personal opinion, is faith. What some people would recognize as one of our international heroes would be Mother Teresa. But what about the people who privately use faith to get them through a day with a disability?

I think it's important to focus on these qualities and recognize, as I will tie in my third point, that these are qualities in the everyday heroes who function and support those members of our society who have disabilities. As you've seen, people who have come before you have pointed out their disabilities and shared their struggles. I believe those are heroic acts that ought to be acknowledged. What is unfortunate is that it's necessary to have a piece of legislation to allow them to enjoy the

same rights that the rest of Canadians enjoy without legislation.

The third section, of course, is enforceability. As per paragraphs 1 through 3 of subsection 21(6), the bill does discuss, of course, its proposed enforceability. I believe you've heard many people express their concerns about the enforceability of the legislation. Hence, I'm going to leave that aside for the written comments which I will be submitting. But I'd like to point out in my oral submissions today, in terms of enforceability of legislation—what I'd like to share with you is, according to lawyers with disabilities and lawyers working on behalf of those with disabilities at the UN working group, that that is the most pertinent issue, owing to the governance of international laws, as I'm sure you can imagine. This is something that we've spent a lot of time discussing and trying to come up with solutions.

The crux of the matter here in Ontario is, why is Bill 118 needed? We have a Charter of Rights, subsections 15(1) and (2), which grant already the rights that are discussed in Bill 118. Further to that, we have the Ontario Human Rights Code, which also already discusses and enshrines the rights that are granted in Bill 118. Further to that, we have the Ontario building code, which should also in part cover these rights. Further to that, as you heard from the university representatives earlier, there are policies at each and every university in Canada. Further to that, every workplace has a non-discrimination policy, and I could go on and on.

1720

So the question is, why is Bill 118 necessary? Why are we introducing a piece of legislation when we have, federally, provincially and municipally, already acknowledged and on paper and theoretically protected the rights of persons with disabilities? That leads me to the question, what sort of enforceability mechanisms have failed in the aforementioned pieces of legislation, and what can we do to ensure that the enforceability mechanism, though very well intentioned, in the above pieces of legislation on various levels that I've just described—how can we ensure that the purpose that has been so carefully crafted in Bill 118 actually comes to fruition so the very hard work is not wasted?

I'm pleased to take any of your questions, should there be time.

Mr. Marchese: And the answer is?

The Chair: I'm going to go to you, Mr. Marchese. One minute.

Mr. Marchese: That's the crux of it, right? That's what I've been saying. It's a fundamental weakness of the bill. If you don't have an enforcement mechanism, what do you as a lawyer—

Ms. Fitzpatrick: Well, I propose that part V, subsection 21(6), be struck. I propose an enforceability mechanism that actually holds the private and public sectors to account and that there are mechanisms put in force such that there are actual consequences for not meeting the stipulated guidelines, such that there are realistic consequences similar to those in other fields: If

you break an environmental code, there are consequences. Look how quickly businesses and industries were brought into line. There are many examples of how enforcement can actually be realized in a timely manner, not in 20 years.

The Chair: Any comments, Mr. Ramal, as the PA?

Mr. Marchese: Follow up on that.

Mr. Ramal: Yes, I definitely want to follow up on that. With respect to analogy, I agree with you in terms of many different countries talking about whether the right exists or not and people fighting about the definition of "right," and at least in Canada we have it on paper, and as a matter of fact actually enforced and heavily protected by the law—more than just on paper.

Ms. Fitzpatrick: I agree. For many people that's very true. I'd like to acknowledge that the progress we've made is wonderful. I think we just need to keep going in the proper direction.

Mr. Ramal: As I mentioned, I had the privilege to visit many different countries. We have—

Ms. Fitzpatrick: You should take me with you.

Mr. Ramal: Yes.

There's no comparison. We live in a wonderful province, a wonderful country, and we have a wonderful government to protect the Human Rights Code.

I want to tell you about the 20 years—I'm just going to go back on it. The 20 years is just the ending time. It's not like—

Ms. Fitzpatrick: I appreciate that.

Mr. Ramal: It's going to be incremental.

Ms. Fitzpatrick: I know there's gradual implementation.

Mr. Ramal: We've talked to many advocates, and we share with them their concern. We think we can work it out. But the 20 years is the ending.

Going back to the enforcement mechanism, we have two clauses—I don't know which section number—talking about \$50,000 to \$100,000 penalties for an institution or individual who doesn't comply with the bill. Do you think that's enough—

Ms. Fitzpatrick: No. Actually, I don't.

