



ISSN 1710-9477

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 2 February 2005

**Journal
des débats
(Hansard)**

Mercredi 2 février 2005

**Standing committee on
social policy**

Accessibility for Ontarians with
Disabilities Act, 2005

**Comité permanent de
la politique sociale**

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

Chair: Mario G. Racco
Clerk: Anne Stokes

Président : Mario G. Racco
Greffière : Anne Stokes

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Wednesday 2 February 2005

Mercredi 2 février 2005

The committee met at 0903 at the Americana Conference Resort and Spa, Niagara Falls.

**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, and welcome to the public hearings of the standing committee on social policy on the Accessibility for Ontarians with Disabilities Act.

Before we start, I would like to point out several features that we hope will help to improve accessibility for those who are participating in and attending these hearings. In addition to our usual French-language interpretation, we have added services for these hearings. Closed captioning is being provided for each day of the hearings. Sign language interpreters are present for each day of the hearings, and there are also two support services attendants available to provide assistance to anyone who wishes it. Those two people are standing down there at the back of the room, so if anybody needs them, they are all the way down there.

The hearings today are being broadcast on the parliamentary channel, available on cable TV on Friday, February 4. Also, for the first time, these hearings are being Webcast on the Legislative Assembly Web site at www.ontla.on.ca. These will also be available on Friday.

Our other hearings will be delayed broadcast in Webcast. London will be broadcast in Webcast on Saturday, February 5, and Thunder Bay will be on Wednesday, February 9. Ottawa will be shown on Thursday, February 10.

We welcome you all to these public hearings. We can proceed with the first order of business. I would ask that—

Mr. Kim Craiton (Niagara Falls): On a point of order, Mr. Chair: With the committee's indulgence, as the member from Niagara Falls, I want to welcome everyone and the committee, and I want to thank them for bringing the hearings to Niagara Falls. We have a very active disabled community, and you're going to hear some positive things and some suggestions on how to improve the bill. So welcome, and it's our pleasure to host this meeting today. Thank you very much.

The Chair: We certainly are pleased to be in Niagara Falls—

Interjection.

The Chair: —the capital of North America; not only Canada, but North America. We are blessed to be here today, and I know that our friends will have lots of things to tell us.

EASTER SEAL SOCIETY

The Chair: We'll start the proceedings. The first presenter is the Easter Seal Society. Are they present?

Would you please have a seat, sir, and whenever you're ready, you'll have 15 minutes to make your presentation. If there is any time left, we will allow questions to be asked. Please speak slowly so that all of us will be able to appreciate the presentation.

Mr. Mark-Alan Whittle: Good morning. Before I get started, I'd like to acknowledge my wife, Laurie, my son, Logan, and his Grandma Whittle. They are with me today because we have faith, lots and lots of faith, in each other and in your government. We have taken the time to come before this committee as a family because we work together, sometimes with others, to see that our son gets to enjoy life to the fullest. As you can see by his reaction, he's already having the time of his life. He knows what love is, and he has lots of friends at school who have come to know his value and equality. That's where we have to begin this journey of accessibility, in the classroom, where the children can learn these notions first-hand.

Committee members, once again the government of the day has seen fit to begin another exhausting round of consultations on how to get Ontario's institutions and private sector companies, including Ontario's unionized

school system, to deliver what adults, teenagers and disabled children like Logan and their parents value the most: an accessible society and public education system that meets their children's needs, just like the education other kids take for granted. To us, it's a matter of survival for our kids, who we want to be the best they can be and make their way in a world that is accessible to each and every one of them.

If you want to build an accessible society, you must start with the children, who will grow up and take these notions of accessibility and equality forward into their adult lives, and be better citizens for it. We all know how hard it is to teach an old dog new tricks, so changes in attitudes about accessibility have to start where the children can best adopt them: in public school right alongside their peers in a regular class, not warehoused in special schools that lack the full range of human potential that a regular classroom evokes naturally amongst the children therein.

Why is it so painfully hard for public school boards to deliver services that accommodate, as specified by the laws and regulations already in place? Only strong enforcement measures like the legislative remedies afforded by the Ontario Human Rights Commission code, in conjunction with the recently released accessibility guidelines, are the reforms necessary to turn things around in public schools.

From first-hand experience, while loving and learning with Logan, and from my duties as the voluntary chairman of the local Easter Seal Society, of which Logan is the young ambassador, and from the good public work I do as the chief executive officer of Logan's Pony Club for children with disabilities with cerebral palsy, I have come to know of many cases throughout Ontario where school boards have failed to deliver the vital accommodations, both physical and attitudinal, that will allow special education students to be the best they can be, right alongside their peers in a public school classroom.

How will Bill 118 help Lucy Divizio's less-abled children, who continue to face the attitudinal barriers erected by the administrators and unionized staff at the Dufferin-Peel Catholic District School Board? These are accessibility barriers just as real and insurmountable as physical ones, not unlike those that a flight of stairs poses to a student in a wheelchair.

Under provisions of the Education Act, the special education act and the Ontario Human Rights Commission accessibility guidelines, each and every public school board in Ontario has a responsibility to accommodate individual special education students up to the point of undue hardship, and be able to prove it. This is the law and should be rigorously enforced by the Ministry of Education. As you know, school boards are creatures of the province, to be dealt with as the government sees fit.

0910

Besides being a Child of Courage featured in a past issue of the Ontario School Advocate and many other national papers, Logan, and our family's plight, helped develop the recently released Ontario Human Rights Commission

guidelines for accessible education. Not bad for an eight-year-old, eh? I feel honoured to be his mentor and his dad.

Keith Norton, the chief commissioner, personally invited Logan to the launch of the accessibility guidelines in Toronto, where he got a standing ovation after I addressed the chief commissioner on his behalf and for the 22,000 Easter Seals kids in Ontario who are trying to get a decent education. After the meeting, Mr. Norton told Logan that his presence in the room put the human element to everything we worked so hard to see come to fruition in the commission's guidelines.

Back then, Logan and I had faith that Keith Norton had heard our concerns and taken action when Logan was targeted for discrimination during a labour strike because he had a physical disability. The Hamilton-Wentworth District School Board refused to accommodate my son, even though the able-bodied kids were allowed to attend school. My son's right to access the public education system was trampled on. By the look of things, there will be another strike this September over more money and 200 minutes a week for teachers to prepare themselves for work—a job which they have already been fully trained and handsomely paid to do.

How will this new legislation protect my son from the usurious hand of militant education union presidents like Emily Noble of the Elementary Teachers' Federation of Ontario, who always puts the members' wants and needs ahead of disabled students like my boy? Will the federation's members be allowed to trample on my son's right to an accessible education yet again? Will I have to do the job myself in the classroom the best I can, like I did the last time the government failed to protect my son's right to access the public education system?

Perhaps including provisions from the Ontario Human Rights Commission guidelines on accessibility to Ontario's schools in the Accessibility for Ontarians with Disabilities Act will be the legislative remedy that will finally allow children like Logan to get an education like the rest of the able-bodied kids in a regular class, regardless of self-serving union contract language that is so pervasive in Ontario.

From what I have seen up until now, this has not been the case, despite the good intentions of your government and the hard work and perseverance shown by the honourable MPP Cam Jackson, the previous minister who was instrumental in making the original Ontarians with Disabilities Act law, which is the model for this present bill. If he is in the room today, Logan, Laurie and I salute you for the good public work you did, and continue to do today, when we consulted together concerning the provisions within the original Ontarians with Disabilities Act that we are improving today.

As you can see from the people in this room with us, there is consensus among Ontarians of all political stripes to see that we provide disabled Ontarians with accessibility to all the great things Ontario has to offer. We should be an accessible society that is "Yours to Discover" for less-abled Ontarians too.

Thank you for allowing me to have a say regarding Bill 118, the Accessibility for Ontarians with Disabilities Act, 2004.

The Chair: Thank you for your presentation. There is about a minute each for questioning. I'll start with Mr. Jackson.

Mr. Cameron Jackson (Burlington): Thank you very much, Mark, Logan and family, for being here today. I appreciate seeing you again.

Two quick questions. Clearly, you support the Ontario Human Rights Commission's accessibility guidelines to be built right into the legislation so they become the baseline for the standard. Is that correct?

Mr. Whittle: Yes.

Mr. Jackson: The second question, Mark, is that quite a few of the disability groups have already come forward to suggest that David Lepofsky, whose 166-page report includes a substantive number of amendments, be given standing before the committee to help it through the clause-by-clause process. Do you support us moving in that direction, to encourage getting all of these elements into this bill so that we do it right?

Mr. Whittle: I would agree with that too, because I know Mr. Lepofsky works tirelessly and I know him as a personal friend. I was part of helping him come up with some of those ideas. They are really heartfelt ideas from the disability community. Those issues that Mr. Lepofsky brings forward are issues from inside each one of us who has a member in our family who is disabled. So we take all those things in there very seriously.

Also, in my mind, I have to think of businesses and small companies who will have a hard time meeting expectations that are set too high. I have always told David that you have to temper our requests with reality, because it is very expensive to accommodate in some cases.

I know from my own experience where I live that the owner of the building spent over \$10,000 to put in a ramp so that we could have accessibility. I sold the idea to him by telling him, "Other people could use it: mothers who have strollers, people who are older. These are people who are on fixed incomes who will be paying their rent on time. They're quiet tenants. They're an asset to your building." He started to think that way, and he realized its importance, and how accessibility is not just for a disabled person; it's for everybody to use. He incorporated that in the building. Now, he's much happier as a result. He didn't mind investing the money, because he knew he would get an economic value out of it. If somehow we can think outside the box, we can help bring those businesses in along with the regulations that are coming in now. This would be a good thing.

Mr. Rosario Marchese (Trinity-Spadina): I appreciate your presentation. The difficulties that you and many other families face with children who have such a condition are very difficult ones. As a former teacher, 20 years ago, and as someone who's got relatives with children with severe disabilities, I am fully appreciative of the problems you face.

We have a provincial policy that says we should integrate students in the classroom. That's a good policy. But if we don't give those teachers the support that they desperately need in the classroom so that kids can be integrated, then it makes it very impossible. I got the impression there from time to time that you almost make it appear like it's the teachers' unions that create this difficulty, rather than a funding model that makes it difficult to provide the funds so the kids can be in the classroom and so the teachers can give the benefit of an integrated kind of approach. I agree with that kind of an approach, but I also agree that governments need to give the support so that that can happen. I don't think we have that support.

Mr. Whittle: You're right in saying that. I know what I had to do. I helped train the person we have now for Logan. I brought in experts who are already funded by other areas of the government to consult with the school board. What you have normally is a barrier that's built up, where the expertise that's already available and already funded by the province is not allowed to come into the school board to apply their skills and abilities to bring those teachers up to the speed you need to educate those students. That is the dilemma that's faced.

This is a contract issue. This is not an issue of somebody not wanting to do it. It's an issue of having something written down on a piece of paper that says what you cannot do or what you don't have to do, and not what you should try to do. The reasons for the guidelines for the commission were to try to clear that up. We're not interested in contract language; we're interested in accommodating that student above all other issues. That's what really has to come to the fore here.

It's unfortunate that so much animosity is created between unions and parents, but that is the situation they create with the way that they communicate with the public. I have no control over that. All I know is that, when I am in that classroom, my son needs to be accommodated and so do the other kids. People have to understand that that is a priority now. It's not about buying computers for staff; it's about accommodating that student.

Mr. Khalil Ramal (London-Fanshawe): First, I want to thank Mark, his wife, Laurie, his son, Logan, and grandmother Whittle for coming today to present to us their case and recommendations. I also want to tell you that we have an Easter Seal Society of London chapter that is very active. They play a pivotal role in our society in London in order to serve some people who have fallen through the cracks in the bureaucracy of the government.

I want to tell you today, Mark, it's people like yourself who can bring this issue forward all the time, who can create awareness in our society in order to solve the problems we're facing. I agree with you. We have a lot of problems. We have a lot of things, and even Bill 118 wouldn't speak about them totally unless we have people active like yourself, like your family, bringing this issue forward in order to create awareness in the government and in the people of this province.

I would just say, thank you very much for coming. Hopefully, your concern will be well-taken. We can note it and send it to the government, and hopefully we can do something about it.

The Chair: Thank you again for coming.

Mr. Whittle: We all have to have faith that things will be made right. That's what keeps me and my family going, and hopefully other people. I want to have faith in the government. I have faith in Mr. Jackson. He never let me down. I want to have faith now. That's why we're here, so I'm glad you invited me.

The Chair: Thank you again for your presentation.

0920

SPECIAL NEEDS COMPUTER SOLUTIONS INC.

The Chair: We are going to go to the 9:30 presentation if the people are present, Special Needs Computer Solutions Inc.

Good morning. You have 15 minutes for your presentation, sir.

Mr. Craitor: Terry, welcome. Why are you pulling a rope?

Mr. Terry Scott: Why am I pulling the rope? Have you tried pushing a rope?

I'm a disabled person. There are a number of issues I'm going to address quickly. I'm not going to provide any solutions, because I don't have the solutions. I don't envy any of you.

I don't know if you can hear the voice on this. This is technology that's available nowadays. It's new technology; it's not incorporated. There are a number of issues I'm going to go through, and hopefully I can stay on it.

I have a disability from a brain-stem injury. You know what? My brain-stem injury was in 1975. Ow. Mean anything? Yes, it means I still live with it. Can you see it? I live with it. Unfortunately—I'm trying to make this thing work too—there it is; that's all, from Sunnybrook Hospital, that was left. I denied it for 20 years. Then I went to look at it and that's all they had, one piece of paper. Nothing from Toronto Rehab. Nothing from either place. That was it, one piece of paper. I don't know what to say about that.

I'm going to make some suggestions from what I read of Bill 118.

Audio-visual presentation.

Mr. Scott: I'm not going to bore you with listening to every speech right here.

Access is not the main problem of having a disability. Having the correct accommodations for my disability is the key—and everyone's disability is unique—so that I can live and function within our society on a more equal basis. I don't want special treatment because of my disability. It makes me and my disability the focus. I don't want to be the focus. The focus is upon my ability to function competitively on any given task. The focus is

upon providing some relief for the limited activities of daily living because of my disability.

The focus must be on equality and ability. The things I need help with, some things that I need assistance—I know my limitations. I make adaptations for them. I can't do this, but I can do that. Why does society discriminate against me because I'm a victim of something that was out of my control? I didn't choose for a boat to run me over. I didn't choose for any of this stuff that happened to happen.

In the present reading, a disability is defined nowhere. Who defines an individual with a disability? Who defines the severity of any disability? In their simplest form, disabilities fall into physical and mental disabilities. These are both addressed in the further reading. A disability impedes the activities of daily living. There are medical professionals in many specific disciplines of these disabilities. Ought we not to appeal to these trained and qualified professionals to define a disability and the severity of each disability? What about multiple disabilities? Very few people have single disabilities. They do kind of run in groups, making everything very complicated. A person with a disability seldom has one disability.

The attitudinal barrier: You can't measure an attitude, but you can measure behaviour. Behaviour can be quantified. I don't have an answer for that.

There is an option in what I read of the recovery of the administrative costs. No real penalties; no teeth in the bill at all. No bite; no penalty. We'll get along with it anyway. We don't want to create a paper nightmare. We want to provide solutions, because solutions are the key.

One of the issues that I see of access in the bill is backwards compatibility. How do you make something that you inherited from your predecessor, something that's been there for a long time, accessible with today's technology and today's understanding of what we can do now? It's difficult. There is no simple answer to that. I don't envy you at all. Again, that's restricted by financial resources.

The bill doesn't at all address transportation for one individual to get from one place to another. I've got one person I often transport, [*Inaudible*] my ability to transport him, half an hour away. He's blind. He can't drive, and there is no transportation to Port Colborne. It's pretty hard for people. He has a job there. He can work. I can actually pay him, doing work. He can't get there. It's very difficult. I don't have answers.

There is a problem with the ODSP level right now, when you're limited to how much money you can make. It's a system that's self-perpetuating. It doesn't provide the incentive to get off the system. There are a lot of unknowns about ODSP, what works for the clients with a disability themselves, who have limited understanding, limited problems, and the people who work as service providers such as myself. There is a problem with that right now. There is no clear delineation. There are 10 or 12—I don't remember the exact number—different areas of ODSP regions across the province. They all do things differently. Every one is a little bit different in how they

operate and function. I've talked to a number of the providers and program managers in each of the divisions, and every one is a bit different. There is no standardization.

This is part of the discrimination, because there is a limit through employment to ODSP income supports, where you get your monthly income of \$950. You can earn 15% of that; anything more than that is capped back. That's a problem. But if you're on ODSP employment supports and want to work for somebody else, there is no limit to how much money you can access through the government. If you want to work for yourself, because of your uniqueness and your disability, there is a cap of \$5,000 that's available to you. Those two don't make sense. I don't understand a lot of the things.

More about the differences of ODSP offices:

Audio-visual presentation.

Mr. Scott: When I worked for World Vision, we talked a lot about the poverty cycle and what's going on overseas in the starving countries. People can't get off if they go from hand to mouth. The food goes hand to mouth; that's all they do. It's the same thing when you're limited. You don't have the incentive to move. You're going to get penalized if you try to better yourself. I was very fortunate, for I have a very fortunate family. I didn't know any of this stuff. It wasn't available. I found out about ODSP well over 20 years past the fact, closer to 30 years after the fact, that these programs were there. Sure, they were called something different.

0930

Audio-visual presentation.

Mr. Scott: Recommendations are only proposed; I don't have answers. We need to educate the public that it is the client choice. They have the choice of what is going to be best for them. Of course they're not going to have full faculties amongst themselves. Having a disability, they need help and guidance.

I propose that you have qualified assessors. I'm grabbing some procedures from ODSP and ADP, trying to intermingle them in my presentation of what I think would be best. If we had qualified assessors, they would only assess people, with medical expertise, what would be best for them.

A client wants to work: "Mark is blind; he can't be a taxi driver" is kind of obvious, but there are a number of things he can't do. There are a number of things he can do. So I would recommend qualified service providers who are trained and educated and have expertise in what they do.

There are a number of organizations that have been around for a long time. The one-stop shop is great, but a client is there and they like the comfort of it there and they go through it. But is that best for the client? I don't know.

The Chair: You have another two minutes, for the total 15 minutes. You can use the time as you please.

Mr. Scott: There are a number of different ministries, about eight of them, that I counted quickly that deal with disabled people. Why don't we bring them all together

under one roof? Keep everything together instead of everybody competing. It's all coming from the same funds somewhere and they're competing. Is that best for the client?

How about an Ombudsman? I can't say that word. We don't have that right now. I think that would be of great benefit for disabled people.

Audio-visual presentation.

Mr. Scott: I appreciate your time. I don't want it to be a complaint session. I've been through a lot. I can't even come close to describing what I've been through and what I see right now, the other side of the issue.

Technology: It took me a year to get this into this government system through ADP. Can it help somebody right now? Sure, it can. It's taken a year to get it through. Technology changes so fast. Why don't we take advantage of it?

The Chair: Thank you, Mr. Scott. You did give us material for your presentation, so we will receive that and your comments. We thank you for your comments and for being here this morning.

We'll move on to the next presenter, if they are present. Is someone from the Autism Society Ontario present? We have one cancellation. That's why we have some extra time.

ONTARIANS WITH DISABILITIES ACT COMMITTEE

The Chair: Is someone from the Ontarians with Disabilities Act Committee present? Would you please come forward, madam? Sandra—that's what is written. It's a name I am familiar with. Good morning.

Ms. Sandra Bird: A very good morning to you all, and thank you for coming to Niagara Falls.

Cam Jackson, it's wonderful to see you again, sir. Thank you for all you have done.

Kim, we couldn't have done it without you, my friend. Thank you so much.

My name is Sandra Bird. I am a proud member of David's team for Bill 118. I also serve on the mayor's accessibility committee here in Niagara and the regional accessibility committee for the region of Niagara.

I was just given this as we came in, and I am so thrilled with it. I am actually talking about intermunicipal transportation. We had to have a two-thirds majority to try to get a mobility system up intermunicipally. A West Lincoln vote tipped the balance in the project's favour. So we really have a chance now, working with all the communities, to get this going. I hope it's going to be a go.

Paratransit is the number one concern of any disabled committee. There is municipal transportation available within our city limits, but it is within city limits. Niagara Falls does not have accommodation for wheelchairs on the regular transit system, but Niagara Transit runs Chair-A-Van.

Most surgeons, specialized doctors and services are located in St. Catharines. With changes in the health system at Hotel Dieu and Shaver, treatments may be

transferred out of St. Catharines to other areas in the region.