Mr. Ramal: What's your recommendation?

Ms. Fitzpatrick: First of all, in terms of language, it can't be optional and it can't be self-regulated. If I can just grab the section here myself, to be precise, in terms of the development standards committees, there needs to be an—I'm not sure how concisely I can answer this, but just to give an overview, I have concerns about the concept of the standards committee, owing to the fact that it seems to be more arm's length than as outside and independent as I would think it's necessary to be.

Mr. Ramal: It's not stated yet, though.

Ms. Fitzpatrick: I know, and that brings me to another point in terms of the regulations. If you get me going on what is undefined and what is left to regulations—

Mr. Ramal: I guess the Chair will stop us anyway.

Ms. Fitzpatrick: I know, but including the failure to define "accessibility." Leaving such things as access-

ibility undefined is gravely concerning to me, owing to the fact that the bill is actually called—

The Chair: Thank you very much for your presentation. We are also waiting for your written material so all the members will be able to—I'm sure there's a telephone number there that Mr. Ramal or anybody else can use.

Ms. Fitzpatrick: Thank you again for your time. I'd like to say, of course, that we're so encouraged by this and we're very much looking forward to progress.

FOR THE RECORD PRODUCTIONS INC.

The Chair: The next deputation is from For the Record Productions Inc., Peter Reynolds. Is Mr. Reynolds here? You have 15 minutes in total.

Mr. Peter Reynolds Jr.: Thank you very much. I'm Peter Reynolds and this is another Peter Reynolds and this is Enza Iovio. We are with Deaf TV. Enza Iovio will be signing our written presentation.

The Chair: Please proceed.

Ms. Enza Iovio (Interpretation): Good afternoon. My name is Enza Iovio. I'm a professional actress, teacher, artist, and I'm also the co-host of Deaf TV. These are my colleagues, Peter Reynolds Jr. to my left and Peter Reynolds Sr. to my right. They have been working with the deaf community for several years and specialize in producing videos in American Sign Language. Peter Sr. is a veteran CBC and CTV television producer. He created Disability Network, now called Moving On, the long-running series on CBC television. He also created Silent News, a news program in American Sign Language that was aired on CBC Newsworld.

We would like to tell the committee about Deaf TV and how it relates to Bill 118's vision of a barrier-free Ontario. It is a broadcast voice for deaf Ontarians. Deaf TV is a half-hour news and public affairs television program. It is produced entirely in American Sign Language. It will be aired weekly throughout Ontario on OMNI Television, and across Canada on Bell ExpressVU.

The pilot of Deaf TV has had an incredible impact on the deaf community in Ontario, especially for people like myself whose first language is ASL. Seeing their language and culture front and centre on television has been an empowering experience for many deaf people, particularly the young.

Rogers Communications funded the pilot episode of Deaf TV, which has already aired on OMNI Television across Ontario. A copy of the pilot episode is part of the information kit we have prepared for the committee.

OMNI Television will air the series but will not support it financially. Therefore, we must look elsewhere for sources of funding. Because Deaf TV can guarantee the delivery of information to deaf Ontarians in every corner of the province, we saw the government as a natural partner, one who would be interested in offering financial support. Encouraged by the culture minister's office, we have approached government ministries to commission

Deaf TV to produce sign language versions of press releases, alerts and so forth, which would be distributed on DVDs and the Internet and broadcast on Deaf TV. The money thus raised would be used to fund the Deaf TV project. In other words, we're not asking for hand-outs, but offering a real and valid service with real benefits. Copies of these two proposals, one to the Ministry of Health and one to the Ministry of Citizenship, can be found in your information kit. Any advice the committee may wish to offer us regarding this funding strategy would be greatly appreciated.

1730

Now I'll move on to our recommendations. The biggest challenge we have faced thus far in producing Deaf TV is in countering the widely held belief that closed captioning fills the communication gap between the deaf and hearing worlds. As I'm sure many of you know, this is not the case. Closed captioning does not take into account the unfortunate fact that many deaf people have poor literacy skills. The only guaranteed way to accurately deliver information to these consumers is through the use of their first language, which is sign language. This reality of the deaf community should be reflected in Bill 118.