It is very difficult at the moment to even get enough accessible transportation to get our committee members to the regional Niagara headquarters for our meetings.

Mobility Niagara was implemented through a grant by the region a few years ago due to the demand. They did not realize how much this service was needed, and unfortunately had to discontinue it after a period of one year. I myself have experienced the financial hardship of not having this service. After being discharged from the Hotel Dieu Hospital, an ambulance was called. I was charged \$75 because I had to travel back home by ambulance. If Mobility Niagara had been running, I would have paid just \$40 to come back. Because I needed to get myself and the wheelchair back to the hospital, that would have cost me \$20. That is \$40, not \$75.

We have been told there is an additional cost to the region when an ambulance is sent out. While preparing this presentation, I wanted to get current figures of costs travelling by Wheel-Trans taxi. The cost from Niagara Falls to St. Catharines return is \$52. If you don't have special insurance, the ambulance is \$95.

As I mentioned, with the changes in regard to Hotel Dieu and Shaver in St. Catharines, it may mean that services will be transferred to other Niagara Health System sites, which would mean that persons with disabilities in St. Catharines would have to travel out of St. Catharines to the other areas. If persons have to travel to appointments several times a week, it costs a lot of money. People are on fixed incomes and they cannot afford it.

Having intermunicipal transportation would certainly be more affordable and less strain on the ambulance system and would ultimately save money for the health system.

0940

We keep hearing about the new superhospital being planned. Am I wrong to assume that they want to replace the aging general hospital, Hotel Dieu and Shaver, looking down the road for a regional cancer centre, which is certainly needed in the Niagara region?

The provincial gas tax was to be used to upgrade transportation systems. I fervently hope that intermunicipal transportation for persons with disabilities will be considered, as it would be a saving to the province's health system and persons on fixed incomes. Intermunicipal transportation must be included in Bill 118. We simply cannot wait until 2025 for intermunicipal transportation to be implemented.

I also wish to comment on guide dogs and specially trained service animals. This act does make mention of this but doesn't really express the need for the animals and that they are as much a part of a person who needs them as someone needing a wheelchair or cane. They are just as important and must be recognized by the public sector. Also, they must be allowed to travel on public transit and specialized transit.

Thank you for allowing me to speak to this. I will be very glad to answer any questions you may have.

Mr. Marchese: Thank you for highlighting some of the difficulties that people with disabilities face.

The Chair: Two minutes each.

Mr. Marchese: It's important to hear the personal stories of people with disabilities, the financial hardships, the social burdens and/or the restrictions they face in society and the very incredible psychological difficulties they have to face in general.

This bill obviously is something that is very useful in terms of how it addresses the concerns that people with disabilities have. In my view, there are weaknesses in the bill that could always be improved. One of the weaknesses of the bill in my view is the 20-year time frame. Although there are five-year cycles for standards committees and accessibility committees to be able to report, in my humble view, that is a very long time to achieve the kind of equality that people are seeking.

It is my contention and the contention of many that we could reduce those cycles. Instead of five-year cycles, they could be three-year cycles. If we did that, then the whole term of dealing with what we want to get to would be 12 years rather than 20. It seems to me a more reasonable time frame to achieve what we want, rather than dragging it out interminably. If we did it every three years, governments would have to literally do something twice, that is, in the first three years, and then begin the second cycle while they were in government. It seems to me to be fair and reasonable. What do you think about that?

Ms. Bird: Maybe for some things, but for transportation, we needed it years ago. We need to have that implemented right away, as soon as possible. Transportation is mentioned in the bill. Intermunicipal transportation—if the bill actually said, “All means of transportation needed by the disabled must be in place,” it would have to be done, and as I said in my presentation, it would save money. We are not out to try to cost people money; my gosh, we're trying to save people money. We know the problems the health system has right now and we know the strain, but with what is happening in the Niagara area, as I said, with the cancer centre and also with the hospital, people now are travelling three and four times a week for kidney dialysis, for cancer treatment, on fixed incomes.

For instance, I'm in the process now of trying to get ODSP. I have been turned down four times, because I can feed myself and I can talk on the phone. I do a little bit of volunteering, but with my present medical condition, even that is a bit of a hardship. I love to do it. This is my passion. This is something I really feel good about. But if I have to travel—I only get \$420 a month. Half of that goes to rent. Do the math. So if I have to travel to and from—fortunately, I have a lot of people who are willing to give me rides, but you can't expect them to—gas is not cheap and you do have to make some repayment to those people for being very kind. But as

you can see, that deletes my money. And I'm not saying, "Poor me." There are a lot of people in the same position.

Mr. Craiton: First, Sandy, before I make a comment, I didn't have a chance to just say to Terry, thank you for your presentation, Terry. I still remember you were one of the very first people who came in and sat with me to talk about disability. I learned a lot from the time we spent together, so thanks.

Sandy, I just wanted to say to you that one of the most positive things I've learned about the bill—and I think it will help us in this community with intermunicipal transportation—is the fact that there are no standards in this bill or in the process. All of us around this table want to expedite the process. I know we see 20 and 25, but the goal is to get it done much quicker. By setting standards in different categories, by having a standard in place in the area of transportation, it means that transportation will have to be provided, and the standard will be set by those from the disabled community, from the private sector, from government agencies. They will set a standard for transportation, and I think that will help drive intermunicipal transportation even here in our own community in the Niagara region. As I said to you, right now there isn't anything, and all the people in this room know how difficult it is to move around throughout the Niagara region.

The final thing—you echoed it, along with Terry, and I've heard it from many people—is the ODSP. Terry, I was just talking with Jeff and he's going to make sure your presentation and some of your comments go to the parliamentary assistant to the minister, Deb Matthews—as well as yours, Sandy—to see if there's a way to improve it. Another person, Jacqui Graham, is here. I know she has put together a brief and it has gone up to the minister's office as well. So thanks just for taking the time to come out and participate.

Ms. Bird: My pleasure.

Mr. Jackson: Sandy, good to see you again, and thank you for being here. I have two very short and quick questions for you.

The challenges in Niagara are unique, probably more unique than anywhere in the province, because you have so many municipalities with so many transit systems. Only a handful have actual paratransit and they're not connected. Part of this problem is the fact that upper-tier municipalities don't have control over transit and lower-tier municipalities do, and there's no political force pushing them to the table and saying, "You must cooperate and provide service." So my question is this: Before the government gives, whatever the price tag is, I think it's almost \$1 billion or more, of gas tax money to the municipalities, do you feel that money should go with a condition that they must integrate their transit systems and they must make paratransit a priority?

Ms. Bird: I would say yes, they should. But what we have been told with our Niagara Transit—and they are marvellous because we have the van system. We have asked Niagara Transit, "Would you be willing to incorporate wheelchairs and everything on regular transit

buses?" and the answer from Terry was actually that it wouldn't be any more cost-effective for them. It would ultimately cost them more money. They are strapped now. That's why they would rather stay, he feels, in this area just with the specialized transit, the paratransit system that we have now.

0950

May I also say that Mr. Librock was very kind, and for anyone from Niagara Falls coming on paratransit today, it was free. So I do thank him very, very much for that. They've always been very co-operative with us.

Another area—and I'm not neglecting to mention this, because I know you're going to be hearing from other people: Niagara Falls is tourism. Someone coming to Niagara Falls in a van or something themselves, that's terrific. But if someone comes in and needs to get from point A to point B, there isn't any system within the parks to take people around, unfortunately. But that is the case right at the moment. I didn't really want to get into that because I have a colleague who will be most eloquent in what she will have to say later on today.

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

AUTISM SOCIETY ONTARIO

The Chair: We'll move on to the next presenter. If Autism Society Ontario are here, would they please come forward.

Madam, please have a seat there. You have up to 15 minutes for your presentation, and if there is any time left, there will potentially be questions asked. Ms. Orvitz, I would ask that during your presentation you moderate your pace so that all the people in attendance are able to understand and appreciate the presentation equally. You can start any time.

Ms. Flavia Orvitz: My name is Flavia Orvitz. I'm representing the autism society. I'm the president of the local chapter of Autism Society Ontario. I'm here to inform you of what we consider as barriers to have individuals with autism spectrum disorders fully included in our community.

I would like to tell you a little bit about us. Our vision is acceptance and opportunities for all individuals with autism spectrum disorders. Our mission is to ensure that each individual with autism spectrum disorders, or ASD, is provided the means to achieve a quality of life as a respected member of society. Our key areas of focus are advocacy and support, research, best practices, government relations, public awareness and governance.

It is estimated that between 20,000 and 70,000 people in Ontario today have some sort of autism spectrum disorder. It's one of the most common developmental disabilities, with prevalence as high as one in 165 people. The number of people who are being diagnosed with ASD continues to increase dramatically.

The nature of autism spectrum disorder: While it's a hidden disability—it's not readily visible—all people with ASD have problems in the areas of social interaction

and communication skills. However, there is a wide range of ability levels among individuals with ASD; therefore, they need individualized programming in education or elsewhere. The challenges in communication range from mild to severe, with approximately one third of individuals with ASD remaining non-verbal throughout their lifetime. A majority of people with ASD have a significant level of cognitive impairment, although those with Asperger syndrome have more normal levels of cognitive functioning.

The barriers for people with ASD that we have identified: Regardless of their functioning level, people with ASD face significant barriers to participating in the mainstream of Ontario life.

The things that other people take for granted yet remain elusive for people with ASD include appropriate education, employment, leisure activities and supported or independent housing for adults. On appropriate education, many times, even the children who are mainstreamed or integrated do not get the specialized curriculum they deserve. They're plopped in the classroom and a lot of times are expected to learn incidentally.

Leisure activities can include something like the Infinity Playplace that was supposed to be a new concept to be inclusive of everybody with every disability. Unfortunately, to people with autism spectrum disorders, it's just another park where children cannot be left to play unsupervised. Perhaps if it was fenced in, then we wouldn't have such a concern of the children running out into the street. That's just an example.

It is our view that much of the current legislation, including the ODA of 2001, does not adequately address the needs of people with ASD. So what I ask is, how will the ODA make a meaningful difference in the lives of people with ASD? The ODA overwhelmingly addresses barriers in terms of physical barriers because, obviously, they're more visible, but there is little emphasis on the types of attitudinal barriers and policy barriers that constrict the lives of individuals with autism spectrum disorders.

In order to make Ontario a barrier-free place for persons with ASD, changes need to be made to government policy in four key areas. The areas we've identified as being key are housing, day programs, the Ontario disability support plan and education.

With regard to housing and residential services, historically, most children with ASD were institutionalized at some point during their childhood. This is no longer the case. In the 1950s, deinstitutionalization came into effect and the parents were expected to look after the children in their homes, but without sufficient funding to gain those supports. So the reality is that most children with ASD remain with their families throughout their childhood and, very often, throughout their adulthood. The majority of adults with ASD are not able to live independently and many of them continue to require a high level of assistance with basic activities of daily living such as dressing and personal hygiene.

Adults with Asperger's syndrome, a higher level of functioning but still within the spectrum, are more able, but are still unable to manage the more intricate aspects of independent living such as household budgeting or maintenance. They are unable to develop social relationships that are necessary for functioning in society. They have challenges in understanding the motivation and intentions of others, and that impacts their daily interactions and can affect such things as paying bills, dealing with salespersons or just generally shopping.

Developing and maintaining relationships is crucial to success in independent living and is a significant barrier for individuals who are cognitively impaired. Because of this deficit, a lot of individuals grow up without having real close friendships and they feel lonely and are very susceptible to depression. A lot of children, once they start to reach their puberty years, are more aware of their differences and they start to realize that they are different, and they feel alienated. A lot of them, unfortunately, fall into depression and are very suicidal.

The supports that are unavailable: There is currently a waiting list of many years to access residential services across the province of Ontario, and that is for individuals with ASD or otherwise. Many adults remain in crisis in their family homes for many years. There are many adult parents who are over the age of 65, they're often in poor health and are looking after their adult children. When both parents are deceased, the adult with ASD is generally moved into any available residential placement, and that may include a locked ward in a psychiatric hospital. It can be a long-term-care facility for seniors. These could be adults in their 20s and they're placed in homes with seniors. It's not very appropriate.

1000

If the goal of the ODA is to encourage meaningful participation of people with disabilities in this community, then it must do the following: It has to address government policies that fail to provide adequate residential and housing services. It should recognize that appropriate housing and residential services for adults with ASD are essential if these adults with ASD are to be participants in the community.

A range of residential support options should be available to individuals with ASD. Some higher-functioning adults can function fairly independently and they may just need supported independent living. Some adults will require one-to-one care for most of their lives in a very highly structured environment.

Examples of some Ontario excellence in residential supports for adults with ASD include Woodview Manor, which is in Hamilton; Kerry's Place Autism Services; certain placements within Community Living Ontario. Some families have creatively supported their adults through individualized funding. We don't have anything in the Niagara region. Unfortunately, at Woodview Manor, which is the closest to us, there's also a waiting list. It's a good facility, but there's just not enough space for everyone.

The importance of appropriate housing for adults cannot be underestimated. The lack of appropriate adult housing precludes full participation in the community not just by the person living with ASD but the elderly parents of the adult with ASD. What we need are more day programs. Currently we have adults leaving school at the age of 21 and they have nothing to turn to. They cannot hold down a full-time job, or even a part-time job for that matter, because of their disability, and they have nothing to do during their days and they're bored. This just reminds them how much they don't fit in, and once again they fall into a role of depression. Day programs are very important.

Government policies must not fail to provide adequate funding for community support agencies. There are some agencies out there, but they don't have enough funding to continue or expand their programs. The programs that they have now have long waiting lists for many years and many service agencies provide services only for their clients who are receiving residential services. If they're not in the residential services, they don't get services. There's nothing like an outpatient sort of service available to these individuals who want to continue living at home.

The Ontario disability support program: The level of financial support received through ODSP has not changed substantially in the last 10 years. This lack of increase has increased financial hardship for persons dependent on this funding, and it's created more barriers to participation in community activities for people with ASD.

The policy of decreasing the ODSP as somebody gains some part-time income actually penalizes them by reducing their ODSP. A lot of these people may work for a couple of weeks, their ODSP gets cut off and then suddenly they lose their job because they just cannot work in that environment and then they face financial hardship because their ODSP has been reduced. In fact, it should be a reinforcement. They should allow a little more time to see if this person is successful in their working position, perhaps six months to a year. If it's pretty stable, then I would say cut it back a little bit, but don't penalize them for making an effort to participate in their community.

Adults with Asperger's syndrome face very unique challenges to employment. These are the ones who can actually probably get through the interview, but then their sensory issues and other things get in the way and they just can't hold down that job. They may have some valuable employment skills, because their IQ tends to be either average or above average, but they still need assistance in obtaining and keeping this job.

The ODA could recommend some guidelines and procedures for ODSP which would make it more meaningful for the adults with ASD.

The ODA could also work to alleviate these problems by helping companies to understand these invisible disabilities. People with ASD would benefit from programs that would help them to understand their rights in

terms of employment and discrimination. Funded programs that include job interview assistance and job coaching would be valuable as well.

The ASO's submission to the Human Rights Commission in October 2003 identified four major barriers to appropriate special education for children with ASD. The first one is the appeal process under the Education Act. The second one is the lack of knowledge of the disability and the lack of specialized training on the part of the staff on how to effectively work with and teach students with ASD. The third is a funding formula for special ed. that discriminates against students with ASD. The fourth is the enforced short- and long-term absence from school for many students with ASD, which also creates a barrier to education. By that, it's the constant suspensions or withdrawals from school.

What we recommend as solutions for these is that the Ministry of Ed. and school boards must operate under the statutes, regulations and codes that are meant to protect Ontarians with disabilities. In the even of non-compliance, parents should have a meaningful recourse to a remedy: A timely and just process that will ensure the student's progression through the school system.

The Chair: Thank you, madam. You have just gone over the 15-minute limit. I thank you for the presentation. We have some material that you left with us and we thank you for both.

Ms. Orvitz: Thank you very much for your time.

ST. CATHARINES AND DISTRICT
LABOUR COUNCIL

JOINT ACCESSIBILITY ADVISORY
COMMITTEE OF LINCOLN,
WEST LINCOLN, PELHAM, THOROLD,
NIAGARA-ON-THE-LAKE AND GRIMSBY

The Chair: The next presentation is St. Catharines and District Labour Council, please.

If I can remind you, it's 15 minutes for your presentation, if you can keep that in mind. Thank you very much. You can start whenever you're ready, please. Good morning.

Ms. Suzanne Hotte: Good morning. I'd like to thank you for the opportunity to present today. On my right I'd like to present Donna Herrington. She's with the Joint Accessibility Committee of Lincoln, West Lincoln, Pelham, Thorold, Niagara-on-the-Lake and Grimsby. This committee plans for a group of over 100,000 people. I am Sue Hotte, president of the St. Catharines and District Labour Council.

The St. Catharines and District Labour Council represents 36 union locals and 15,000 unionized workers in the area north of the Niagara Escarpment, stretching from Niagara-on-the-Lake to Grimsby. We have long been involved in many economic and social issues in our communities. We try to improve the lives of all who live in our communities. We do this through collective bargaining and working for legislation which improve

living and working conditions, and working closely with community groups such as the advisory groups for persons with disabilities. We welcome this opportunity to speak to you today.

According to Statistics Canada, 13% of Ontarians have a disability. In Niagara, the percentage is much higher due to our demographics. We estimate that there are over 70,000 people who have a disability in our area. It is, therefore, of utmost importance that we have strong legislation which will change the status quo and help improve the quality of life for Ontarians living with a disability.

1010

We are pleased with the bill, as it will help to create fully accessible communities. We do, however, have some concerns that the bill will not achieve its stated objectives unless some key changes are made, and we would like at this time to draw your attention to some of its major weaknesses and offer our views on how some sections could be changed.

I'd like to pass this on to Donna now, please.

Ms. Donna Herrington: I'd like to begin by thanking you, as others have, for coming to the Niagara region. We do not often get an opportunity to meet you face to face, and we thank you for that.

To start with, the joint accessibility advisory committee, which I work for, is in agreement with any legislation that will help create fully universally accessible communities. However, we believe that the use of exemptions as a form of incentive for compliance is contrary to the purpose of the legislation and will only serve to create further barriers for people with disabilities. It also suggests that certain disability barriers are more important than others.

As an example, if you say to a required agent that you must comply with physical disabilities, but you don't have to deal with policy disabilities, as an exemption, you're actually creating disabilities for further communities within the disability community. So we have issues with that.

Also, we believe that once physical access standards are created, they should be included as a mandatory section of the Ontario building code. We believe the code should be modified and revamped and should be the means through which physical standards are enforced.

Finally, we believe that a new, separate public entity or agency should be created to enforce this new legislation. Enforcement should be a provincial rather than municipal jurisdiction situation. Municipalities do not have resources or expertise across the board to fully implement this legislation to what your vision is. We also believe that a public entity will ensure transparency and public accountability for its actual enforcement.

I'd like to pass it back to Sue.

Ms. Hotte: Some of the major concerns we have: First of all is looking at the role of unions. We have been fighting to end discrimination against persons with disabilities. We have a great deal of expertise in dealing with issues of return to work and modified work. We

have developed workplace accommodations required by our injured workers. The proposed legislation should be amended to allow unions to be involved at every stage of the process.

In looking at the process, we need a process to allow us to bargain accessibility plans in all workplaces. By becoming accessible, workplaces will enable people with disabilities to have real employment. If there's a process similar to the Pay Equity Act of 1987 in place, accessibility plans would be bargained for in all workplaces, making it possible for people with disabilities to have real employment opportunities. Furthermore, no workplace should be exempted.

We're also looking at the timelines. The timeline of 2025 is too long. Why should persons with disabilities wait 20 years for full implementation? The accessibility standards can be developed in less than 20 years. The bargaining process should start immediately, thus ensuring that important remedies can be achieved as fast as possible. If we start making changes now, once the standards are adopted, it's easy to review the plans and modify what needs to be done.

Another thing we were looking at is that we need to make sure there are amendments ensuring union involvement. We have a list of recommendations dealing with part III of the accessibility standards. I won't at this time read the section, but would just outline that there has to be an accessibility plan for each bargaining unit and an accessibility plan for that part of the establishment that is not in the bargaining unit.

The next thing we're looking at is section 12. There's a large and continuing investment of time and energy that will be required in order to develop meaningful accessibility standards. The bill should provide for payment of expenses or indicate if remuneration is authorized. Furthermore, it must address the diversion of scarce resources and costs that disability organizations will experience if their staff or members participate over a long period of time. We must support them to ensure that they are part of all the different committees.