We believe that Bill 118 should specifically take into account the information needs of people whose first language is American Sign Language, ASL, or langue des signes Québécoise, LSQ. Ministries, when formulating information policies and mounting information campaigns, should be required to include ASL and/or LSQ delivery systems such as DVDs and broadband video streaming. For example, these hearings are not captioned on the Internet and are therefore not accessible to the deaf, deafened and hard of hearing communities.

Finally—and this may not relate directly to the bill—the Ontario government needs to do more to raise awareness of the deaf community amongst its own employees. We would also make the same recommendation to the political parties. You can't help a cultural group that you do not understand. We would welcome the opportunity to share our insights with members of the committee in more detail.

Thank you for the opportunity to make this presentation. We are ready to answer any of your questions.

The Acting Chair: Ms. Wynne, please.

Ms. Wynne: Thank you very much for coming today. A couple of questions. Have you spoken to anyone at TVO?

Mr. Peter Reynolds Sr.: No, we actually haven't spoken to anyone at TVO. We have an indirect connection with TVO. We work with the Canadian Cultural Society of the Deaf, who have a children's program in ASL called DeafPlanet airing at the moment. But we have not talked to them about this particular project, no. We've talked to CBC; we've approached CTV and other broadcasters, but not—

Ms. Wynne: It just seems to me that that might be a good conversation to have.

The second thing I wanted to ask you is, you talk about the closed captioning issue and the literacy skills issue. Two things coming out of that: I've met with Gary Malkowski a number of times, and I also studied linguistics in my youth. I've met with Bob Rumball; the Bob Rumball Centre is in my riding. I know that there is an ongoing discussion about ASL and signing English and lip-reading and auditory-oral. Are we far enough along in that debate to basically put the sign of approval on ASL/LSQ? I'm asking you as folks from the community.

Mr. Reynolds, Jr.: Enza, I think, would be a much better—

Mr. Reynolds, Sr.: I'd like my colleague to answer that.

Ms. Iovio (Interpretation): Most definitely. I think it's very important. ASL and LSQ are our first languages. Closed captioning follows written English, which isn't necessarily the first language of deaf, deafened and hard of hearing individuals. There are many deaf individuals who struggle with literacy issues. If the programs were produced in ASL, in their first language, they would have access to so much information. They've unfortunately been left behind in many circumstances. It would bring them up to what in fact is going on in the hearing world. It would make it a more even playing field.

The Acting Chair: Quickly, Ms. Wynne, please. I want to give Mr. Marchese an opportunity.

Ms. Wynne: So then the issue in Bill 118, as part of the standards discussion, is that you want ASL to be part of whatever the standard is.

Could you just explain to me what "cultural deafness" means? That term has been used.

Ms. Iovio (Interpretation): Deaf people use a unique mode of communication called a visual language, which is sign language. You've got me there. I'm just thinking on the spot. It's an official language, is more the point, that needs to be recognized officially.

The Acting Chair: Since no one's here from the PC caucus, I'll go to—

Mr. Reynolds, Jr.: Perhaps I could just comment shortly on what you were saying with regard to whether we've ended that debate.

From the letters and e-mails we've been getting, I think that for the people who have watched Deaf TV, the debate is over. Just a quick excerpt from a letter here. It says: "My son ... is deaf, and he loves to watch Deaf TV. Most of the time he can't understand what's going on on TV, and sometimes it really disturbs him that everyone understands the TV shows except him. He was very excited when he first watched Deaf TV, and he said to me that he saw the whole show and understood everything completely." I just think that's an example.

The Acting Chair: Mr. Marchese, please; a couple of minutes.

Mr. Marchese: It's interesting, the question that you asked, Kathleen, because I heard the phrase "cultural deafness" and didn't have a chance to ask the previous

person. It has happened in this committee and we never got an explanation of that.

I wanted to talk about the whole issue of awareness. Everybody has talked about raising awareness of the many disabilities that have come before us—people advocating respectively on whatever issue they were talking about. That's something the government has to come to grips with. It is my belief that the government has to build in an education component that is able to legislate the educational system province-wide to talk about the discrimination that happens to all people with disabilities and to raise awareness of those rights that people ought to have. We need to play a role in that regard.

I want to say that when Gary Malkowski got elected in 1990 with the New Democrats, much changed in the Legislative Assembly as a result of his election. It's incredible how the election of an individual with a disability can create immediate awareness in the assembly. The changes that were made have become permanent, so one simple thing like that can help to make many changes.