The other thing we're also really looking at is the purpose clause. A purpose clause in a statute is critical to its interpretation. The purpose clause in Bill 118 does not match the purpose expressed by Dr. Marie Bountrogianni on October 12, 2004. She explicitly stated that the bill, if passed, was to help remove barriers to persons with disabilities. Bill 118 states that the purpose of the bill is to benefit all Ontarians. This is anti-discrimination legislation and is not a general statute to benefit all Ontarians. Our recommendation is that section 1 be revised to clearly state that the purpose of enacting the bill is to remedy the systemic exclusion and discrimination that persons with all disabilities have experienced and continue to experience.

Ms. Herrington: I just wanted to add to that piece that it's very important for the legislation to be cross-disability-based. What I mean by cross-disability is that it involves all disability experiences, whether they're physical, mental health, learning, cognitive, visible or

invisible. You've heard that from others, and I'm sure you'll hear it again. There needs to be a true understanding and a true implementation that it involves everyone and that everyone's needs are equal. I think that needs to be more clearly stated. From the advisory committee's perspective, we feel that needs to be more clearly stated in the legislation, because it isn't so now.

We also believe there needs to be a better definition of what it means to be accessible. We do believe that the creation of standards will work toward that, but we need a better definition. There's been a lot of talk about the definition of "disability," but very little talk about the definition of what it means to be accessible. I think there needs to be more work in that area as well.

Ms. Hotte: The other item that I want to draw your attention to is the regulatory powers to exempt from the application of the act. As far as we are concerned, there should be no exemptions, because it's contrary to the purpose of the act. The way the bill reads right now is that the Lieutenant Governor may make regulations "exempting any person or organization or class thereof or any building, structure or premises or class thereof from the application of any provision of this act or the regulations." Definitely, this section should be deleted. There should be no exemptions.

In terms of subsection 6(3), "to the public," we think it should be clear that accessibility standards made under Bill 118 will apply to organizations that have membership criteria—for example, private schools, fitness centres—or organizations involved in design, manufacturing and construction who do not provide their services directly to the public. Once again, "to the public" should be deleted from the section. The act should apply to everyone. There should be no exceptions.

In terms of inspections, the bill should clearly state that the minister shall appoint inspectors, that there will be inspectors. It's not a question of maybe there will be or maybe there won't.

The second-last thing I'd like to draw your attention to is the Accessibility Standards Advisory Council. It's very important that this should operate at arm's length from the Ontario government in that it has the opportunity and should be able to take action without first requiring a request from the minister.

Last but not least is a section that we think is important dealing with the Ontario building code.

Ms. Herrington: I've already alluded to the importance of using the existing code by revamping it so that it is a mandatory section of compliance. This will also impact how buildings are designed and that they will be designed for function as opposed to minimum standards. I'm sure you've heard this before and I'm sure you'll hear it again: the importance of moving beyond minimal, physical-only standards in the Ontario building code. We need to move beyond that in order for this legislation to be implemented effectively.

The Chair: Thank you for your presentation. There is no time left for questioning, but thank you for coming.

JOHN LA BERGE

The Chair: Our next presentation will be from John La Berge.

Interjection.

The Chair: OK, we'll wait. Is John La Berge present? You are. You can have a seat in the meantime, sir. We'll wait until they are ready. Maybe I can just remind you that there is a maximum of 15 minutes for your presentation and potential questions and comments from members, if you allow the time. Also, when you make your presentation, keep in mind that there is some need for all of us to appreciate it.

We certainly are ahead by about eight minutes. The reason is because one person did not show up this morning. We must wait until they are ready, but we are not really—

Interjection.

The Chair: I know. I am only trying to explain to everyone that we will be able to keep to our scheduled time if it's going to be ready within the next seven minutes or so. So hopefully it will just take a minute or two.

Do you have any questions for us in the meantime, before the presentation starts?

Mr. John La Berge: My presentation is mainly questions.

The Chair: Well, then we'd better wait for that. Maybe we can have a coffee or stretch our legs for a few minutes, if anybody wishes to. Let's recess for five minutes or so. If it's ready sooner, it will be announced.

The committee recessed from 1024 to 1058.

The Chair: Thank you for waiting. Now that we are ready to proceed, I would like to remind all of you that this is the standing committee on social policy and we are here, of course, to hear your presentations so that we, the minister and the entire House at Queen's Park will be able to make some decisions that will affect all of us directly or indirectly.

We will allow every presentation 15 minutes, as I said earlier. The presenters can use the 15 minutes to make their presentations, or if there is any time left, the members will be able to ask some questions.

I want to remind you, though, that we do have cameras to show the province what we are discussing today and we also have people who are translating, to make sure that everyone has an opportunity to understand and potentially participate in this debate in their own forum. So please appreciate that.

I think we can start with our next presentation. My watch says it is 11 o'clock, so you have about 15 minutes for your presentation, sir.

Mr. La Berge: Thank you, Mr. Racco. I thank your committee members for allowing this presentation to go forward. My presentation will consist mainly of questions that are not, I believe, addressed by the aspects of the law.

I will start with paragraph 1. Access is to extend to the provision of services or employment. I see no reference

to meaningful, gainful employment, whether salaried, commissioned or self-employment. Will Bill 118 support access to re-education or retraining for any of these, which lead to quality-of-life issues? Will high-functioning, high-intellect adults having an acquired brain injury and/or comorbid conditions continue to be forced to seek access to these necessities or rights on their own?

As this is framed, I perceive that Bill 118 limits right to access to society's benefit to a state solely responsible for assuring mechanical entry to buildings, public or private, for persons utilizing, for example, powered chairs or similar devices.

This act refers in limited forms to the protection of aspects around life and the quality of it. Given the near secrecy attached to Lyodura and its consequences for the disabled, what assurances about equal attention to quality of life—for example, internment—will be included in Bill 118?

My next item is in regard to definitions and informational barriers being a contravention. Will the hodgepodge of regulations that exist across the province regarding levels of assistance available to persons with disabilities—for example, social service or Ontario disability support programs—continue to be operated or managed in an atmosphere of secrecy, offering little information about what is available or what are the requirements to apply for the benefits of either? That process is bewildering, as it is kept that way and demonstrated as kept that way through the persistent practices and pervasive attitudes of front-line staff, case workers and managers of each agency. The attitudinal barriers of staff and management, or both, have been described as being finely honed passive-aggressive psychological intimidation, which is especially prevalent in ODSP staff and management practices. The Ontario Human Rights Tribunal makes a mockery of appeals of that process, which would normally be available under law to the non-disabled person or persons for whom benefit of legal representation is an affordable expense.

The concept and effects of brain injury are neither addressed nor defined. More often, an ABI, or acquired brain injury, is in and of itself neither quantifiable nor visible. An ABI is also an incurable disability. Its effects may be identified and addressed. It is a disability which can, under present legislation, be considered equal to mental incompetence. Persons having an acquired brain injury have, in a strict sense, no rights under the law other than those of the Mental Health Act, if they exist. A refusal to consent to a course or courses of treatment is not available for the owner. Objections to those courses is also not available. The rollator affair of the 1990s has remained unaddressed by medical, legal and other professional bodies, especially provincial and federal Legislatures.

I will continue with the definition. It is not inconceivable that persons trained in that despicable practice continue to address the main and comorbid distresses of disabilities attached to brain injury. Yet they still practise those inhumane but still illegal medical

procedures or techniques in one form or another. The ABI owner, a guardian or caregiver has little or no practical recourse or redress when medical error by technique or philosophy results in further injury to a person with a disability. Where does Bill 118 address that aspect of quality of life and, under section 3, require that existing legislation—if it is a benefit of it—is available?

Under paragraph 3, a brain injury often leaves a portion of the brain, bluntly put, dead. That portion now being declared dead, under current law, renders the person legally incompetent. By definition, that also describes mental retardation as a disabling disorder or condition. Persons with an ABI are employed in legal, financial and educational positions. This contradiction will, through Bill 118, create a new and very discriminatory category of disability. I object to being included in a class of persons labelled as mentally incompetent to form and express cognitive processes. I have, despite having 25% to 40% of the right side of my temporal lobe excised due to an auto injury, an IQ of 140-plus on the Wechsler scale. I do not fit the category of a person with a mental retardation condition.

Under part III, subsection(8)(2), how and when, or where, will persons identified as having an acquired brain injury, or an agent of the same, be advised that a standards development committee member position will or has become available or vacant? I see no reference to the composition of such committees specifically referring to this aspect of disability. Accessibility to members of generally available knowledge of sittings of such committees, which would be posted, is also absent, other than the dates on which reports from the same are due to the Legislature and the public.

My closing remarks are these: Under quality of life, access to conveniences in society is stressed by this bill. However, access in the form of physical entry requires, for example, the use of entry to a facility or free movement within upon gaining entrance, including freedom from the fear of injury, assault or other issues. Persons providing installation service and repairs to, for example, the door locks, which many people do open—even with the advent of lever locks, which are fortunately available to persons with disabilities. However, as consequences have proven, there are no standards for competence and training for such positions. The Ontario government spiked, if you will, Bill 40.

There are many records of assaults, sexual assaults and sex crimes which occur in the non-disabled community. Those are reported. How many to persons in the disabled community are left unreported? That aspect, I believe, is not addressed in the act.

Thank you for permitting me to address this committee.

The Chair: Thank you, Mr. La Berge. If there are any questions, we do have two minutes each, and I will start with the Liberals. Any questions?

Mr. Ramal: Thank you for your presentation. I know you raised a lot of questions. One of them was about employment and education for a person with a disability.

I believe the intent of the bill, the aim of it, if passed, is to make all workplaces accessible for persons with disabilities, and also all schools and private and public facilities. Despite what's been said, the bill equally treats private and public facilities to be accessible for all people with disabilities. In order to do that, I guess we have to work hard on it. As we said in the bill, it's going to take about 20 years. That doesn't mean it will be 20 years before we start seeing progress. At the end of that time, in 20 years, we should see all Ontario, all facilities, whether private or not, accessible without any conditions or problems. We have a five-year increment in order to follow up on that procedure.

I believe that when we create a barrier-free Ontario, it will make life easier for people with disabilities, enabling them to have access to malls, doctors, hospitals, schools and workplaces. I believe this will affect the quality of their life. This also answers part of your questions.

About the definitions around ODSP, as you know, with all the physical difficulties we are facing in Ontario at the present time, we increased ODSP by 3%. I know it's not a lot, but it is a step. In the past 11 years, we had no increase. It's the first time in 11 years that we had an increase in ODSP.

1110

Attitudinal barriers are also very important. It's not just yourself talking about it; many, many people are. We've listened to about 50 to 60 presenters in the last two or three days, and all of them talk about attitudinal barriers. Yourself in conjunction with the government, we have to launch an aggressive campaign, working together in order to break these barriers by education, by publication, by talking to your neighbour, to organizations etc.

I believe that what you raised is very important. I strongly believe that Bill 118 answers most of these questions. If this bill passes, it will make life a lot better for many, many people living with disabilities across the province of Ontario. Thank you very much, again, for coming and presenting to us.

The Chair: A quick question from Ms. Wynne?

Ms. Kathleen O. Wynne (Don Valley West): No, it's OK.

The Chair: Mr. Jackson?

Mr. Jackson: John, welcome. As one who knows of your past presentations before governments and tribunals, I know you are a paralegal and you do an excellent job in that regard. I'm delighted that you're here.

In many respects, in the third day of our public hearings, you've opened up questions that previously have not been raised in areas with respect to the Mental Health Act, with the exception, perhaps, of Don Weitz from People Against Coercive Treatment, who presented a very strong presentation with respect to the need to protect a whole range of individuals who are being subjected to certain treatments unnecessarily or inappropriately. So I wanted to ask you this question: Do you believe that this act should contain within it a review of the Mental Health Act or the Consent to Treatment Act?

If there is time for a supplementary, I have another area with a vulnerable persons protection act, which I've been doing some work on. You raised some very interesting questions with respect to classification, treatment, denial of treatment and so on and so forth.

Mr. La Berge: Thank you, Mr. Jackson, for recognizing that point. There is only one answer, and that is, putting it mildly, definitely. It cannot be stressed enough, the necessity to overhaul the Mental Health Act, the welfare act of Ontario, various attached family court issues, the unified family court issues. They all have to be overhauled to address this. Perhaps even federal issues such as successions, wills, estates, competency acts—especially competency acts—have to be reviewed.

Provision for the representation: It is not inconceivable that a person with an acquired brain injury or a mental competency condition is not capable of forming reasonable concepts or reasonable levels of understanding and being able to express this. That right has to extend to caregivers or persons within their sphere of influence. It has to be extended. It's a necessity. Thank you for asking that.

Mr. Jackson: If I might, just very quickly, I had a case of a constituent of mine who was sexually molested in a home care situation. He never did live long enough to appear in court. So there are two issues here: the vulnerability of persons with disabilities from external caregiving, outside of the family and sometimes within the family; and also the issue of the courts not providing an immediate response so that justice can be performed very quickly, because you're a paralegal. Do you believe that we should be developing some kind of vulnerable persons protection act in this province that would better codify the protection for persons who—and I include vulnerable persons, because that could be children, the disabled, it could be seniors, people who aren't able to protect themselves?

Mr. La Berge: Again, "yes" and "definitely" are perhaps as close as I'd like to express toward that.

Mr. Marchese: John, you've raised a lot of good questions and that's why, because they are questions, I think government members should answer them. I'm going to give up my time so that they can respond to the many questions you've asked.

The Chair: OK, that's fine. Is there interest to answer the questions?

Ms. Wynne: Could I just comment? If there was time, one of the things I wanted to clarify—because I think one of your questions, John, was about the composition of the standards development committees.

Mr. La Berge: Correct.

Ms. Wynne: Right. Intentionally, the way the act has been written, it's open. We haven't specified who would be on those committees at all, and I take your point about people from your particular area, the brain injury folks, being represented. But the way the act is written, it's persons with disabilities or their representatives, and the minister would take advice on who those should be. So I just wanted to clarify. The problem with making lists is

you leave people out. It's left open so that we can get the right people on those standards development committees.

Mr. La Berge: I address that, again, with a question. I, as stated, have a very unique disability. I have several invisible disabilities. I believe—and this is not to put a negative slant on your response—that while I may not represent each person in Ontario with this particular or a comorbid condition, I am also an individual who has rights and I would like to have the right, if I am not present, to have my concerns at least addressed.

Mr. Marchese, thank you for allowing me to present even that level of thinking to myself.

Mr. Jeff Leal (Peterborough): John, thanks so much. One of the interesting themes that has developed this morning from your presentation and a previous presentation from Sandra Bird is the secrecy around ODSP and the operation of ODSP. I wonder if you could comment on it, because ODSP is the principal financial assistance vehicle we have for people who are disabled. So could I just get your comments with regard to secrecy and the lack of transparency?

The Chair: Quickly, because we are already over time.

Mr. La Berge: Unfortunately, Mr. Racco, with respect, I would like to write that response. If I can have the question written out and made available to me, I will provide that in writing with some personal experiences.

Mr. Leal: I appreciate that. Just before lunch, if you're here, I'll have—

Mr. La Berge: You bet I'll be here.

The Chair: Thank you for your presentation, Mr. La Berge.

The next presentation has left something in writing, so we will receive it.

JOSEPHINE HEWITT

The Chair: The next presentation is from Josephine Hewitt. Is she here?

I was making reference, by the way, to the 11 o'clock presentation. We'll deal later on with that one.

Ms. Josephine Hewitt: Good morning, ladies and gentlemen. My name is Josephine Hewitt. You can call me Joey.

I am not here today presenting to you on behalf of any organization. I am simply here as an individual, a 49-year-old taxpaying voter, living and working full-time in the regional of municipality of Niagara, who also just happens to be afflicted with primary progressive multiple sclerosis.

As a person battling a chronic, incurable, disabling disease, the issue of a barrier-free Ontario is of paramount importance to me and my family. I have a sister with MS. She's in attendance here today. I also have another sister with Guillain-Barré syndrome. We all reside in the Niagara Peninsula.

1120

I myself struggle daily to hold down a full-time job in order to pay my mortgage. I so strongly support Bill 118

that I am giving up a day's pay today in order to attend and participate in person at these public hearings.

I have read the proposals in the brief presented to you by the Ontarians with Disabilities Act Committee and I wish to tell you that I support these proposals wholeheartedly.

I proudly commend all parties of our government for voting yes to Bill 118 on second reading and I thank you. I strongly encourage you also to vote yes to Bill 118 on third reading so it will pass unanimously.

Here in our Niagara Peninsula we have a population of approximately 410,000 people. Of that population, there are estimates that there are approximately 70,000—not 17,000—disabled persons living among us. Demographically, the region of Niagara has one of the largest aging populations in Ontario. There's a huge number of seniors living here. We expect to see a significant increase in population growth of these seniors, especially over the next 10 years, the baby boomer generation.

This region desperately needs an intercity transit system. I cannot stress that enough. I'm begging you to consider that. I am told that a system to serve both the rural and the urban areas has cost estimates running somewhere between \$375,000 and \$475,000 in order to operate annually. Many people in this region are working very hard to make this project a reality but it requires funding. I understand the Ontario provincial government cannot deal with issues that may be the responsibility of our federal government. I don't really know whose responsibility it is; I just know we need it.

I also understand that provincial funding for implementing Bill 118 is most certainly not unlimited. However, I have great concerns that in order to develop, implement and enforce the standards relating to accessibility issues specified in Bill 118, there may not be funding from the provincial government. The province of Ontario needs to consider developing a disability fund specifically to ensure that all articles in Bill 118 can be met, and not in 20 years. God help us; the sooner, the better. There must be accountability for where these public monies would be directed and there must be accountability as to how those funds are directed.

Without some sort of a special fund to implement Bill 118, I'm afraid there would be provincial downloading to the municipality to cover the costs that would be incurred. I feel that without a special fund, this may lead to an aggressive increase to our taxes. I do not live in a mansion. I own a 900-square-foot house with no basement. I already pay heavy property taxes of over \$3,800. This is largely as a result of increased costs to my municipality because of past provincial downloading. I cannot pay for, and I cannot afford, any further increased taxation.

I consider myself one of the extremely fortunate disabled people. I can still work. I'm physically able to still work. I still have enough cognitive function, although it is slowly slipping away from me, to support myself. I hope I can retain my own home and continue to pay taxes and contribute to my community in a positive

manner. For 10 years I was self-employed. I provided jobs for four full-time employees and three part-time employees. I contributed a great deal to my community and to my province through taxation. Now I am asking my community, and obviously more so my province, to give back a little to me and the other disabled members of my family.

In closing, I ask all of you this evening, when you effortlessly kick off your shoes at the end of what is probably going to be a very long, tiring day, to please think of those of us in this room, in this city, in this region and in this entire province of Ontario, the legion of disabled people of all ages, young to old, who are not physically able to enjoy that small luxury of kicking off our own shoes unaided.

We need your help. Twenty years is much too long. Our future quality of life rests in your hands and on Bill 118 being passed. Let's get rolling.

I appreciate your giving me the opportunity to speak at this hearing today.

The Chair: Thank you, Ms. Hewitt.

We'll have one minute each, starting with Mr. Jackson.

Mr. Jackson: Josephine, thank you very much for being here today. Do you mind telling us where you're working?

Ms. Hewitt: I work at an office furniture company called Desks Plus in St. Catharines.

Mr. Jackson: And your employer wasn't sensitive to the idea that you might need half a day off?

Ms. Hewitt: No. Quite coincidentally, if I might add, yesterday as I was sitting at my workstation—I'm a purchasing agent, but I'm in an open workstation because my boss has agreed to give me a little more access—a representative of the city of St. Catharines came in and ticketed my company for not clearing the sidewalk in front of the building. My boss's response was, "It'll melt off today anyway."

He sees every day the difficulties and challenges I face and he still, like many others, sees a stigma and has an attitudinal barrier, which has been previously discussed. It's hard to overcome, but that's the least of my concerns.

Mr. Jackson: Thank you.

Mr. Marchese: How much time do we have?

The Chair: One minute.

Mr. Marchese: Thank you for coming, Josie. There are so many questions I wanted to ask around compliance and inspectors, the fact that the government chooses to use the language "may," that it "may" hire inspectors and a director "may" direct compliance with particular accessibility plans. I don't have time to ask that.

I wanted to focus on the whole issue of the time frame because I, like you, think 20 years is just too much. In 1998, the Legislature unanimously agreed to establish an Ontarians with Disabilities Act, with the goal of creating a barrier-free Ontario within as short a time as was reasonably possible. You and I agree that 20 years isn't reasonable, but do you not agree with me that 12 years would be a better, more reasonable time and would break down those cycles into three years instead of five?

Ms. Hewitt: That's a start. That's an improvement, and that's all we can ask for.

Mr. Marchese: I think we should remind the Liberal members daily that that's the case.

Ms. Hewitt: Everyone needs to keep that in mind.

Mr. Craitor: Welcome, Jo. I have a quick question, but I want to share something with you in regard to the 20-year time frame. To be quite frank with you, I had the same concern.

Yesterday in Toronto, David Lepofsky came to speak to us. I have learned a great deal about him and have huge respect for him. He represents people in Ontario with disabilities. I remember his comment. He said, "There's a feeling out there about this 20 years. That's an end date. We're not concerned about the end date—and that there's a date when this will be finalized—but that there's a way in which we can get it done; there's a way in which it can be expedited. Think of it as a positive thing. We got together with the stakeholders, all of us, and this is something we were able to reach a consensus on. So for all three parties, the goal is to get it done as quickly as possible. Don't think of the 20 years as a difficult thing, because that's not the intent of it at all." I just wanted to share that with you because that came from someone who certainly has my respect.

My question to you is very simple. I think you made a very good point about a disability fund. Did you have some ideas, when you were talking about Bill 118, when you touched on the idea of a disability fund to make sure it was implemented?

Ms. Hewitt: I believe the Veterans Affairs' veterans' fund is federally directed. There's a tonne of money there. I'm sure there are other funds that are provincial government holds that have probably some excess funds set aside. Can we not possibly take some of those funds that are, hopefully, in excess, so we're not infringing on the rights of any other minority groups and build something? We cannot afford to have more provincial down-loading into our municipalities. We just can't afford it, not in Ontario.

The Chair: Thank you, Ms. Hewitt, for your presentation.

1130

JOAN GALLAGHER-BELL

The Chair: As I said earlier, the next presenter has left their material, so we'll move on to the quarter after 11 presentation, Joan Gallagher-Bell.

Mr. Jackson: Mr. Chairman, as we agreed, Joan Gallagher-Bell, from the Burlington Accessibility Advisory Committee, would request, through the clerk and the researcher, that the committee members be given a list with addresses and contacts for each of the municipal access advisory committees for the province. If we could get that list, I'd appreciate that.

The Chair: Thank you. We'll put that on the record. You may proceed with your presentation, madam.

Ms. Joan Gallagher-Bell: A special thanks to the standing committee on social policy and all the interested

parties for allowing me the privilege to present my views. My name is Joan Gallagher-Bell. I live in Burlington, Ontario. I am here representing myself and my opinions. As a board member of the MS society, Halton chapter, the Burlington AAC and the Halton region AAC, I realize the importance of the Accessibility for Ontarians with Disabilities Act, Bill 118. In the interest of time, I am condensing what truly could be a lengthy discussion in many areas, as I'm sure you all recognize.

The importance of a strengthened Ontarians with Disabilities Act will greatly impact all Ontarians. The needs of the challenged communities throughout Ontario are numerous:

(1) Affordable, accessible housing: At the present time, there are no definite lists of the need for accessible housing. There are many cases within my community of such a need. There was a person whose spouse left, and then, due to divorce, a relocation of the person was needed. The children were with the person and accommodation was very sparse—almost non-existent. Another person was almost homeless because of the need for one-floor living accommodation—again, no room. Another scenario is a person moving to a community and indeed having all the accessible features they require, and then they can't visit the neighbours because of accessibility.

(2) Transportation, including cross-border transportation: A young person who lost his eyesight remained at home for eight years with his parents' help. Then he became a young adult and wanted to attend a program for the visually challenged. Driving from Milton to Oakville for the program takes 10 to 15 minutes. With encouragement and inspiration from his peers, he set out to travel alone, without a guide dog, from Oakville to Milton. It took three buses, going to Milton by way of Mississauga, and three hours. Yes, he has the pride of accomplishing this now. Couldn't the transportation departments factor in at least one route per week as cross-border transportation? The many clients of dialysis who travel to Hamilton from Burlington use two handicapped vans to get to Hamilton and two home, depleting an already low energy level.

(3) Financial programs: One hot information line capable of directing those challenged persons and/or their caregivers in need of information to a central line throughout Ontario, and help with funding.

(4) An ombudsman specifically for the Ontarians with Disabilities Act: This office could help gather information about the many challenges within the province and provide guidance and direction regarding transportation and housing issues, plus being able to give particular numbers indicating need in specific areas. This ombudsman would be a voice for the many challenged persons throughout Ontario: when a person with a service dog is refused service; the many other injustices of challenged Ontarians; a restaurant that, when phoned, says, "Yes, we have an accessible washroom." Yes, it's accessible, but you have to go down or up 15 steps.

(5) Human rights specifically for those with visible and invisible disabilities, and the needs as set out in the

Blind Persons' Rights Act expanded to include all disabilities.

(6) Encouragement through programs for sports, to help maintain fitness in the challenged communities throughout Ontario.

In the city of Burlington, the demographics projected for the years 2010-13 are that 50% of the population will be retired. Sadly, retirees will increase the challenged communities. With a present population of approximately 150,000-plus persons, there is a potential of 75,000 persons needing assistance. Stats Canada indicated in a recent study that one in seven Canadians is disabled. This would mean 21,000 persons in Burlington presently.

Affordable, accessible housing will benefit all with a standardized building code. The cost of this is very minimal compared to \$20,000-plus for retrofitting an existing home. Thus, by having the building code reflect all the recommendations and building codes as shown in the city of Burlington guidelines, plus the use of the Ontario Realty Corp. guidelines, the impact will be positive in the homes of Ontarians. The builders would then have standardization for their supervisors and workers.

Please empower challenged Ontarians, whether visible or invisible, to a greater quality of life in Ontario. Then you also will be taking the "dis" out of disability and focusing truly on ability. Thank you.

The Chair: Thank you very much for your presentation. We have two minutes each and we'll start with the NDP, Mr. Marchese, from Calabria, where I originate.

Mr. Marchese: Thank you, Joan, for your thoughtful presentation. You raised many issues that are very important, and one of them is affordable, accessible housing. Sadly, for the last 10 years, we've had very little construction of affordable, accessible social housing, and you know that.

Ms. Gallagher-Bell: Yes.

Mr. Marchese: We decry the fact that governments have done so very little to do that. The need is great and will become greater. This Liberal government has promised to build a lot of affordable housing, which presumably at the same time would be accessible as well. I see no sign of it after a year and a half. Regrettably, I don't think much housing will happen in the next two and a half years that they're still in government. How long can people wait to have accessible, affordable housing? Is it human, in your view, that we should be doing this? Is it all right for governments not to find the money to do this? What is your feeling about what we should be doing?

Ms. Gallagher-Bell: I think through standardization of the building code on new construction, making the houses from Burlington to North Bay to Niagara Falls, all throughout the province, accessible would be a great impact to the community throughout. I also think there is a need. Because we can't document this need—I can document it through my friends in the MS community and further afield than that, but we need it in all aspects, whether it's hearing, sight or mobility. There are so many

aspects of it. I realize that it's a monumental task, but I think it's doable.

I think that implementing the same standard building code throughout Ontario would help. I also recognize that implementing the standardization of doorways to 36 inches today, for instance, wouldn't become part of the building code for approximately three years. So it's a very slow process.

1140

The Chair: Mr. Ramal.

Mr. Ramal: Thank you for your presentation. I have nothing except to agree with you. That's why we have Bill 118: to speak to those issues.

I was flipping through affordable housing and transportation and many issues that you raised. If the bill passes, do you think it will speak to and answer your concerns and eliminate any of the issues you raised?

Ms. Gallagher-Bell: I think that Bill 118 is, in fact, a step forward. I think it has—I'm not going to say "has," because "has" is not appropriate. I would hope very strongly that there is accountability, both at the government level and by private business, that they recognize the needs of the community, whether invisible or visible.

As a member of two AACs, I also think it's very important to have timelines. We can't just say unilaterally, "This will happen," without a time frame. Twenty years is a long time. I would like it to be shorter, but I do understand due process.

The third thing that I really feel very, very strongly about is enforcement. I attended a symposium in London, where we spoke about enforcement of the bill and the different scenarios with four lawyers. I realize it's very difficult, but I think we have to look at it in those terms: through education and creating awareness. There are many aspects of it, but I think we can do this in a proper and progressive manner.

Mr. Ramal: I don't know if you've been listening to the minister, but on many different occasions she has said, "We cannot afford not to do this bill. It's long overdue." I agree with you that 20 years seems like a long time, but that's just the ending time. If you look at the process, there are a lot of steps that we have to take on the way. Hopefully, if and when the bill passes, we'll see a lot of positive changes come from it. Also, there are a lot of enforcement mechanisms. There would be a \$50,000- to \$100,000-penalty for people who don't comply with the bill. I just want to assure you, and hopefully you and I can see a barrier-free Ontario in the future.

The Chair: Mr. Jackson.

Mr. Jackson: I'd just like to comment on the last statement. The minister said, "We can't afford not to do it," but she said she can't give us any costing, so we don't know what she can afford. That's really the issue here.

Joan, you come from Burlington, as I do. You've raised housing, and I want to stay on housing for a moment. Housing is not complicated. You cannot build a house in this province unless you have a building permit. You can't get a building permit unless you go to a

municipality. The municipality controls that under the Planning Act. In my view, we should be asking the government to set as a provincial priority, as it does to protect the environment, green space and heritage buildings—the province should consider making it a priority to override the Planning Act to say things to municipalities like ours. If we had time, we would tell people here that our mayor is building these tall, skinny buildings because of intensification. They're the worst buildings for the disabled, because they're three-storey walk-ups, all tight together. You can't even get in your front door at grade level. We're building tons of them because we want to get more taxes out of our city. We should be going the opposite way, which is to build homes that are at grade level with no basements, and that are affordable.

My question to you is, do you support that this legislation create a requirement that a certain amount of accessible housing—I don't want to say "affordable," because people think "poor people, new Canadians," all those things. By definition it's not accessible if you can't afford it.

Ms. Gallagher-Bell: Exactly.

Mr. Jackson: Would you support that being built into this legislation so that the province can say to municipalities, "For every 100 homes you build for able-bodied people you can tax the living ... out of, for every 100 that are going to make you all this money and help run your city, you've got to do at least two"? That's a start, because we're not doing any right now. Would you agree with that approach?

Ms. Gallagher-Bell: I guess I could compare it to the parking we have throughout Ontario. We have 100 parking spots. Two and a half spots in Burlington for sure are designated as handicapped parking. That would go along with it, and I don't think that's unreasonable.

I will say that because two or three homes out of 100 would be accessible, that would create a problem with the builder inasmuch as he would have to take specific note of those two or three homes. For me, in my perfect world, on my major wish list would be that if all doorways are 36 inches wide, if they are all accessible, then it doesn't make those three homes that we have to really take care of—it would be standardized.

The Chair: Thank you very much for your presentation.

ONTARIO MARCH OF DIMES-
NIAGARA COLLEGE OF APPLIED ARTS
AND TECHNOLOGY PARTNERSHIP

The Chair: We will move to the Ontario March of Dimes, Niagara chapter.

I just want to remind you to stay within the 15 minutes. We are going over our limit quite often. Please proceed any time you're ready.

Ms. Brigitte Chiki: Good morning. My name is Brigitte Chiki. I am the director of student services at Niagara College. I am a past member of the Ontario March of Dimes business advisory committee, and the

College Committee on Disability Issues, which is a provincial association of disability specialists in the Ontario college system. I currently serve as lead coordinator for the Niagara College accessibility plan committee.

The community of Niagara College is greatly enhanced by the involvement of people with disabilities. In 1988, when we first opened our Centre for Students with Disabilities on campus, we had 88 students with disabilities come through our doors.

The Chair: Madam, could I ask you to slow down a little, please. There are people who would like to appreciate your presentation—all of us want to appreciate your presentation. Thank you.

Ms. Chiki: For the 2004-05 academic year, we have nearly 600 students with disabilities, a 600%-plus increase.

The great majority of these students go on to become successful graduates and productive employees of organizations and in self-employment situations. Last year, our employers rated Niagara College number one, among 24 colleges rated, for satisfaction with graduates hired. Students with disabilities are among these graduates. However, the process of taking a student with disabilities from admission through to graduation and employment is not an easy one for the student or the college.

When Niagara College worked through the process of its first accessibility plan, we learned a lot about our physical space from the eyes, ears, arms and legs of our students and staff with disabilities. We had many deficiencies. The combined cost of the required retrofits was enormous, well beyond the current means of the college's resources.

1150

As the legal obligation in Bill 118 to remove barriers takes effect, funding will be required. First, enhanced funding mechanisms that help advance accessibility and inclusion will require interministerial collaboration with the Ministry of Training, Colleges and Universities, the Ministry of Finance etc. Second, there must be a way to ensure or measure compliance with the legislation. Students, their families and sponsors are owed a resource of reliable and consistent information from which they can make important life decisions, such as which college or university to attend, on the basis of accessibility. Finally, public outreach, awareness, education and communication of this new legislation will be critical. The standing committee should consider ways through which partnered groups such as Niagara College and the Ontario March of Dimes can help develop and disseminate the communication efforts.

Thank you for the opportunity to make our views and comments known.

Ms. Jocelyne Gagné: Good morning. My name is Jocelyne Gagné. I'm a regional director with Ontario March of Dimes. I've been involved personally with the disability field for nearly 30 years. My affiliation with Ontario March of Dimes as a service delivery agency has also provided me with the opportunity to work with community groups and individuals in promoting access-

ibility for persons with disabilities. The Niagara region, Haldimand and Norfolk counties are where I have spent most of my working life. Over the years I have seen much change, and I want to comment that I was very pleased to see the Ontario government take steps to improve the accessibility of our province. Accessibility is certainly a benefit for everyone. The economic, social and cultural advantages of a barrier-free environment are numerous and will result only in positive outcomes for the province.

The goal of the current legislation to make all of Ontario barrier-free will only be achieved, we believe, with the active participation of key players in the community. Partnerships are one of the best ways to engage the right players in working together to improve the accessibility of all public facilities and to promote the inclusion of persons with disabilities.

In this community, Niagara College of Applied Arts and Technology and Ontario March of Dimes have a community partnership that exemplifies the types of partnerships that are needed for the successful implementation of Bill 118. Ontario March of Dimes is already actively engaged in doing what Bill 118 is intended to do. In partnership with other groups in our community, like Niagara College, Ontario March of Dimes seeks to work in concert with and utilize existing resources to promote accessibility, coordinate activities and offer services that are accessible to persons with disabilities.

I would like to share with the members of the committee examples of how some of these programs are currently administered in terms of practicality and implementation. How Ontario March of Dimes and Niagara College operate these programs is very relevant to the proposed legislation and offers some existing premises upon which to foster and encourage similar developments.

Since 1992, Ontario March of Dimes has been involved in specialized computer training programs for persons with disabilities, with the goal of securing competitive employment for its students in the Diskovery computer software applications program. Niagara College was a founding member of the Diskovery business advisory committee, which was formed in 1992, and it guided the operations of the program and provided representation on that committee until it was dissolved. Niagara College has been an active partner in the delivery of this service, and based on the curriculum that is approved by the college and delivered by Ontario March of Dimes in an accessible computer lab, the college provides a certificate, which lends credibility to employers in the region. Diskovery students are registered as Niagara College students, and they are provided with all the rights and privileges they are entitled to receive as college students, such as discounts, educational pricing etc. Graduates of the Diskovery computer software applications program are integrated into the regular graduation ceremonies of the college. Even though they have their training off-site from the college, they are part of that group. The Diskovery program maintains a 77%

placement rate for its graduates. Thanks to this partnership, over 20 people per year participate in the program and are able to access the specialized computer training programs that are adapted to individual student needs.

The equipment and services available in the lab include specialized equipment for persons with visual impairments, blind students and those with limited fine motor dexterity, ergonomic workstations, and accommodations for those with learning disabilities, to mention a few. The maximum class size is 13, so all students are provided with the necessary accommodations to achieve success. This partnership exemplifies how a co-operative venture between an educational institution and a service organization can gain maximum benefit for students with disabilities. This highly specialized program provides solid training geared to accommodate the special needs of persons with disabilities and equip them with the skill sets and job-finding support to succeed in competitive employment. Over the past 12 years, the co-operation and support of both Niagara College and Ontario March of Dimes have contributed significantly to the employment of hundreds of program participants.

Since 1998, Ontario March of Dimes has provided on-campus attendant care services at Niagara College. This program provides for on-site personal support for both students and faculty of the college, and is a program that is funded by the provincial Ministry of Health and delivered by Ontario March of Dimes. Over the course of this partnership, we have adapted the program and made adjustments to service delivery in order to best meet the needs of students and faculty.

Ontario March of Dimes strives to hire college students as attendants and provides them with the necessary training. In some circumstances, this has led to summer employment for those students, as they have worked as attendants in other Ontario March of Dimes programs and they help to cover off vacation schedules etc. That becomes a win-win situation for the college, for Ontario March of Dimes and certainly for the students.

In 2001, the college was able to allocate office space for our staff to utilize between their shifts, when they are on call and for the completion of paperwork related to service provision. We now have an office where March of Dimes staff can leave messages for each other, check a communications binder or do school work when they are required to be on call.

Having run the program for several years, we now also try to meet with new students prior to the start of the school year so that they are ready for service at the onset of starting school. The college is always co-operative in helping us to make any special arrangements that are required.

The on-campus attendant services are also available to students in residence at Niagara College. Our program is very flexible and adjusts constantly to the needs of our consumers. We realize that students want to participate fully in the total college experience, so we do our best to meet all requests for service. We often are asked to assist someone after a college function, a meeting or an event.

Whether it be academic-related or assisting with activities of daily living, we work with our staff and the college to provide the service for when it's requested. For example, we might be asked to assist with meetings off campus, to assist with a later retiring routine because of a college social event, or to add an on-call afternoon shift for someone who is living in residence and needs assistance outside of regular college hours.

The Chair: There's one minute left, madam.

Ms. Gagné: Then perhaps I'll leave you to read some of the other things around the program and just talk a little bit about the fact that we do work co-operatively; we do try to communicate well with each other and assist each other on different committees and new projects.

One of the areas I wanted to mention, which was a different kind of partnership, is one that we've had with the regional municipality of Niagara, where they have utilized the services of Ontario March of Dimes to provide sensitivity and awareness training for their staff. That was highly successful and we now have other training programs that are being planned for the coming year.

I would urge the government of Ontario to continue to foster the development of these types of partnerships so that the best expertise and resources in our community are put to use in fostering accessible opportunities for people with disabilities. In order for Bill 118 to succeed, we believe the government of Ontario should be providing encouragement for the development of those kinds of partnerships.

In closing, I would urge you to pass the bill as quickly as possible.

The Chair: Thank you, Ms. Gagné and Ms. Chiki, for your presentation.

1200

PORT COLBORNE ACCESSIBILITY ADVISORY COMMITTEE

The Chair: We'll move on to the next presentation, from the Port Colborne accessibility advisory committee. Please have a seat, sir. Start whenever you are ready. Keep in mind that you have a maximum of 15 minutes, and we just can't go over because we are behind.

Mr. Tom Lannan: I understand, sir. My name is Tom Lannan. I'm the chair of the accessibility advisory committee in the city of Port Colborne. We appreciate the opportunity to present our committee's submission commenting on Bill 118. I have copies, Ms. Stokes, for all members, and I'll hand that in when we're finished.

Our committee has been in existence since the inception in the fall of 2002. We have a cross-disability component, having members with many types of disabilities and of different age groups.

We are a city of approximately 18,450. In our heyday, we were involved in the marine industry, manufacturing and milling. It has been noted by Statistics Canada that the Niagara region has the second-largest senior population in Canada, and with the onset of aging of the baby

boomers, I don't expect this stat to change. As we all know, as we age, we don't move around as fast as we used to. Presently, one in six persons in Ontario has some type of disability, whether visible or not. In Niagara that would amount to 60,000 people.

As my committee friend and colleague Liz Seger reminded me, in 1981, with the UN declaration of the Decade of the Disabled Person, Ontario promised persons with disabilities to be fully accessible by the year 2000. However, it's now 24 years later and we've made a start, but we're not fully accessible. We hope that there would be a reason for the Ontarians with Disabilities Act to be enacted in full.

We have outlined six major areas of concern. They are: transportation; the changes needed for the enforcement and implementation of the Ontario building code; social justice issues; attitudes; education; and communication.