I want to say that I support the television programming that you're doing. It isn't just a matter of receiving information by way of captioning, or just interpreting through sign language. The ability to produce a program that speaks to people with hearing problems is important, and that's where I always argue that because yours is not a commercial enterprise, governments have a role to play in helping to fund it. If we don't do it, that means we shut you out and we continue with a form of discrimination. I hope we can get support for you as we go.

1740

Mr. Reynolds Sr.: I'd like to follow up on what you say. Of course, I applaud totally what you're saying. Let me just very briefly tell you the history of Moving On, which is now on CBC. It is now a CBC official program. It began as a small regional program on CIUT, funded by the Peterson government. Then it became a television program on CBC, funded partly by the Rae government and partly by the Mulroney government of the time. There was a strong political will to support this kind of programming.

That program, Moving On, for which I was the first executive producer, is now the only weekly television public affairs program devoted to disability issues in North America. That began with a small grant—I believe it was \$30,000—from the government of the time. So I am very much an advocate of government support, at least initially, to jump-start projects like this.

The other thing I wanted to say—you talk about awareness. We envision having a deaf TV reporter or reporters in the Legislature, the building. Boy, will that raise awareness.

The Chair: Thanks very much for your presentation.

HOWARD EDEL

The Chair: We are going to hear a presentation from Howard Edel.

Mr. Howard Edel: Thank you, Mr. Chairman and committee members. I come with the perspective of a parent with a physically handicapped child. What I bring to you—we have handed out my presentation—is the implementation of your new bill to transfer the control of the refunds for vehicle modification to the Ontario March of Dimes. From my perspective and from my daughter's perspective, it's a significant step backwards. It's forward in giving more money, but it's backwards in implementation.

If you look at my presentation, you will see that the disabilities act talks about every organization in Ontario being responsible. Well, I'm sorry if people like the March of Dimes seem to take that to a different level. We have gone from a one-page form and a doctor's signature to a seven-page form and a request for tax information, so I think there's a problem with the Ontario March of Dimes' management of the program.

There's an issue with the access statement: "Guidelines state that all applicants must make reasonable efforts to access other available sources of public or private funding..." If the governments took their program and handed it to them, what other one is there? I don't get it, and nobody else gets it. We've called these other so-called organizations identified, and they say, "No, we've never been involved in that." It just seems unconscionable that they don't take this seriously.

Secondly, there's a disrespect. This is what this form says and gets a person to sign: "I understand and agree that the Ontario March of Dimes may carry out inquiries," and all these words, and then it says, "The Ontario March of Dimes will not be responsible for maintaining the confidentiality of any information given to or received." Why are disabled persons treated in this manner?

Issue 3: They ask for excessive documentation, for tax return information. That was never part of the deal. We just filled out the form saying we wanted the Ontario retail sales tax back on this vehicle, these are the modifications we made, the doctor said yes, you needed it, and that was it. You got your money. Now we spend six weeks filling out forms and phoning people, only to be told, "You've still got to give us your tax information." This is not acceptable. They're telling us that they won't respect our confidentiality. I don't know who gave them that authority. It's just not acceptable.

I have to say that the intent is good. You're now going to reimburse the total repairs for lifts and accessibility to vans, which previously wasn't there. You just gave the retail sales tax back. Now it's expanded to the total cost, which in most cases is at least double. So you have done something, but the organization implementing it just doesn't get it.

My suggestion is that when the government transfers these kinds of things to non-government organizations—

and that's what I'd call the Ontario March of Dimes—there need to be clear regulations to facilitate universal access, none of this business of a means test. Who gave them the right to do a means test? That never was part of the activity.

Institute a user complaints process to a government authority who can review the program and the regulations. Is there a contract with the NGO, in this case the March of Dimes, that says what they have to do on behalf of the government? Through the contract, the NGO should be maintaining confidentiality. It is totally unacceptable not to have confidentiality maintained.

I really think disability client access to provincial funding support is unduly complicated. The management structure requires excessive documentation, and it implies preauthorization for a process of making modifications to a car. What do these people expect you to do? You just go to the authorized maintenance people who do these modifications; there's not a big choice in what you're going to do here.

I respectfully submit that some mechanism of review and adjustment of those activities of the Ontario March of Dimes be undertaken to make this a more accessible program. Thank you.

The Chair: Mr. Marchese, any comments?

Mr. Marchese: I will leave it to the government members to ask some questions.

The Chair: Mr. Parsons?

Mr. Parsons: We don't have a question, but don't take that to mean we're not interested. You've raised some points that, quite frankly, we weren't aware of, and we will certainly follow up on them.

Mr. Edel: I can tell you that my member of Parliament, Mr. McNeely, was not aware of it, and when I brought it to his attention in December, he said, "Try the process; it should work." I'm sorry. It's not working. It's six weeks later, and it's not working.

Mr. Parsons: We only know what we're told. We thank you for bringing that information to us.

The Chair: By the way, that is the purpose of our meetings: to hear what everybody has to say so we can potentially incorporate it into what we're going to do. By raising this, you have done us a major favour. That makes something clear to us, and then we decide what we would like to do. Thanks very much for your presentation.

1750

DISABLED AND PROUD

The Chair: The last presentation on my list is Charles Matthews, from Disabled and Proud.

Mr. Matthews: I just want to touch on a couple of issues that were brought here during the day so my speech will be relevant. In regards to the city, by the way, I must make a correction. I've mentioned to the city that it would take approximately 150 years for them to go through the retrofitting to make the buildings accessible. The figure brought forth today was \$15 million, rep—

resenting 30%, so it works out to \$5 million per 10%, so \$50 million. Budgeted at half a million dollars a year, it will take 100 years, not 150.

Mr. Marchese: That helps a lot.

Mr. Matthews: We're supposed to have everything done in 20 years. I think the city's getting the message. The city also mentioned something about the penalties involved. We want to see the penalties, and you'll hear that in my presentation.

Good evening. My name is Charles Matthews, and I'm the president of Disabled and Proud, an independent voice of the disabled community. It might be unwise to present last at a committee like this, as most of you are exhausted, especially after arriving in Ottawa very early in the morning. But I like this position, as I can put forward to you the items that have been missed by other entities.

The problem—or should I say delight?—is that I think everything has been covered in these five sessions. If you take inventory of what has been presented and actually implement the amendments being called for, you will have a complete piece of legislation. You have heard so many voices from the public over the last few days, and the majority have shown you that the direction you're going in is the right one but that you need to fine-tune this legislation to make it strong, effective and as enforceable as possible.

The disabled community has been suppressed for such a long time that we want to make sure we don't get just another piece of window-dressing legislation. If I have understood Bill 118 correctly, as others have, it is the ultimate goal of the AODA to make Ontario totally accessible by the year 2025, and there will be requirements to show the progress being made along the way, with timelines. According to speeches from the minister, we'll see some of these standards come into place starting this fall and many will also be put into place within the first year.

Therefore, our first recommendation: Start the legislation with a preamble that sets out the goals for the act. The ODA Committee, headed by David Lepofsky—we were asked to consider a petition today, and I hope all parties take it into consideration, that David Lepofsky, because of all the work he has done, and the ODA Committee, be given a little extra time, because they are actually the grandfather of a lot of this work. We are a proud member of that group, and they filed with you their 54 recommendations, which I feel should all be incorporated into this bill. This group has been working for years to see a strong and enforceable ODA put in place. They are possibly more knowledgeable than any other entity in this country on what is needed to make this legislation strong.

Therefore, recommendation 2: Incorporate all 54 recommendations of the ODA committee into the bill. In addition to the recommendations from the ODA Committee, you have heard from others with their specific needs, and we are no exception. We have strongly supported the ODA Committee since our inception in

2001. They are the voice in setting up the legislation. We have given a lot of input into the committee, but our group is one of many others who actually have applied the ODA 2001.

I'd like to point out that we were the first to bring a court case on the ODA. When we started the case, it was referred to as Bill 125, and later in the case, as actual ODA, 2001. It was the case of Zachary Bonnah, and we won. We approached the ODA Committee on many occasions to help with implementation and actually taking this to court, but even the ODA Committee had stated that in cities such as Windsor and Cornwall, where we were going to represent a couple of people, the committee did not apply the act but that its mandate was to create this legislation. At first I was beside myself, but then I came to understand the tremendous task the ODA Committee was doing. We started to ask the government directly, and we got nowhere. The last resort was to try to influence the MPPs, including the Premier himself, to implement and bring some of these cases to court. Basically, we were told, when a case is going before the courts, that "We can't comment on it." So how could we apply any of this? Many MPPs went on to say that they were actually taking a wait-and-see approach to see what the communities out there, scheduled organizations and the municipalities would do on their own.