I will speak today only on one topic, the Ontario building code. Changes could be taken care of quite easily if the government enhanced the code and changes made to it and kept updating the code as needs increased. Even if there was one disabled person who was using that business, that federal building, that provincial building, that mall, enforce the building code rules universally from Kenora to the Kawarthas to Cornwall to Fort Erie. Nobody is exempt: There are rules, and this is how you're going to do it.

There are buildings, yes, that are centuries old and hard to adapt. A good architect, if he has been in trained in barrier-free design, will be able to do that and communicate that to his contractors, who will communicate that to the tradespeople doing the job. They need provincial assistance to accommodate this.

Mandate changes to architectural schools and engineering courses to include a barrier-free-design component to be taken care of before a degree or certification is granted so that eventually, without even thinking about it, barrier-free design is so much a part of a building's design that it becomes automatic. Curricula are updated all the time to fit changing needs, and so it should be with this.

Encourage all ministries of all sectors of government to actually work together on this and consult with one another. Make sure the government, both federal and provincial, practises what it preaches. The post office, a crown corporation, and the Ministry of Transportation office in Port Colborne are both inaccessible, and have been for years. If the government does what the law says it should do, the Joe Average public business owner would do the same. Believe it or not, disabled people do shop and go out for dinner. They do have their licences renewed. They do go to the theatre and to the movies. They play sports. They go to sporting events. They swim. They do just about everything every able-bodied person likes to do. So if we can eliminate the physical barriers, then we're providing them with a full and independent life.

In closing, sir, I'll appreciate any questions. I have copies of our presentation in full.

The Chair: Thank you. There is plenty of time for questioning, I would say three minutes each. We'll start with the government side, Mr. Ramal.

Mr. Ramal: Thank you for your presentation. I know you're concerned about the building code and also, as you stated in your presentation and in the brief that you distributed among us, about other issues too: transportation and many different issues. Do you think that if Bill 118 passed, it would eliminate these concerns and would make your area, as well as Ontario, barrier-free so that all people, whether able or disabled, could enjoy the beauty of this province?

Mr. Lannan: That would be the goal, sir. Will Bill 118 in its entirety, by itself, take care of everything? No. There are so many other components that should address it with Bill 118. We just highlighted the Ontario building code, which we seem to be discussing at every meeting we have. That's why we suggested, at the curriculum level of architecture and engineering schools, that everything is not just the minimum.

Mr. Ramal: You've probably read Bill 118 many different times. Bill 118 has sections which talk about eliminating barriers, both private and public. All facilities or institutions or offices—belonging to the province or to any institution—have to be accessible to all people. I think Bill 118 will answer your concern if it passes.

Mr. Lannan: That would be our hope, and that it would add on to other items too, the ones we've mentioned besides education: communications and transportation. I think it's all-encompassing, but there has to be meat behind it. The enforcement issue would be part of that too.

The Chair: Mr. Craitor, the local MPP, you wish to ask a question, I believe?

Mr. Craitor: Welcome, Tom. It's nice to see you here from the Port Colborne accessibility advisory committee. I'm really pleased, because I know Niagara Falls has a committee and they're going to be speaking today as well.

Tom, something really caught my attention. Your brief is excellent and has some great points, but you mention here—I'm in Port Colborne an awful lot; you've got the Sailors there, the Junior B hockey team—that the Ministry of Transportation in Port Colborne is inaccessible. Where is that?

Mr. Lannan: It's on King Street.

Mr. Craitor: What ministry is that?

Mr. Lannan: Transportation.

Mr. Craitor: I didn't think we had a—

Mr. Lannan: It's where we renew our licences.

Mr. Craitor: OK, so that's a private facility. I do understand. That's what we're talking about: not the ministry itself, but the renewal of licences.

Mr. Lannan: Correct.

Mr. Craitor: I will follow up on that. Thanks, Tom.

Mr. Lannan: Thank you, sir.

The Chair: Mr. Arnott, do you have any comments?

Mr. Ted Arnott (Waterloo–Wellington): Thank you, Mr. Lannan, for your presentation. We appreciate your advice. The perspective that you brought to this committee from the people you represent in Port Colborne is very helpful to us all. I don't have any specific questions for you. I think you've covered all the issues very effectively, talking about transportation issues and the challenges that disabled people still face concerning public attitudes. Please pass along our appreciation to members of the committee.

Mr. Lannan: We appreciate the opportunity.

Mr. Marchese: Tom, I've got a couple of questions. Everyone believes that the goal of the legislation is to create a barrier-free society. That's certainly the intent. That was certainly the statement Minister Bountrogianni made when she talked about this bill, and the previous delegation said very much the same thing. But why do you think they wouldn't include in the purpose clause—you understand, the purpose clause is the basis of the bill; it tells you what the bill is all about. In the purpose clause, there is no language that says, "This is intended to create a barrier-free society." In fact, when you look at it, "The purpose of this act is to benefit all Ontarians...." It has no language about creating a barrier-free society. Do you find that odd?

Mr. Lannan: I believe, sir, that's why we mentioned about the Ontario building code and how it could, through the engineering and architectural schools—and that's why we brought that thought.

Mr. Marchese: Sure. But do you think they should change the purpose clause to in fact say what they mean?

Mr. Lannan: It would be appropriate.

Mr. Marchese: Good or bad?

Mr. Lannan: Yes, sir. Fine.

Mr. Marchese: I would think you would agree with me. The other question has to do with the time frames. You've heard a few Liberal members there say, "Twenty years—let's not get caught up with the 20 years. It's not a big deal, because in between we'll be working." I agree that in between there are cycles, and people will be doing work around the issues of accessibility. But do you agree with me that you could have a shorter timeline, and why not? They say, "Don't get caught up with the timeline"; I say let's get caught up with the time. I think we can do it in a shorter time span, and work in between. Do you not think we could do that?

Mr. Lannan: That would be great, but—

Mr. Marchese: Don't you want to tell them that?

Mr. Lannan: The shorter the time frame, the better for anybody involved. It's appreciated. That's why I mentioned 1981, which the UN designated the year of the disabled.

Mr. Marchese: Thank you, Tom.

The Chair: We end this morning part. We will resume at 1 o'clock. For staff and MPPs, room 2 is where we will be having lunch. For our friends and guests and participants, if you wish, there is a restaurant, I understand, at the end of the hall for your use, at your choice.

I thank you again. We will be back at 1 o'clock so that we will continue discussion on Bill 118, the Accessibility for Ontarians with Disabilities Act.

The committee recessed from 1212 to 1304.

The Chair: While we are waiting for some other members to join us, maybe what I can do, if you don't mind, is just go over a couple of items. Of course, we are here to deal with Bill 118, the Accessibility for Ontarians with Disabilities Act. We have had second reading already. There was a vote in the House at Queen's Park for second reading, which all three parties supported. At this time, we are going around the province, in four cities, plus two days in Toronto, to hear people's comments on what we are trying to do and hopefully to improve what we are trying to do as best we can. Your comments are necessary for us to achieve that. That's why we are here.

Today, as you can see, there are members of the three parties. On my right are the members from the Liberal Party, and on my left I have Mr. Marchese from the NDP and two gentlemen from the PCs. I always mention Mr. Marchese because I can pronounce his name very well. Sorry about yours.

MAYOR'S ADVISORY COMMITTEE ON
ACCESSIBILITY FOR THE
CITY OF ST. CATHARINES
ACCESSIBLE NIAGARA

The Chair: You and everybody else, madam, will have 15 minutes for your presentation. If you don't use the 15 minutes, members will be able to ask questions or make comments based on what you said. That is really all that I believe is important for me to state. We are ready for you whenever you're ready to start your presentation. You are here on behalf of Accessible Niagara; am I correct?

Ms. Linda Crabtree: I'm here on behalf of the mayor's advisory committee for the city of St. Catharines, and Accessible Niagara, if that's all right with you.

The Chair: OK, and you are Ms. Linda Crabtree.

Ms. Crabtree: Yes.

The Chair: Please proceed.

Ms. Crabtree: First, I would like to thank the ministry for bringing these hearings on Bill 118 to Niagara. There are seven accessibility advisory committees in Niagara made up of more than 100 members, most with disabilities, who represent some 70,000 people with disabilities who live here. We appreciate the fact that we don't have to go to Toronto or Hamilton to be heard.

I am Linda Crabtree. I am here today to speak on behalf of the mayor's advisory committee on accessibility for the city of St. Catharines and, secondly, on my own regarding accessible tourism in Niagara and inter-municipal transit.

A little about my qualifications: I am a journalist, having worked for the Standard in St. Catharines for 12 years and written a column on accessibility for approxi-

mately 20 years. For 18 years, I ran CMT International, an organization for people all over the world with the same neuromuscular disease that I have. Currently, I am the co-chair of the mayor's advisory committee on accessibility for the city of St. Catharines, the vice-chair of the region of Niagara accessibility advisory committee, the publisher of Accessible Niagara, a guide for tourists with disabilities wanting to come to Niagara, and I write the accessibleniagara.com Web site. I recently audited a course on universal design offered by Sheridan College.

During my 62 years, I have slowly gone from walking to leg braces, canes, crutches, a walker, a wheelchair and a scooter. I am no longer able to walk and my hands are extremely weak. Freedom for me is access to everything everyone else enjoys. That's why I fight so hard for myself and all of my peers. Forgive me if my passion shows a little, because I do tend to get carried away sometimes.

First, the mayor's advisory committee on accessibility for the city of St. Catharines: This committee was formed in 1998. In 1999, the city of St. Catharines spent \$40,000 on accessibility improvements following an audit of city hall by the committee. This saw automatic double-side doors installed, designated parking arranged close to the door and washroom facilities improved. Since that time, the committee has worked with the city to establish an ODA plan, which was unanimously approved by city council. The plan has been put in place. However, most of it is based on furthering understanding of the needs of people with disabilities to staff and making city-owned buildings accessible through further auditing and retrofitting.

Since 1999, we have found that there is no one on city staff with the time to truly carry out any of the work that must be done to actually implement further recommendations. It has been established that there is a dire need for an accessibility coordinator to help us move ahead. Recently, \$100,000 was put into the city budget for audits and standards development and another \$40,000 for a coordinator. Just last week everything was cut in half in the preliminary budget rounds. The \$20,000 left for a coordinator would enable us to partner with the region of Niagara, and that person would work for both and likely be run ragged. And, we are told, that \$20,000 could be cut next week, leaving us where we were two years ago.

We have a huge turnover on our committee due to our inability to show any accomplishments, and frustration levels are at an all-time high. If after seven years we can't show some real progress, we'll soon lose all of the mature, experienced people willing to volunteer. They will have burned out and much valuable expertise and time will be lost.

We would like to recommend to you that when the province says accessibility committees must be put in place, sufficient funding be provided to implement necessary programs. By that I mean hiring an accessibility coordinator to work as a liaison between the

committee and various city and regional departments to ensure that the needs of those with disabilities in the city are met. It should be someone with the strength to battle for our needs every working day, not just once a month when we meet.

As it is now, we on the mayor's advisory committee for accessibility for the city of St. Catharines feel undervalued and negated. We want our expertise to be used and our needs to be considered, not ignored or jollied along until budget time and then be the first things cut. Please, put some money behind Bill 118.

1310

The second item I would like to discuss is accessible tourism. For three years, I have worked on bringing Niagara to the disabled public as a tourism destination. This month I am taking delivery of 50,000 Accessible Niagara printed guides good for years 2005-06. These guides are distributed free to people all over the world by our partner, the Niagara Economic and Tourism Corp. I have given each of you one of the 2003-04 guides.

Some 14 million people visited Niagara last year and the Niagara region tourism receipts are over \$1 billion. The area supports more than 35,000 tourism jobs. Right now, the tourism industry is searching for ways to improve our revenue for 2005. We know that approximately 15% of the population is disabled. May I suggest that we already have the means by which to raise the number of tourists to Niagara and Niagara Falls? We have in Ontario close to two million people with disabilities, in Canada more than four million total and in the United States 40 million. We haven't even counted Europe, Asia and the billions of frail elderly who still want to travel. These people are all potential tourists to Niagara. All we have to do is concentrate on making Niagara one of the most accessible places to vacation in the world, and they will come.

Because Americans have had the Americans with Disabilities Act, the ADA, for so many years, when they come here they expect to find accommodations and transit at least as good as they have at home. Unfortunately, they can be disappointed. The American side of Niagara has one advantage over us right now, and that's their ADA. They are years ahead of us in accommodating travellers with disabilities. We must bring up our accessibility standards in the tourism sector fast.

In almost three years of auditing, I have a litany of stories I could tell you on hotels and what they do or do not consider access. I have become an expert on accessible hotel rooms and bathrooms. Surveys show more than 350 hotels and places of lodging in Niagara. Of those, 106 are hotels offering a total of more than 14,000 rooms. I've found 40 hotels that offer a total of 104 accessible rooms. I have found one bed and breakfast that fits the bill as being accessible out of some 89—one—two retreats with accessible rooms and one respite-care apartment.

I have found that people running hotels and lodgings badly need awareness training. They hesitate to even speak about us because they're afraid they'll say some-

thing wrong and offend someone, so nobody says anything. They need to be able to identify a barrier and know how to rectify the situation without spending a great deal of money. We need something better than the Ontario building code. CSA standards are good and universal design is better.

One woman working at a hotel told me her entire hotel was accessible because the elevator went to the top floor. Another woman from Ohio who uses an electric wheelchair couldn't take a shower for two nights because she couldn't turn around in the bathroom and the so-called roll-in shower had a one-and-a-half-inch lip on it. This was a hotel that's only two years old. I have spoken to an architect who is a so-called expert on universal design, and he said they, the architects, were considering just how far they were going to go to allow access in hotel rooms to scooters and large wheelchairs. My answer to him is, as far as you need to. Universal design allows for bathrooms with easy access that everyone can use.

It is a known fact that people with disabilities are the ones who set the criteria for their entire group or family when travelling. If the person who is disabled can't stay at the hotel or get into the restaurant, none of the others in the group go there. It is also known that people with disabilities usually must plan ahead. When they do get everything they need rented and arranged, they usually stay perhaps three or four nights, which is longer than the one or two nights most other tourists stay in Niagara.

The Niagara Parks area offers an absolutely beautiful venue for visitors, but there are still links missing, such as accessible transportation. There is no way for tourists with disabilities staying in the hotels above the falls to get down to the immediate falls area except by two steep hills, Clifton Hill and Murray Hill, or a taxi. Accessible shuttles are needed. Also, the people mover that takes tourists from one venue to another in Niagara Parks must be made accessible. I believe that Niagara Parks is a crown corporation and isn't required to file an accessibility plan. Since they are such a prominent player on the tourism scene, anything they do regarding access makes a huge impact. We dearly need them to be on board.

Inter-municipal transit: We also do not have an easy inter-municipal transit system in Niagara, specialized or otherwise. Anyone who comes into the falls without a car cannot easily get to other attractions in Niagara. The region of Niagara recently floated a specialized inter-municipal transit scheme, which passed Monday night by 5 to 2, I believe it was, in West Lincoln. Wouldn't it be marvellous if it could be supported in part by tourism dollars?

I'll skip a bit because I've only got a minute. Insurance rates are stopping people from putting together schemes to allow disabled people who have no transit and use specialized things like wheelchairs and scooters from renting vans. Insurance is one of the roadblocks. We need help getting through to those who have the money that a partial answer to boosting Niagara's economic bottom line can be accessible tourism and good inter-municipal transit.

We also do not have a convention centre in Niagara that will take people with disabilities. They can come from all over the world and there's no place to put any more than 40, tops, and 40 does not a convention make.

I would like to see the Bill 118 proposed committee dealing with accommodations and transit be particularly mindful of tourism, and I would like to lend my expertise to those committees. I would also like to see this expedited because hotels are still being built in Niagara that are not fully accessible.

I would also like to see as little grandfathering as possible when this bill is passed because hotels and venues that keep out people with disabilities should not be allowed to exist.

I just want to say that I've been waiting for Bill 118 all of my life. I think it's great. It's a wonderful start. I hope I never have to do another Accessible Niagara guide again, because all of Niagara will be accessible. Thank you very much.

The Chair: Thank you, Ms. Crabtree. There is no time for questions, but thank you for your presentation and your written material.

CITY OF WELLAND ACCESSIBILITY ADVISORY COMMITTEE

The Chair: We'll move on to the next deputation from the city of Welland. Mr. Findlay, you have about 15 minutes. As you please, you can make a presentation for the full amount or leave some time for questions. You can start any time you're ready.

Mr. Russ Findlay: Good afternoon. I am Russ Findlay, chair of the city of Welland accessibility advisory committee. I am here to offer the viewpoint of this committee, which has in its two short years been the driving force behind several important accessibility initiatives. If I may, some of the larger projects that we have been involved in are: the development of the accessibility design for the city's new \$14-million civic centre set to open in March; the design and presentation of a series of disability awareness training workshops for all city employees; the development of the accessibility design for the city's new \$15-million YMCA set to open this month; and the design of and the execution of the tender for a comprehensive audit of the city's sidewalk infrastructure. This audit looked at short-term, medium-term and long-term methods of dealing with accessibility, safety and connectivity deficiencies in the city's sidewalk infrastructure.

1320

Let me say how much I appreciate the opportunity to share with you our comments regarding Bill 118. May I also thank the McGuinty government and the minister, Dr. Bountrogianni, for moving forward with this legislation. I would be remiss if I did not commend all parties for unanimously supporting the legislation in second reading, and I express our hope that all parties will adopt the same position in its third reading.

We strongly support the section in the act that provides for accessibility standards by regulation. To do so will eliminate the hodgepodge of barrier-free designs across the province. The current reality is such that one is never sure what to expect when one encounters the universal symbol for accessibility, the blue wheelchair on a white background. Currently, the only legislated standard is contained in the 1992 Ontario building code. Section 3.8 of the regulations under that act is outdated and does not address the needs of persons who have disabilities other than mobility. Let me also add that there is no necessity to waste time reinventing the wheel. The city of Toronto and the city of London have excellent, comprehensive, cross-disability accessibility design documents. Each can be easily adapted to fit both large and small barrier removal programs.

We strongly support the section in the act that applies accessibility standards to both the public and private sectors. My most conservative estimate reveals approximately 4,000 persons with disabilities in the city of Welland. My definition of a disability conforms with Statistics Canada's definition as a "condition which limits one's participation in the activities of daily living." As we age and our life expectancy lengthens, the percentage of the population described by this definition is certain to grow. We must take steps, other than relying on appeals to the Ontario Human Rights Commission, to ensure a person's right to receive goods and services without discrimination because of a disability.

May I take a moment to get a drink, please?

The Chair: For your information, sir, we do have two people who could assist you and who are available in the room. If anyone needs assistance, we have two staffers available.

Mr. Findlay: Thank you very much, Mr. Chair.

If I may repeat what I just said, we must take steps, other than relying on appeals to the Ontario Human Rights Commission, to ensure a person's right to receive goods and services without discrimination because of a disability.

I am aware of cases before the commission involving one's right to accessible transportation. I am also aware of a case before the commission involving the failure of a university to provide learning materials in an accessible format. This university did not provide materials in Braille format in a timely fashion, resulting in the person having to take a longer period of time to complete her degree. To add insult to injury, the university is charging her an extra fee for the extra time necessary to complete her degree.

Statutory rights guaranteed under the code must be immediately available to all. One must not be faced with the lengthy two-year road to fruition that I understand the commission is now taking to hear cases.

We strongly support the section in the act that provides for the enforcement of accessibility standards. Once a timeline is established for the implementation of an accessibility standard, it is equally important for a reporting instrument to be developed. It is logical that the

currently constituted accessibility advisory committees be the agents that should perform this reporting function. This requirement should be delineated in the act, should be confined to reporting, and should not extend into enforcement. To do so would damage the committees' working relationship with the municipality.

Let me also comment on the title of the new act. The current Ontarians with Disabilities Act focuses on the word "disabilities," and in so doing marginalizes persons with disabilities. The proposed title of the new act is the Accessibility for Ontarians with Disabilities Act. Its major focus is on accessibility, and its minor focus on disabilities. This is a step in the right direction. However, it still sets apart from the mainstream those persons who have disabilities. We strongly urge that the title of the new act be changed to the Accessibility for Ontarians Act. Let me illustrate why.

If you happen to be the parents of a child with a disability and your child wants to go to a certain restaurant but that restaurant is not accessible, then your entire family, in effect, has a disability. If you happen to be a parent pushing a child in a stroller, carrying an armload of groceries and attempting to wedge yourself and your entourage through a non-automatic door, then you have as much of a disability as a person in a walker. The number of people in Ontario who have a direct interest in the success of Bill 118 is much larger than the subset containing we 1.2 million Ontarians with disabilities. This subset expands to include parents of kids with disabilities, siblings, children of parents with disabilities, extended families, friends, employers and so on. The government of the day also has an interest in the loss of tax revenue from persons who experience barriers to employment.

We strongly urge that provision for a committee of the Legislature be added to the act to ensure that its present intent does not become altered over time. This committee would report to the Legislature at specified intervals on matters concerning the implementation of the act. This important and regular review process will also identify the progress that has taken place regarding the implementation of accessibility standards and will point to amendments to the act that may not be obvious now but will be in time, as we become more proficient at barrier removal.

As I wind down, may I ask you to glance around the room with me and note that three friends, including one who wanted to be a presenter, are not able to be here because of a lack of intermunicipal accessible transportation. I am certain that they are not alone in their absence. Accessible transportation must receive the highest priority of all barrier-free initiatives. It makes absolutely no sense for every building, every workplace, every service or every premise to be accessible if one has no way to get to it.

The Chair: Sir, the time has just expired, if you could wrap up, please.

Mr. Findlay: Thank you for your kind attention. I was wrapping up.

On a personal note, I must tell you what a thrill it has been for me to participate in this process. This is a new statute. This is the formative stage, and I am very pleased to be a part of it. Good luck in your deliberations.

The Chair: Thank you very much for your presentation.

1330

CITY OF NIAGARA FALLS

The Chair: We'll move on to the next presentation. From the city of Niagara Falls, Dean Iorfida, if he's present, please.

You can have a seat, sir. Again, a reminder while you get ready that there are two people available to assist anyone who needs assistance. We also have translators; therefore, we are providing that service too.

There is a total of 15 minutes, maximum, for your presentation. We did discuss the purpose of our meeting already at the beginning, but I'll repeat it, if you don't mind. We are dealing with Bill 118, the Accessibility for Ontarians with Disabilities Act. We have, as you know, approved second reading in the House, with the three parties supporting it, and we are here to hear the people's opinions and views on the matter so we can do what's necessary to do the best that we can for Ontarians. You can proceed, sir.

Mr. Dean Iorfida: My name is Dean Iorfida. I am the city clerk for the city of Niagara Falls. I also happen to be the staff liaison with the city's disability advisory committee. We've kept the name "disability advisory committee." Our committee hasn't really had a concern with that. They're more concerned with getting things accomplished.

I don't purport to be an expert in these issues. I'm not a member of the disabled community, so what I'm saying today is learned and observed from the input of the people on my committee.

The city's disability advisory committee has been around since 1997. We've had representation from various associations in the community: post-polio, brain injury, Tourette's, CP, MS., CNIB, and a number of other acronyms that I won't mention at this time. Our committee was fortunate enough to meet with then-Minister Jackson during the ODA consultations. I would like to think that the existence of our city committee and similar committees throughout the province led to that requirement in the original ODA.

I would like to talk about the ODA very briefly; I know we're here for Bill 118. Our committee welcomed the ODA legislation. I think the attitude, probably throughout this room, is, "Anything is better than nothing." I guess it was a start. We did have concerns with the ODA legislation. I think the one criticism that our committee had was that it was only applicable to matters within the control of the municipality or the province. It did not mandate accessibility plans or measures for the private sector.

Our committee has had surprising success dealing with the private sector and has concentrated much of our

efforts on things like improving handicapped parking, access to professional and medical buildings, and raising public awareness. Even though these were not mandated by the ODA, our committee continues to pursue those goals. Also, the act was limited, like I said, to things within the control of the municipality. Very few municipalities are building new buildings, so therefore the applicability in the ODA was limited.

As far as Bill 118, I guess I would reiterate that anything is better than nothing. The fact that the provincial government is looking at strengthening the legislation can only be welcomed. Whether it's enough, I guess that's the type of input you're gathering today.

I've got some legal background; I found the act tough sledding to get through. When we brought it up at the committee, one of our members said, "Gee, it's nothing I can get too excited about, pro or con. I'm not really sure." I think that might be one of the difficulties: trying to take the written word on the page and figure out how it's going to be applied, and how successful it's going to be. Clearly, the biggest pro that the committee and I see with the legislation is the fact that the accessibility standards are now being applied to persons and organizations in both the public and private sectors. That's crucial, and I think that will be the major plus of the proposed legislation. The accommodation for the minister entering into assentive agreements, I think, can only help with increased accessibility in the province.

I don't want to say that the next things are cons; they may be things that just need to be worked through. The one main focus of the legislation seems to be the standards development committees, which are defined in the bill as "establishment of several standards development committees. Each committee is responsible for developing proposed accessibility standards for a specified industry, sector of the economy or class of persons or organizations."

Just reading those words on the page, I found all kinds of questions popped into my head. How is a sector or industry defined—

The Chair: Excuse me, sir. Could you slow down slightly, please?

Mr. Iorfida: Certainly. How is a sector or industry defined? What's a restaurant versus a fast-food joint versus a bar? How do they fit in? Will one of these standards development committees apply for all of those?

How do you get some uniformity sector to sector? We've found, surprisingly, that things like professional medical arts buildings are really low on the accessibility standards. You would figure that would be an industry that would be leading-edge. So how do you make sure that an industry or sector that's lacking in accessibility gets up to speed with some of the leading lights or the people that are proactive in the business community?

Then, how are these standards going to be articulated down, especially when you get to a mom-and-pop operation? They are really concerned about making money and trying to survive, and for anybody who's had

a business, it's tough. How will they even know that these standards are in place?

In the act, under contravention of the act, there is a "may." It says the minister "may" appoint inspectors. I think it's crucial, for the bill to be successful when it becomes an act, if it does become an act, to have provincially appointed inspectors. I'll put my hat on now as a municipal employee: I think if this gets downloaded to the municipality, it'll be tough for the municipality to juggle that with its other enforcement responsibilities.

I realize that a lot of drafting in bills has to use "may" instead of "shall" just for protection. It says that the Lieutenant Governor in Council "may" make regulations. I assume that will happen, and I think that's necessary.

As far as the "shalls," I did note from a municipal point of view that for site plans now the advisory committees and the municipality "shall" make comments, as opposed to the ODA, in which it was just suggested. I think that's probably a good idea.

One thing my committee has told me over the years that they feel would be most crucial in improving accessibility in our community has nothing to do with the ODA or other legislation. It actually has to do with strengthening the Ontario building code. My understanding, from the input I get from the people on the city's committee, is that the Ontario building code is lacking compared to standards found for federal buildings in the Canadian legislation and in the comparable American legislation. I realize that what's proposed in Bill 118 may be a little more all-encompassing, in that changes to the Ontario building code would only cover buildings and might not get into other issues of concern to the accessibility community, but I think that would go a long way toward having uniformity between industries. When they go in, when they have to build the building or do renovations, if the standards are higher, then I think that will make a level playing field.

1340

I would hazard a guess that you've received lots of input from people today, and probably in other municipalities you've been to, talking about things that aren't even necessarily in Bill 118. I think there are a lot of concerns in the disability community about issues like intermunicipal transportation, service dogs and those sorts of things that aren't currently covered in the legislation.

You've probably done some consultation previously, but maybe the best approach would have been to consult with the local communities and accessibility committees, then propose the legislation, and then bring it back. That might be too time consuming, but obviously this is long-term legislation. The long-term standards you have identified in the legislation call for standards by 2025. That's seems quite a long ways away.

I guess I'll close with the same caveat I said before: Anything is better than nothing. Our committee is pleased that the province is seriously looking at strengthening the legislation, and anything is better than nothing. We would like to see something passed. Let's get on with

it. Our committee and I'm sure all municipal committees are more than happy to provide input now and in the future.

The Chair: Thank you very much for your presentation. We have about a minute and a half each for questioning.

Mr. Jackson: Thank you very much, Dean, for your presentation. I concur with a lot of the concerns you've raised. As you know, the current ODA calls for penalties, codes, regulations, guidelines, all of those, which we didn't have developed three years ago. We do have that provision currently today. The problem is, for the last year and a half no regulations have been brought forward, including the \$50,000 penalty clause which was supposed to be proclaimed, section 21.

That would have given your access committee a whole series of opportunities. I realize that if it takes another six months to a year just to get this legislation passed and to get the guidelines out and then regs and then another year to start working with the priority, we could be four or five years from the time the ODA was originally done. That's a concern I have.

Do you not think the government should be bringing in immediate regulations, which it has under the current law, and enforcing those, which they can do in the current ODA? The bureaucrats have informed us that they've been instructed by the minister to only work on a new bill and not enforce the current one.

Mr. Iorfida: Mr. Jackson, I think I agree. My buzzwords there were "anything is better than nothing." Yes, let's get started on these things. Let's put some regs in place.

When I was reading the bill, I noted there was a section that talked about initial proposal, then there would be a review of the initial proposal, then public consultation. Also, there was re-examination of long-term objectives. I know you have to have consultation and you have to engage the public, but you could end up in an endless cycle. So if there is a possibility to get regs approved and in place so that they can be applied as soon as possible, that's obviously preferable to the local community.

Mr. Marchese: Thank you, Dean. I probably used similar language when I debated this bill. I might have said, "This is better than a kick in the teeth," and I usually say that, but there's so much more that one should do.

The government was so proud. They called it historical and they used such language. I thought it was weak, but they prefer to say it's historical. You think they're interested in strengthening; I'm not sure, and that's why we're here. It's important to hear from people like you about what changes we need to make.

I agree with you on the issue of inspections. The government chooses language that says the minister "may" appoint inspectors. We think they should. If people in this room agree with that, they should say that, as you did.

With respect to compliance with standards and review of reports, “A director may review an accessibility report filed under section 14...” We think a director “should” review and they shouldn’t “perhaps” review or not review them. When people agree with these things, they should tell the government members so they can pass it on to the minister when changes are being considered.

I happen to be one who believes that 20 years is too long. If people in the room feel that 20 years is too long, they should say it. My view is that 10 years would do it, but I’m willing to give the government some slack and say maybe 12 years would do it. Let’s bring down the span from 20 to 12. What do you think, Dean?

Mr. Iorfida: I think that would be preferable, Mr. Marchese. When anybody from my committee read the legislation, there was nothing that jumped out at them that said, “Yes, OK, that’s going to move us forward.” As mentioned, I think 2025 seems like a very long time away. We know governments will change. Who knows what the government of the day’s priorities will be? That just seems too far away.

It’s interesting that you mention the plans, because I noted that one of the penalties was that if you haven’t done the plan, then you may be forced to do the plan. That almost sounded like homework to me.

The Chair: Thank you very much. Any questions? Yes, Mr. Craitor.

Mr. Craitor: Dean, it’s nice to see you here.

Mr. Iorfida: It’s nice to see you, Kim.

Mr. Craitor: I do have a couple of questions. The one thing I will say to you, Dean—and I’m glad you used the word “downloading,” because I heard it regularly in 13 years on city council. That’s not the intent of the bill. The intent of the bill is to make Ontario much more accessible. That’s a commitment I make as a representative. It’s not what this is all about.

Dean, there are just two questions. One deals with the standards. You talked a little bit about standards. A previous speaker, one or two before you, Linda Crabtree, has a wealth of knowledge on standards that should be in place in the tourism industry and the benefits of it.

I guess the point I was making to you—what I’ve learned is, there are no standards. There was never anything in place prior. I’m not being critical of the other bill, but what they’re trying to develop is a set of standards for all these different sectors, whether it’s accommodations or goods and services, so that there’s a standard across the province.

Don’t you think you’d want a level playing field for everybody who’s affected? One gentleman said—and he was eloquent in the way he said it—the disability sign can mean one thing in one community and another thing in another community. Wouldn’t you agree that logically it is the right step to get standards in place and to have the disability community as part of that process?

Mr. Iorfida: Definitely. As I think I mentioned, the big pro I see of this legislation is the fact that it’s bringing the private sector finally into the fold, which wasn’t the case with the original legislation. Now the

difficulty is the implementation. I can appreciate that it’s got to be a very tough task for the government to implement it. How do you implement it? How do you get the word out? Hey, make me a believer. Make me a believer that these standards development committees will work. On paper, I’m a little skeptical, and I’m sure some other people are skeptical as well. If you show how this is going to work, you may get buy-in; at this point, not yet. But show us.

The Chair: Thank you very much for your presentation.

JIM HOFFMAN

The Chair: We’ll move on to the next presentation, Mr. Jim Hoffman. Is he here? Please come forward, sir.

While you take a seat, I want to introduce to you the two individuals who are here to assist anyone who needs assistance. Both of them are sitting at the back. They are Brent and Jennifer. They are showing their hands. In case you need assistance, please ask them and they will be happy to assist you. Thank you again.

Mr. Hoffman, during your presentation, if you can keep in mind that everybody wants to appreciate your presentation, and there is some translation taking place. Thank you. Please go ahead, sir.

Mr. Jim Hoffman: Mr. Chair and panel, I came here to address a slight disability issue. Mine isn’t a physical disability; mine concerns epilepsy and access to a fair assessment in a workplace about whether you can or can’t, or whether they want to throw your resumé away without even giving you a fair shake.

1350

I’ll give you a little bit of my background. I’ve been employed in the machine trades and mechanical for over 20 years, and just prior to the onset of this I managed to make it to the Canadian Coast Guard as a sailor. All were exemplary job performance reports in every instance, and then I had my first seizure on board the ship. This, of course, generates a WSIB claim. They call it a general accident, even though there was no accident and no time lost, no claim filed. There was a safety issue raised and they were going to remove me from the ship, but they argued, because there was no family history at the time, to let me stay aboard and if everything worked out fine, OK.

That was all well and everything sat fine until the seizures started becoming even more apparent. They really progressed to a bad point a year later and I had to advise the employer that I could not continue with that, as I’m under a federal regulation. It’s part of Transport Canada. I’m heavily regulated by it and I have to be able to pass certain physical and other things. It’s a dangerous occupation and you don’t have access to 911. I also suffer from Crohn’s, which is sort of a side complication, but it really isn’t the main issue here; the epilepsy is.

Everything was fine, like I said, up until August 2002. I was unfortunately in front of a paramedic truck and they witnessed one of those seizures and took me to the

hospital, resulting in an emergency treatment procedure and notification of the doctor. He turned around and notified the Ministry of Transport. As a result, I even lost my driver's licence over this. It took 20 months just to get that back, from that period, 14 months from the date of the last seizure, even though it technically is only supposed to be 12. It's based on all your test results plus the amount of time that you have to go through this procedure. I couldn't do all the required tests within the 12 months due to access to medical facilities—the MRIs are booked, the EEGs are booked, and things like that. I did get in within a short time.

I went back to school during this time off and obtained a grade 12 to try to get something on shore in the event I was never able to get back with the marine industry. What I started encountering were resumés, and I have a copy of one application here that asks for consent to medicals within this province, which is unregulated for this; it's a company medical. The problem I have with it is that I have to pay for it and subsequent ones at their discretion, if hired. It's only for menial employment, which really isn't a security or safety risk of any sort. I only had a grade 10 but, like I said, I followed up in school with a grade 12, which made me a candidate for this type of work; it's almost required today. I was kind of distressed to find more and more of these are asking for company medicals, but in Ontario we don't really have a standard. I do have that standard in the marine industry in the fact that it's federally regulated and Transport Canada itself is a third party adjudicator. The shipping companies don't really care about my past history, as long as I can pass the medical. However, these companies all have their own doctors. There is no standard, I am finding. It's at their will, when they want. Even though I am now seizure-free on controlled medication, there's no guarantee that that's going to continue forever.

I have passed two years seizure-free and Transport Canada has granted me an unrestricted medical examination with no restrictions to return to the ship. They originally put them on and made me unemployable there. In the cases of taking shore employment, I'm finding, like I said, that I cannot make any headway here. If I check off the box consenting to a medical, according to Epilepsy Ontario—I've got lots of brochures from them—there is a lot of grey here as to whether I should disclose or not disclose. I don't wish to be deceitful about this, because it's not something that's going to be invisible should it happen. It's going to be very apparent, it's going to cause somebody alarm and it may result in a dismissal, and it will be a non-unionized workplace. It may affect employee safety in a larger organization.

I'm really concerned about the fact that there is no provincial standard regulating these or scrutinizing these for some kind of fairness. I have decided to return to the marine industry, as I said, and at least I have a third-party, impartial adjudicator here. As a result, the employer will not be directly involved with this.

My insurance cost for my car is totally prohibitive now. I probably will not be driving again, even though the Ministry of Transportation has granted my licence back. But one call to my insurance company certainly clarified matters. Public transit for me is a must. I try to remain physically active by biking around. The problem is that some of these employers are not really on transit routes. They're out of the way for my type of qualifications. An example would be our south end industrial complex, which as of this summer past just had its first trial procedure with Niagara Transit to get a bus in there. Other than that, for me it would have been about a two-mile walk, had I been accepted by an employer in there, and that's after taking a bus ride.

Really, my issue here is that shift work is out of the question, due to the fact that transit is not always available at those hours. Hopefully, I can get closer to an employer if I have to do it onshore again. If a seizure does happen on board ship, I will be pulled off it and given another two years of tests and so on and so forth to clear before I will even gain access to it again.

That's basically it in a nutshell. Any driving job—they don't always mention driving on job postings and you find out in an interview, and sometimes it will set you right back and cause you to refuse it; you have no choice except to disclose and say, "Thank you but no thank you."

Like I said, for me, most of it is a transit issue; it's indiscriminate use of medicals as a screening procedure with no set standard, unlike the federal government, which does have a third-party judicial body there with the power to do that.

Other than that, I'm fine. Like I said, I've been seizure-free for two years, and I've been knocking on a lot of pieces of wood hoping it's going to stay that way. I'm on a minimum medicine regime. The biggest problem most employers have with that type of thing is following through with it. That's another issue, of course: They'll know about it when you start filing claims for benefits. That's another reason why you can't be deceitful with this.

If there are any questions—I can't really make it much plainer than that. I do have a long history in files on my computer and lots of correspondence back and forth trying to get this all cleared up, one by one. Each employer who makes me do this will generate even more paperwork; hopefully, I don't have to. I do have an exemption—two years from February 5, 2003, which will be this Saturday—to take this unrestricted medical, and hopefully I can regain my employment aboard ship.

The Chair: You just used the full time; there are about 30 seconds left. I thank you for your presentation.

Yes, Mr. Jackson?

Mr. Jackson: Does the clerk of the committee have Mr. Hoffman's address where we can get in touch with him? I'd like to send a copy of this Hansard to Keith Norton, the Ontario Human Rights Commissioner, for clarification on the point he raised. That was a very distressing testimony and something I had never heard of

before, and I would like to be able to have the chief commissioner correspond directly with Mr. Hoffman.

The Chair: We do have the address.

Mr. Jackson: Mr. Hoffman is here. If I can get your address, sir, I'd like to pursue that for you personally. I'll come and see you. I want to get that in the hands of the chief commissioner as quickly as possible.

The Chair: We do have it available, and of course you can get it from the gentleman.

1400

MULTIPLE SCLEROSIS SOCIETY
OF CANADA

NIAGARA PENINSULA CHAPTER OF HOPE

The Chair: The next presentation will be the Multiple Sclerosis Society of Canada—Niagara Peninsula Chapter of Hope. Again, you have a total of 15 minutes between presentation and questions. You may start any time you're ready.

Ms. Katie Kidd: Thank you very much. I'd like to introduce myself. My name is Katie Kidd, and I'm the executive director of the Niagara Peninsula Chapter of Hope, which is the Niagara chapter of the Multiple Sclerosis Society of Canada. My main purpose here today is to introduce our primary speaker. In addition to that, there are several introductory comments I'd like to make in preparation for Ian's presentation.

First, on behalf of the chapter and its membership, board of directors and staff, we would like to make a very strong statement commending the government for introducing Bill 118. The changes that it involves over the 2001 act are most encouraging to those of us here in Niagara. We are also most grateful for the unanimous support of all three parties on second reading of this bill.

What is very important for us—for the sake of not being repetitive and respecting that you have been in Toronto during the early part of this week—is that having reviewed the submissions of the Ontario division of the Multiple Sclerosis Society, as well as the Ontarians with Disabilities Act Committee, on behalf of our organization, Ian and I would like to strongly mention our endorsement of their submissions, rather than re-commenting on them today.

It's my honour to introduce our primary speaker. Ian Greaves is an individual who has dealt with multiple sclerosis for 24 years. In addition to being extremely active in the Niagara region on a wide variety of committees addressing the issue of disabilities, we've also been most fortunate to have him as a critical member of our board since 1996 and as board chair for the last three years.