In light of this, we recommend our third point: Set up an independent group or entity to monitor the progress being made with the act. Have this same entity highlight or praise those who are making this legislation work and help those who need more guidance or incentive to achieve the results called for in this act. The third aspect of this entity would be to help and guide those who are implementing the legislation and to act as a resource for those applying the act before the courts.

Our group strongly supports the ODA committee's recommendations 53 and 54. We do not need the private sector to depend on government funding to make their entities accessible. The financial gains and moral implications alone should be enough incentive to make things accessible.

There are three stories I'd like to share with you about this.

We assessed a grocery store and suggested that an accessible ramp be put in. The owner did it to please a few potential customers. Two months down the line, he came to us and stated, "I had no idea how wonderful that ramp was that we put in. Bringing my inventory into the store is so much easier that if I had taken the time to think about it, I would have done it years ago."

From an article in the May 2004 edition of Access Now, the paper you saw this morning, there was a small question-and-answer that actually came from a reader:

"Question: It seems like everyone is talking about wheelchairs. I do not use one, and none of my friends do either. Why should I bother making my home wheelchair accessible?"

"Answer: Eliminating steps not only helps those in wheelchairs but makes things easier for everyone. Think

about it. Wouldn't it be easier if you could wheel your luggage right from your living room to the car? Wouldn't it be great to take the grandkids for a walk and wheel the stroller right into the house? Imagine how much easier grocery shopping would be if you could unload groceries into a small cart and then roll them right into the kitchen. Think wheels, not wheelchairs."

The third is about this hotel, from about three or four weeks ago, on January 12, when you did a pre-budget consultation. I was talking with the administrator here and they told me that since they put that ramp in front, hardly anybody uses the stairs any more. Most have luggage on wheels, and it's so much easier to use that ramp rather than try to navigate the stairs.

Also on January 12, I had the honour of addressing the pre-budget hearings. I asked that the government set up funds for this upcoming act in order to implement the requirements that needed to be done in the coming year. I also stated that if these funds were not used, they should be put into reserve for other accessibility projects. I also suggested that when you save money on a project because you make it accessible, you should take these funds and add them to the reserve so you have resources for new projects.

Therefore, our point 4: Set up reserve accounts for accessibility projects and also use those reserves only for accessibility projects.

1800

Standards and requirements may take a while to set up. Many entities feel that they do not have to do anything until this new legislation takes effect and standards that tell them what they have to do get set up.

We are recommending that there be a clause specifically stating that the ODA, 2001, still be in force until such time as the new legislation comes into force. Section 21 of the ODA, 2001, was never proclaimed. This penalty phase is so small in character compared to what is coming in this new legislation, it might be well served to—recommendation 6—proclaim section 21 of the ODA, 2001, immediately so entities can use this as an enforceable clause that is not so damaging right now. In light of this, we'd all like to see everything being given a limit to the amount of time before a section is pro-

claimed. Let's face it, we still haven't had section 21 of the last act.

We're proposing that within two years, if the section is not proclaimed, it would automatically come into force after that two years. After the bill gaining royal assent, the whole act will be deemed to be proclaimed after two years.

Summary timelines: for the year 2005, continue with your yearly requirements for annual plans by the entities described—the municipalities or scheduled organizations; for 2006, the same yearly requirements for annual plans, plus the new standards that you're putting into place; starting in 2007, start three-year stages, which will give you a total of six, and that will bring us to the year 2025 to make everything fully accessible.

Recommendation 8, the last one: Seeing that everything is to be totally accessible by 2025 and new construction will be anticipated to be around in 2025, all new construction can be made totally accessible immediately—any new construction—and these stages be set up for retrofitting purposes.

As far as all the other entities, the accessibility features other than infrastructure, they start being implemented right away, like trying to get rid of the attitudinal barriers. Please note that education is the key. The first barrier you must try to eliminate is the attitudinal barrier. For once that is done, all the other barriers will start coming down.

In conclusion, please make us all disabled and proud.

The Chair: Thank you for your presentation. No questions?

Mr. Leal: No questions from the Conservatives? Oh, they're not here.

The Chair: It's the last presentation, and I thank you very much for it. It has been a pleasure to be here in Ottawa. We saw you twice, and many others. Hopefully, we will be able to come up with something that all of you will be able to, to some degree, appreciate. I know that's the objective. Thank you again.

We will be meeting again in Toronto. The clerk will be arranging the next meeting, and she will notify us. Enjoy the balance of the evening.

The committee adjourned at 1805.

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