At this point, I'm going to turn it over to Ian, as he has some very particular submissions specific to the Niagara region, and I'll allow him to comment on those.

Mr. Ian Greaves: Thank you very much. I'm very pleased to have this opportunity to address the committee today. I'm going to focus on a local issue that has broad implications. It has the potential to affect millions of

people with disabilities and has economic implications for this city. I'm going to talk about people with disabilities visiting Niagara Falls.

More than 14 million people visit this city each year. This includes about two million tourists with disabilities. Two thirds of our visitors come from the United States. American visitors with disabilities are disappointed with conditions on this side of the border. At home, they've now enjoyed 15 years of life under the ADA, the Americans with Disabilities Act. What they see when they come over here is that we're still far behind what they're used to. Simply cross over the Rainbow Bridge into Niagara Falls, New York, and you'll find that even a small Tim Hortons outlet—something quite tiny by our standards—has fully accessible washrooms that are really superior to anything we see in the province.

When visiting Niagara, one of the highlights is enjoying the view of Niagara Falls from Queen Victoria Park. The parks commission does a superb job maintaining this park, but accessibility unfortunately is awkward. The people-mover is not accessible and there is no alternate transportation around the park for people with disabilities. It's difficult, really, to find a convenient place to unload a scooter from the van. The park and its attractions require a comprehensive accessibility review. I give more details on what this could entail in the appendix to the report that's been submitted to you.

A crown agency, the Niagara Parks Commission, operates the parks system and many attractions along the river. Unlike ministries and municipalities, crown agencies have not been required to prepare accessibility plans under the ODA 2001. The result is that the parks commission has not reviewed its activities and remains insensitive to issues of accessibility.

I'm going to tell you about a personal experience I had last July. I was attending a public meeting promoted by the parks commission. Sadly, this experience demonstrated the commission's lack of awareness of issues of accessibility. I attended a public open house in July at a building that could only be entered by a steep flight of stairs. When I arrived at the meeting using my scooter, I had a major problem. I was forced to scramble up the stairway using the handrail while two senior managers of the commission carried my scooter up to the top of the stairs. This was an embarrassing experience for all of us, but we were making the best of it. It was embarrassing also for the chairman of the commission when this experience was raised during the meeting.

My impression, as a person living in Niagara Falls and someone who frequently drives through the park, is that you don't see many people with disabilities enjoying the area. I feel this could be the result of the lack of attention by the parks commission to the needs of people with disabilities.

I want to make it clear that the parks commission does a superb job in maintaining the environment and looking after the park and the gardens, but I feel it really can be improved when it comes to accessibility. In fact, I see that potentially 15% of the market—in other words, it's

two million visitors we're talking about here—is being ignored, and this is just plain bad for business. To put this two million in perspective, when we talk about the act being considered, we generally refer to the 1.5 million Ontarians with disabilities across this province. What I'm suggesting here is that there are another two million with disabilities coming into the city each year, and I think it deserves some attention.

This past year, we have heard repeatedly from the parks commission of the urgent need to increase revenue at their various attractions. I'm suggesting that the commission could solve part of this problem by making facilities more accessible and ultimately promoting itself as a destination for people with disabilities.

You might wonder here why on earth this issue has not been raised directly with the commission. The reason is that they do not allow for public participation. They meet privately, and in fact they don't even allow the press to attend their meetings.

1410

I have two recommendations:

(1) During the transition period from ODA 2001 to Bill 118, crown agencies should be required to prepare annual accessibility plans; and

(2) Bill 118 should mandate accessibility requirements on agencies such as the parks commission. I believe it will do that ultimately, but I just had to raise this to make sure it's covered.

That's all I have to say.

The Chair: We have about a minute-plus each, and Mr. Marchese will start.

Mr. Marchese: Mr. Greaves, thank you, and Ms. Kidd, thank you as well. What you properly identified with respect to the parks commission is symptomatic of a universal problem, I think. While you speak to that, you're speaking to so many other institutions across the board, I suspect.

Mr. Greaves: That's correct. In no way am I wanting to pick on them.

Mr. Marchese: No, of course.

Mr. Greaves: It's a very common issue, as you suggest.

Mr. Marchese: The question I have for you—I'm sure you've been involved in issues of accessibility and discrimination against people with disabilities for a long, long time.

Mr. Greaves: Yes.

Mr. Marchese: With respect to this particular bill, what can you recommend to the government in particular, because they are the ones we need to convince about how we strengthen this bill? What can you recommend by way of the bill we're dealing with that would make it much better or more effective than it currently is?

Mr. Greaves: Dealing with the specific issue that I've raised?

Mr. Marchese: No, generally.

Mr. Greaves: Oh, generally. Well, it really boils down to a planning exercise and having consultation with

the community of disabled people to get ideas. The issue I've raised here with the commission really does not entail a large expenditure of money. It requires a careful planning exercise and coming up with a program. I think it's really very much a matter of thinking and working it through with a plan. So I would suggest more of these planning exercises that we've been going through with municipalities and ministries, such that we can look at the situation and lay out an orderly approach with priorities, and handling it that way.

Mr. Craiton: Just a couple of comments, Ian. One is, under the proposed bill, the parks commission will fall under that responsibility, which it doesn't right now. Two, I just want to make this commitment to you: I wasn't aware of this, so I thank you for bringing it to my attention. I will personally be in touch with the parks commission myself tomorrow. I'll contact the chair, Jim Williams, and I'll also get in touch with the general manager, John Kernahan. While this process is continuing, there's no reason why we can't go ahead and make some changes. As you said, it's the most recognized place in our community for people who come in as tourists, so I will do that. For the sake of Hansard, I want it recorded that I will take that forward for you.

Mr. Greaves: That would be much appreciated.

Mr. Craiton: Finally, I'm really pleased you spoke, because you know that Caroline Di Cocco has introduced into the House, and I have been supporting it, this transparency bill, which will make all agencies like this open, accountable and accessible to the public. I'm talking in terms of their meetings being available for you to come in and sit and listen, to express your views, for the media to participate, to see their financial situations. That's a law that doesn't exist anywhere I guess in Ontario and probably Canada; it's going to be the first of its kind. So I'm pleased that you sort of spoke to it in a roundabout way. Thank you so much.

Mr. Arnott: Thank you very much, Mr. Greaves. I'm sure you're pleased with the response of the committee members to your presentation.

Mr. Greaves: Yes.

Mr. Arnott: I think the points you raised are salient ones that needed to be raised in the public forum, and the way you've done it has been particularly helpful.

I'm our party's tourism and recreation critic, so I'm well interested in these kinds of issues. You've pointed out the fact that approximately 15% of the population is disabled; therefore, we can assume that approximately 15% of tourists are probably disabled, and we need to do more, as an economic opportunity, to ensure that those tourists are looked after properly and want to return as well—all good ideas.

Thank you very much for your presentation.

The Chair: Thank you very much.

COMMUNITY FUNCTIONALITY
FACILITATION INC.

The Chair: We'll go to the next one, which is Community Functionality Facilitation Inc. While you are taking your seat, may I remind you to please moderate your pace so that all the people in attendance are able to understand and appreciate the presentation. You have up to 15 minutes for your presentation. You may start any time you're ready.

Mr. Ben Bishop: Good afternoon, ladies and gentlemen. As Community Functionality Facilitation, we are very happy to get the opportunity to talk with the committee today. We do have PowerPoint, which we are going to be utilizing to assist us in presenting today.

The Chair: We have two pieces of material that you gave us, so I believe your presentation has already been provided to us.

Mr. Bishop: Yes. Our whole focus as CFF is basically to hook people up with services to go from A to B to C. We facilitate people going from colleges and universities to the workforce, or people coming from high school and going into college or university or an employment situation, and basically go through all the different applications they need to go through and create, as we've included in our brief, a life plan to help them access these services and help the services access the clients as well. It's a two-way communication system.

The Chair: For the record, can you please identify yourself?

Mr. Bishop: Sorry. My name is Ben Bishop. I'm the president of Community Functionality Facilitation. My co-presenter is William Shmuir, vice-president of Community Functionality Facilitation.

The main issues we're going to be looking at are inclusion and service hookup, technology development and the potential benefits of the AODA within that spectrum.

The first thing we're looking at is inclusion and service hookup, and the biggest problem we have seen while we've been trying to facilitate our clients from A to B is consistency in communication. One of the biggest issues we see is that there are so many different agencies and so many different ways that they do business with each other—and you also have the fact that they compete with each other for resources—that it's very difficult for them to communicate. We come along and say, "We're there to work with the client, with the person. We just want to share information with you and with the other services they're being hooked up with so they can be accommodated in the various environments." The problem with this is that very often, certain things don't get communicated or certain assessments are missing or there are certain things that just don't get done that complicate the transition from service to service.

We at CFF are a non-profit organization. We are completely volunteer. We're federally mandated, so we're a federal non-profit, which allows us to communicate with all the various levels of government. But what happens is that we have to do a lot of footwork to go to different

agencies to collect the information. We do that, but that does slow down the process. Traditionally, when agencies have had to do this on their own, they've had a lot of problems because of the fact that they don't have the time to go to the different agencies and collect all the information. They don't have the time to go through all the different application processes either, which is also a major stumbling block for people, especially, as was mentioned, with ODSP and ADP, knowing what bursaries and different grants they are capable of getting when they go into post-secondary education. So all that needs to be looked at.

1420

In that respect, I think the AODA would really go a long way in improving that communication, because it actually facilitates that. For the life plans that we do, it actually facilitates us to communicate with these people. This will in turn reduce the wait list for services. The life plans we have developed will allow for quick and easy access to information for each service and, again, allow for wait lists to be reduced, because as you reduce the time it takes to process a claim, you reduce the time it takes to implement it.

The other thing we need to start looking at is the people, the whole person; not just the disability, but how that person will interact within the society as a whole. So you're looking at things like if they're going to go from university to college, or they're going from university to college to employment. You have to look at each step. Each area these people will access has to be looked at, or else it's just not going to work because you don't have that consistence of communication; it's not there.

With technology development, we have to start looking at areas of universality. The problem with technology, the way it's going now, is that it's very specialized in each and every area. As an example, my colleague has a JORDY device that's designed for people with visual impairments. The fact that it is so specialized and so customized to one disability group means it works really well for that disability group, but the problem is that it's very specialized and therefore not mass-produced. If it's not mass-produced, then the cost of the device goes up.

What we're using here for the presentation is actually what's called a Tablet PC. We've developed this in conjunction with Toshiba, Microsoft and McMaster University as a universal device that all disabilities will be able to connect to. So you're not dealing with one particular device for one particular disability group; you're actually dealing with one device that can be used for all disability groups. If we can start developing technology that can be used in more than one platform and more than one disability group, then it will cut costs immensely for the technology and make it available a lot quicker because you can then start mass-producing it. Then you can start getting a population that would actually be able to make use of this in a much timelier fashion, which would relieve the assistive devices program in their claim process and make better use of the grants within the

university and college systems because you could actually get more equipment to the people much faster. The more mass production, the quicker it is to develop and the quicker it is to actually get out on to the floor. The fact that the ODA and the new AODA actually have the provisions for that development is really a significant step forward.

The other thing that we also have to worry about with technology—and I'm just going to go over this quickly—is currency of information. One thing we do is go to all the trade shows and all the different technology shows and showcases to see what's coming out from the United States, Canada and Japan, but a lot of agencies don't have time for that. They don't have time to send people out to learn about all the new technologies coming out. Consequently, they can be a year to two years behind. That can be fatal, especially when you're trying to deal with issues of accessibility.

I'm going to go through the role of the ODA. The biggest thing we see with the role of the ODA, again, is communication. It facilitates communication between agencies and between the public and private sectors. That, I believe, is probably the biggest advantage that we would like to see.

The other thing we have is general enforcement. We like the idea of having mandatory enforcement and compliance fines and the inspector system and all that being put in place. We think it's very, very necessary.

We think that the Accessibility for Ontarians with Disabilities Act would be very, very positive. It will be a huge step forward for Ontarians, and especially for people with disabilities. But that should not be where it stops. There still has to be a lot more done during the implementation procedures and the implementation plans to facilitate that communication.

Right now, our direction is compartmentalization. We have to get out of that compartmentalization stream. We have to go into a co-operative, communication-sharing system, or else it's just not going to work. Everybody has to be on the same page; right now, they're not. The competition system is just not going to work.

I'm going to hand you over to my colleague Mr. Shmuir, who's going to talk very briefly about some of the challenges that we've had in dealing with treatment of people with disabilities.

The Chair: There are only three minutes left in the presentation, sir.

Mr. William Shmuir: OK. I'll make this very brief.

Once again, a lot of the problem with service hookup is communication. A lot of times within big institutions like the education system and universities and colleges, there are so many departments, regulations and policies that the communication isn't transferred, which can create barriers to providing the services to our clients and to looking at the whole person. When it comes to service hookup, we have a tendency to look at a person as a whole; not just through the education system, but also in the workplace and at home.

A lot of the barriers that we've had are: lack of knowledge of the legislation that's out there, believe it or not; attitudinal barriers, which are always consistent; and simply the desire to ignore the laws that are out there.

For the conclusion, I will pass it over to Mr. Bishop.

Mr. Bishop: As you can see, the biggest stumbling block that we have had, both internally, within systems, and externally, has been communication. We're really hoping that the Accessibility for Ontarians with Disabilities Act gets passed so that this communication can be opened up between agencies and between ministries. Until the private and the public sectors and all of the different sectors of service development and implementation, as well as employment, get together on the same page, there's still not going to be any way of implementing any significant change. Everybody has to be on the same wavelength. They all have to be communicating the same thing, and the only way to do that is to make sure that the information gets passed from point A to point B and that the facilitation support for each of the clients and each of the companies and employers and each of the educational and government institutions is in place.

So communication and co-operation are key. All of us have to co-operate, and all of us have to communicate.

With that, we'll wrap it up.

The Chair: Thank you for your presentation. You're right on the dot for the 15 minutes.

NIAGARA REGIONAL COUNCIL ACCESSIBILITY ADVISORY COMMITTEE

The Chair: We'll move on to the next presentation. It's from the Niagara regional council accessibility advisory committee. Are they in the room? Sir, as you take your seat, I'll remind you that we want to make sure that everybody appreciates your presentation, so please keep that in mind. You have a maximum of 15 minutes. Whenever you're ready, you can start.

Another reminder is that there are two people at the back available for anyone who needs assistance. Of course, we are having translations for everybody's needs.

1430

Mr. Willy Noiles: Thank you. First, I'd like to thank the Ontario Legislature for granting public hearings on this important bill, and we extend our appreciation to the clerk's office for ensuring we had an opportunity to speak this afternoon.

For the record, my name is Willy Noiles, and I'm here not as a journalist, but as a member of Niagara region's accessibility advisory committee, a committee of which I've been a part for the past two years. As with every member of our AAC, I take the issue of disabilities and disability legislation seriously.

For us, Bill 118, the Accessibility for Ontarians with Disabilities Act, is an important step forward. Finally, we have a piece of legislation with teeth. The previous government's ODA was also a step forward, albeit a small step. But it did have two positive features: It established AACs in most municipalities and ensured that each AAC

prepared an accessibility report each September. As an AAC member, we consider these accessibility reports essential for ensuring some form of accountability from our local councils.

In many cases, this was the first time municipalities and other public sector organizations had to actually consider persons with disabilities in their planning. It was by no means a roaring success, but in Niagara our AAC did achieve some positive increments. Front-line regional staff participated in sensitivity and awareness training—training that many wish had been even more detailed. This we considered a big step forward because in our first year, having examined a survey of accessibility put together by regional staff, we quickly realized many of them were unaware of the challenges faced by those of us with disabilities. In this coming fiscal year, this training is set to include both senior staff and regional councillors. As Minister Bountrogianni herself has stated on many occasions, education is essential for removing barriers.

The ODA lacked one important factor: any penalties. This became evident to others and myself in my local ward when we went to vote in the 2003 municipal elections. Although the ODA had been in force for a year at that point, those in the clerk's department at the city of St. Catharines failed to ensure the polling stations were accessible. To think that in 2003 citizens were disenfranchised from casting their vote in a municipal election, the area of government with the most direct impact on their lives, was, to my way of thinking, reprehensible. Unfortunately, all we could do was try to impress upon city staff the necessity of ensuring every citizen is able to access their polling station.

Luckily, as a journalist, I'm able to do a column each week and I made sure to take city staff to task in a column. I also made a point of raising the issue in any conversations and interviews I had with successful candidates. But most persons with disabilities do not have that kind of access. All most could do under the ODA was simply complain.

In a perfect world, the municipality would have taken steps to ensure people could vote at home, if need be. The ODA did allow this but once again it wasn't demanded. As with much of the ODA, it was simply suggested.

I raise this, not to unnecessarily criticize the clerk's department of St. Catharines again, but to point out a very real shortcoming in the previous legislation. If anything in that act should have been enforced strenuously, it was the right to have access to vote. For any democracy to function successfully, all citizens must be able to cast their ballot at election time.

On the subject of penalties, we're happy to see some real penalties in the AODA. As has been demonstrated time and again that unless there are penalties, there are always going to be individuals and organizations who will flout the law. But in order to ensure the spirit of the legislation is followed, it'll take inspectors to ensure

standards are met, and it's here where I raise my first concern with the AODA.

While the legislation speaks of the need for inspectors, we all know from past experience that when a government is trying to cut spending, one of the first areas they cut is in the area of enforcement and inspectors. We've all seen the erosion to environmental protection after a previous government cut enforcement in that area. If the AODA is to be successful, government cannot skimp on enforcement and inspectors. After waiting this long for legislation, the last thing any of us wants to see is an erosion of the very few rights we've been able to achieve up to this point.

Our biggest concern with the AODA, however, is the amount of time it will take to reach that promised land of a truly accessible Ontario. Twenty years seems, by most definitions, far too long. When speaking to members of our AAC in preparation for this presentation, each one mentioned this delay. Sadly, many in our committee and in our community, myself included, could be dead by the time this legislation is fully implemented. This doesn't need to be the case.

One of the biggest factors for the delay, from reading the legislation, would appear to be the amount of consultation and study that would take place in the years to come. While we all wholeheartedly applaud Minister Bountrogianni and the government for ensuring persons with a disability have a place at the table, we wonder when enough consultation and study is enough. In some ways, this legislation seems to be ensuring that people will be debating it years after it receives royal assent.

In order to speed up the process, how about having the Accessibility Directorate of Ontario or ministry staff draw up standards in consultation with the standards development committees this legislation will create? From there, these standards could be communicated to the affected agencies for feedback. All this could probably be accomplished within six months, but I fear from the wording of the legislation that these standards development committees could be arguing certain standards for months before sending them for further consultation, which could take several more months.

Another factor in this delay could prove to be the Accessibility Standards Advisory Council formed as part of the legislation. In reading this section, I found myself wondering, why the need for yet another layer of administration? Even from the legislation it would appear that the Accessibility Standards Advisory Council, whose members will have some form of remuneration, adding unnecessary cost, is performing some of the same functions as the Accessibility Directorate and the aforementioned standards development committees. We ask this committee and the Legislature to take a second look at this potential for duplication of services. The legislation should be about ensuring Ontario is a truly accessible province in as short a time as possible, not about providing employment to some professional advocates.

Another area that concerns me is part IX, subsection 33(3), which allows the minister to make exemptions to

certain individuals or organizations from having to file an accessibility report or from the obligation to file or submit information and documentation to the ministry. No doubt there is a rationale for this, but be advised that when granting exemptions to anyone, this could be the start of a slippery slope. Once one organization is granted an exemption, others in that class will no doubt be asking for the same treatment. In order to achieve the expectations created by the government, sacrifices by various classes may be necessary. Granting exemptions is yet another factor that will delay final implementation of this much-needed legislation.

A big factor to the success of this legislation will be the regulations, which will be introduced slowly only after the bill has received royal assent. It's been a while since I've read a piece of legislation where the regulations almost single-handedly determined the success or failure of said legislation. It's in this area also where more delays would be created.

Another problem with relying on regulations is, what happens if another party that may not have the same commitment to accessibility forms office? I'm not going to pinpoint any particular party but, let's face it, if another party forms government during the next 20 years and they are focused in other areas, which could conceivably happen, this legislation could end up with some weak or non-existent regulations, impacting the promised outcome of the bill. If the government is truly committed to improving accessibility in Ontario, which we truly believe it is, why leave so much to the whims of successive governments? Just in reading section 40, I'm surprised by the amount left to regulations. Even the basics, such as the definitions of "accessibility" and "service," are left to regulations. Why couldn't the government define these terms prior to introducing the legislation?

One reason I raise the issue of regulations is that these eventual regulations will also impact on how AACs function. Many of the regulations deal with accessibility reports and how they are reported, what they include and how they are developed. As stated previously, our AAC strongly supports annual accessibility reports. They not only give the committee a goal to achieve each year but a yardstick by which to measure council's commitment. But the AODA leaves in doubt whether such annual accessibility reports will continue or what they'll include.

After two years of municipalities and other public sector organizations having to file accessibility reports, one would think the Accessibility Directorate and ministry staff would have an idea already of the strengths and weaknesses of the current rules. Surely with a little effort the ministry could have written into this new legislation what they expect from such reports. Delaying such regulations only delays the ultimate goal of an accessible Ontario.

1440

When drafting the regulations, I would be remiss if I did not state that when considering building code standards, we strongly recommend the Canadian Standards

Association. Their standards are much stronger and more inclusive than the current Ontario building code. Our AAC has insisted on incorporating universal design into any new facility. This ensures that any new building is accessible to all without having to make expensive modifications later.

As the member of a regional AAC, and as a reporter who covers local government, I'm also very much aware of the fiscal jam most municipalities are in. The realignment of services and the introduction of new provincial standards have left many municipalities struggling to avoid substantial hikes to their property tax bill. This means that each year AAC members wonder how much our region will be able to afford when it comes to accessibility improvements. Local AAC members face similar circumstances each year.

By way of example, the \$500,000 budgeted in 2005's capital budget for ODA renovations had originally been removed, for it didn't rate high enough on the corporate management team's project rankings. It was only at the last minute that it was added back in. In the previous year, that amount had been cut by more than half. It's not because the regional municipality is not committed to removing barriers; it's more that each year, councillors and staff have to deal with competing interests, and accessibility doesn't elicit as much support as repaving a main arterial road filled with potholes.

For this reason, we're encouraged by the AODA's mention of incentive agreements.

The Chair: Excuse me. Could you slow down a little, please?

Mr. Noiles: OK, sorry.

To remove many of the barriers faced in municipal buildings will require billions. Grants through such agencies as Trillium help some, but incentive funding from the provincial government will prove necessary to meet the act's objectives. Again, we realize this is very much dependent on the government of the day and its fiscal agenda. However, we encourage the Legislature to consider the fiscal realities of local government when implementing this new legislation.

The gas tax funding, which the government has already started to roll out, should go a long way to improving local transit and, we hope, introducing inter-regional accessible transit in Niagara. We in Niagara learned only yesterday that after a divided triple majority process, the region of Niagara has achieved the needed triple majority to allow the region to begin coordinating a specialized intermunicipal transit system. This was despite opposition from two of the biggest municipalities, Welland and St. Catharines. In fact, only a few short weeks ago, many of us had resigned ourselves to another disappointment. Sadly, those of us with a disability are used to disappointment. Whether it's because we're unable to get around or have added obstacles to doing so in the winter months, because we're unable to shop at our favourite store, or because our health has declined yet again, we're used to disappointment. Those of us who advocated and lobbied our municipal councillors for

intermunicipal specialized transit are here today with renewed optimism. I truly hope this can extend to the AODA.

On behalf of regional Niagara's AAC members, I once again thank the honourable members for listening to our concerns today. We hope this input will be considered when amendments are introduced. This act has the potential to be revolutionary with the proper amendments.

To close on a more general note, it was only last night that I was watching a Showtime film, *The Incredible Mrs. Ritchie*, starring Gena Rowlands. In it, she portrays an older woman who is battling severe arthritis and raising two sons with Down's syndrome and who still manages to live life with optimism. Her daily prayer around the dinner table, I think, could apply to some of us here today: "We thank you for our handicaps. Through them, we discover ourselves, our work and our Creator."

Thank you again. I'd be happy to answer any questions any honourable members may have.

The Chair: Thank you. There's only one minute left, and I'll go to Mr. Ramal just for one question.

Mr. Ramal: Thank you for the presentation and thank you for coming and telling us about your concerns. First, the ODA, as you mentioned, was weak; it was a small step. Second, you talk about the AODA being a step forward, but you had a concern. You mention in your statement about the duplication of standards. You want the minister to lead the standards and draft them with the director of the disability—

Mr. Noiles: And the standards development committee. I think if you could incorporate all those bodies together at once, you could speed up the process rather than bringing it to the standards development committee and then back to the ministry and then back again, because it's going to need fine-tuning from ministry staff in terms of wording. If all those organizations could work together at once, I think you could speed up the process a lot.

The Chair: Thank you very much for your presentation.

FAMOUS PLAYERS INC.

The Chair: We'll move on to the next, Famous Players Inc.

As you take your seat, if I can remind all of us that it's 15 minutes maximum. We are having people translating, so if you can make sure that all of us will be able to appreciate your presentation.

You can start any time you're ready.

Ms. Nuria Bronfman: I'm Nuria Bronfman, Famous Players, and this is my colleague, Wendy Kady. Mr. Chairperson and members of the committee, good afternoon and thank you for allowing us this opportunity to come before you and speak to you about Famous Players and our commitment to improving access to our theatres for people with disabilities.

It is because of our commitment to accessibility for all of our guests that we are here today to affirm our interest in participating in the standards development process that businesses, the provincial government and municipalities will soon collectively undertake for a barrier-free Ontario. No doubt you are thinking about the constitution and composition of the standards development committees contemplated by Bill 118. To this end, we want to offer our assistance.

Famous Players is a company with a history of 85 years in this province. We operate 36 theatres across the province. We employ over 3,000 individuals, including those from the disability community, and, not including income tax, contribute some \$22 million to the provincial treasury in tax revenue.

We pride ourselves on treating all of our guests equally, with dignity and respect. I'm pleased that we have made great strides to improve our relationship with the disability community. A few years ago, we recognized that our reputation within the community was lacking and we decided that we needed to repair it. We are now considered industry leaders within the disability community for a few initiatives that we have pioneered.

How have we accomplished this? First, all of our new-generation Ontario theatres are state of the art, providing full access to our guests using wheelchairs. Another of our initiatives that we are extremely proud of is the installation of the rear-window captioning and descriptive video systems, first installed in 2001. These systems allow our deaf and blind guests to experience the magic of the movies without the assistance of others. We are the only exhibitor in Canada operating this technology. In fact, our theatres are the only venue of any kind in Ontario where you can experience rear-window captioning. For our work in this area, we have been presented with a number of awards by organizations such as the Canadian National Institute for the Blind and the Ontario hard of hearing society.

Our most recent initiative demonstrates the positive results that occur when business and the disability community collaborate. A year ago, Famous Players asked the disability community to help us develop a policy for attendants accompanying a disabled person to our theatres. We worked with Easter Seals/March of Dimes to bring together nine national organizations representing people with a variety of disabilities and created the National Advisory Council of Disability Organizations.

We also rallied the entire exhibition industry to adopt a uniform industry position. The results of the collaboration are very positive, and on December 3, the International Day of Disabled Persons, we launched the Access 2 Entertainment card, available to people with disabilities who require a support person. The card is right here; you can pass it around. Starting March 1, Famous Players will honour this card in all Famous Players theatres. Upon presentation of this card, support workers will receive free admission. We were extremely pleased that Minister Bountrogianni was present at the launch and recognized our efforts.

1450

Famous Players is considered an industry leader in many areas. We chair the board of the Motion Picture Theatre Association. We sit on the board of directors of the National Association of Theatre Owners; we also sit on the technical committee of that body and are therefore current with issues such as captioning, digital cinema and new technologies that will greatly change our industry.

Mr. Chairman, we believe that the nature of our business makes us unique among entertainment venue operators. While we are clearly a part of the entertainment sector, we have some unique characteristics that need to be recognized as standards are developed. For example, we see more guests visiting our buildings on a daily basis than a sports venue or a live theatre venue. And our industry is constantly changing as a result of innovations in cinematography and projection, so our buildings and auditoriums are continuously evolving and need to evolve rapidly.

Of course we would like to participate in the standards development process and work collaboratively, as we have in the past, for a barrier-free Ontario. All of what I have discussed here positions Famous Players to be a useful resource during the standards development process. We recommend the mandating of a standards development committee with exhibitor representation for the entertainment destination sector. Further, we ask that you communicate to the minister our interest in serving as its industry representative.

On behalf of Famous Players, thank you, Mr. Chairman and committee members, for your time today. We can take any questions that you may have.

The Chair: We've got six minutes, so two minutes each. We'll start with Mr. Jackson.

Mr. Jackson: Thank you very much for an excellent presentation. I want to commend you and your corporation for the work you've done. You are industry leaders; there's no question about that.

I had a meeting with the human rights commissioner, Mr. Norton, who talked to me at length about issues around the hospitality sector and theatre guidelines, so I understand you've been working with the Ontario Human Rights Commission over the last couple of years in this regard and that you've made some progress, so I want to commend you for that as well.

It would appear that government wishes to start with your sector in terms of setting standards. That's good in many respects, because they'll have some early victories due to the work your company has done. They'll be able to point to you and say that the work that's been done to date is a result of legislation, but in fact it's your corporate response to a number of human rights test cases that go back five and 10 years ago.

I do have a difficult question, though, and that has to do with heritage properties. That's the one that's a conundrum. I use your product quite frequently with my children and my family, so I know your new ones are just extraordinarily accessible and wonderful experiences. But how can we work with you to make sure you're not

caught in the middle of a public debate between people wanting to preserve a building and your using it as a vintage theatre for the purpose, still, of providing a product to the public? This has been a difficult question in the past. I don't have a question for you on all the wonderful things you're doing—I think you're to be commended, and I'll say that many times—but this area still lacks some resolution. I just wonder whether, with your experience of what you've had to go through corporately over the last five years, you've got some further advice to this committee?

Ms. Bronfman: We did have two properties that we chose to close. Wendy has a longer history with the company than I do, so I might ask her to jump in. That was an issue for us, absolutely. It was two properties built when all these issues were never discussed. By virtue of the buildings themselves, to renovate them to the point where they would be to code was prohibitive financially because we weren't getting that kind of attendance there any more. So those two properties closed. I don't believe we have any left in the province.

Ms. Wendy Kady: That's exactly what I was thinking. The two properties we assume you're referring to are gone. It happened in the midst of our big expansion program and they've been replaced with state-of-the-art multiplexes, where you won't have that heritage problem for many, many years.

Ms. Bronfman: That's right. The problem was two-fold with those theatres. First of all, they were not accessible, and second, they were not getting the attendance they once did.

Mr. Jackson: I want to thank you for recognizing the fact of the incredible costs of what is, for most attendant support workers, a low-paying job. To give them a free pass for a paying customer or however they want to manage that was just brilliant. Thank you.

Mr. Marchese: I want to thank you both for your presentation and tell you that I attended one of the performances with my wife many years ago. It was extraordinary, the kind of work you do with young and old people with disabilities. It's a remarkable way to show the talent that people have, irrespective of whatever disability they might have.

Your main point appears to be that you want to be members of the standards committee. Many people want to be part of that, of course, and many people will be excluded. You understand that?

Ms. Bronfman: Yes.

Mr. Marchese: What do you hope to accomplish by being a member of such a committee, and what might happen if you're not a member of such a committee?

Ms. Bronfman: I think we can offer something to the table. We have a very distinct sector within the overall entertainment industry. It's an industry that changes rapidly with technology. When digital cinema comes in, our theatres will have to change. When certain other technologies come into play, our theatres will have to change. I guess we want to be part of the process to make sure our industry is represented properly by people who

know how the industry changes and why it changes, and so we are at the forefront of those changes and can offer up for the entire exhibition industry some suggestions as to how to address that most appropriately.

Ms. Kady: Also, as we've shown with the attendant card, we have a really strong desire to be proactive in these areas, as opposed to simply being reactive. This gives us the opportunity to assist here and make sure that from our standpoint, from the exhibition standpoint, this is done properly for all the parties involved.

Mr. Ramal: Thank you. For a second time I've listened to your presentation. Definitely, I listened to you carefully both times. I take it you are great supporters of Bill 118, that you think it's reasonable and the time frame is reasonable. From your presentation, I also understood that you want to set the model for other institutions, to tell them that by being accessible they'll gain more money, gain more business, that they'll enhance their business.

I don't understand your concern about being on the standards committee. If you are, of course, you can be a leading example. If you are not, what's going to happen to your business? Do you think it's going to be affected or not affected? With the bill as clear as it is, is it going to be protected by it? What do you think?

Ms. Bronfman: Again, we're just trying to be proactive in this area so we make sure our industry has a voice in how these standards are created, I guess to address the nature of our business more than anything, as we feel we are unique in terms of the entertainment sector because of the fast-changing nature of our industry. Obviously, we would really like to be part of the process and offer up our assistance in terms of what we know about our industry and how it affects the buildings we have and how it affects guests' accessibility.

The Chair: Thank you very much for your answers. You're right on the 15 minutes, and I thank you for that.

1500

JOHN KIS

The Chair: We will be moving to the next presentation, from John and Irene Kis. Please, if you would take a seat.

Mr. John Kis: Hello, everyone. My name is John Kis. My wife had to leave. Three months ago, she had spinal surgery, and Shaver Hospital had to take her back because she's got a little pain.

I wrote this out: First and foremost, as with everything, more funds are needed for everyone, the programs and essentials of life.

Irene and John's top priority is housing: more geared-to-income units; more accessible housing units; more housing for people needing heavy care, so to free up nursing establishments; seniors' complexes; the implementation of more cluster housing with main-floor common rooms; more satellite homes with kitchen facilities and independent housing training.

Irene and I would also like the building code as it exists right now looked at, to bring standards with the input of disabled persons, keeping the disabled, the elderly and mobility-impaired persons in mind. If the building code doesn't work, I would like to see more barrier-free universal design, or even possibly the British building code. The British building code seems to accommodate a lot of people with disabilities.

One of my biggest concerns is disabled parking and enforcement. Now that the provincial government got the fines increased—just in yesterday's paper I was shocked to read about a man who didn't have a disabled permit and parked in a handicapped parking spot whose fine was reduced to \$100. Why do we have a law? Even though there are a lot more handicapped parking spots at the YMCA, why is there a sign saying "\$300 fine," and a judge is saying to reduce the fine? What are we trying to do? Also, I would like to see more sensitivity training like Mr. Findlay has mentioned, especially in the justice system now. I would like to see that judge go in a wheelchair for a month to see what people in wheelchairs have to put up with.

That's my presentation.

The Chair: Thanks very much. There is time for questions, up to three minutes each, and I will start with Mr. Marchese.

Mr. Marchese: Thank you for coming and thank you for raising some of the concerns that others have raised as well, and that has to do with housing as a serious problem: the shortage of housing, the shortage of affordable housing and the shortage of accessible housing that people should have access to. All I can hope is that people will continue to remind this government of their promise and obligation to that.

You also talked about the building code changes and spoke to what others have spoken to around the whole notion of incorporating a universal design system so that you wouldn't have to retrofit or make changes later. There seems to be agreement with that.

Sensitivity training is something that we should be doing every day. It shouldn't be something that we leave to a bill or to a regulation. That's something that must be ongoing, because I don't think that we will be rid of discrimination against people with disabilities in the short term, or the long term for that matter.

Mr. Kis: With cluster housing, there's a place in St. Catharines called Bethlehem Place, in which people have their own bedroom and they have kitchen facilities. They are trained to go out into their own apartments.

Mr. Marchese: I understand. Thank you.

The Chair: Mr. Ramal, any comments or any questions?

Mr. Craiton: John, thank you very much. I know you weren't on the schedule and I know you were hoping to have a chance to speak. I guess what I'm saying is, you put your presentation together right here in this hall, so I congratulate you for doing that and for having the courage to sit up here and make that presentation.

I only want to quickly touch on the parking tickets. I can remember when the government of the day increased the fines to \$300. I was chair of the parking and traffic committee at that time, and I remember we put up the signs. I remember people coming to me as chair and screaming at me because they got a ticket, saying, "What's this \$300?" I can tell you stories upon stories where I actually went out with these people and said, "Show me where you got the ticket. Are you telling me you couldn't read the sign or something was in its way?" I actually went out with some of the people, stood there with them and said, "There's just no way. You're paying \$300. There's no way you're going to get out of this."

The point I wanted to make to you, just so you understand this, is, people still have the right to challenge a ticket. They can challenge it in the courts and the judges do have a right to decide whether they think it's appropriate or not. Many people just pay it, and when they pay it, it's \$300. It isn't that the law isn't there, but there is an opportunity, if people think they want to challenge it. That's probably what, in this case, that person has done and the judge has made a different determination.

The Chair: Ms. Wynne?

Ms. Wynne: Thank you, John. I just wanted to comment that you've raised in your presentation one of the big issues about attitudinal change that needs to happen in society. You've raised a number of individual issues, but I think if we don't, as a society, understand these issues, if we don't value the needs of people with disabilities, then the changes aren't going to happen, and one of the main thrusts of this legislation is to try to shift those attitudes by demonstrating what the standards are, what the rules are, and enforcing compliance. So we're trying to do that.

1510

I wanted to reassure you on the issue of people with disabilities having input into the setting of the standards. That's an integral part of this bill, that those standards development committees will have people with disabilities on them. That's an absolutely fundamental part of what the minister wanted to make sure happened, so I wanted to reassure you about that. That was your concern, was it?

Mr. Kis: Yes.

Ms. Wynne: It's right in the act that people with disabilities would be on those standards development committees.

Mr. Kis: Thank you.

Ms. Wynne: OK, great.

The Chair: Thanks very much. Mr. Jackson, do you have any questions?

Mr. Jackson: Yes. Thank you very much, John. I was quite disturbed when I heard early this morning about this judge who bought into a pretty lame excuse, that somebody had a sore back and therefore they needed to use a handicapped parking space. Apparently, that judge was convinced of it to the extent that he reduced the fine.

Would you therefore support—I don't think we need to wait 20 years to create a standard for a penalty for

violating a handicapped space. I think the penalty should be as strong in the city of Ottawa as it should be in the city of St. Catharines; there shouldn't be an ounce of difference in the offence against the disabled person who has struggled to get to a location, only to find out that their parking spot is taken away from them. So would you support in this legislation—because the previous legislation had an offence for parking of up to \$5,000. That's being removed in this legislation. I don't know if you knew that.

Mr. Kis: No.

Mr. Jackson: Well, would you support picking a number, whatever your community feels is appropriate—say \$500 or \$1,000—and making that the minimum fine, that no one who is ever charged can go to court and get it any lower than \$1,000? I've written to the Attorney General to ask them to resolve this question, but if there is no minimum limit, it can be zero. He could have said, "Your parking ticket fine is \$1." He could have picked any number out of the air, this judge, from what I understand. Would you support this legislation at least fixing that so that this year, that would become the standard, and no judge could play fast and loose with inappropriate attitudes toward the disability community?

Mr. Kis: Oh, definitely.

Mr. Jackson: OK. You're the first one to really tie judges to sensitivity training, and I want to thank you for that. I remember 15 years ago there was a judge in Sault Ste. Marie named Justice Vannini who once said to a woman who had been so badly beaten that she had lost sight in one eye—the judge's comments in court were this: He said to her husband, "I know you beat your wife, but this time you went a little too far and I'm going to have to penalize you." That case—and there were several others—demonstrated just how offside judges are with understanding issues. There are judges who just do not understand the disability community at all, so I want to thank you.

The government of the day reluctantly brought in sensitivity training for judges on issues involving women and abuse. I think this should be in the legislation as well, what you're suggesting, that we clearly set out, as we have in other legislation, that judges are named as requiring sensitivity training, or police as requiring sensitivity training, in order to overcome discriminatory thinking. So I want to thank you for that and I suspect you support that this legislation should set that out.

Mr. Kis: Definitely.

Mr. Jackson: Thanks very much.

The Chair: Mr. Kis, thanks again for coming and making a presentation.

TAKEKARE COMPANIONS

The Chair: We move on to the next presentation, Takekare Companions. There will be 15 minutes, of course. If you can please keep in mind that there are people who want to appreciate your presentation. There are people translating and people who wish—well, we all

want to be able to appreciate your presentation fully. Thank you.

Mr. Gary Atamanyk: Good afternoon. My name is Gary Atamanyk. I am a retired high school teacher, having taught for 28 years in regional Niagara. Previously, I was a management chemist in business and industry for six years. Since retirement in 1998, I have been a founder and the president of a company called Takekare Companions. Presently, I am a public school trustee with the District School Board of Niagara and a director of the Education Foundation of Niagara.

I am presenting today as the president of Takekare Companions. Since 1999, our company has been seeking to provide safe, affordable companion services 24/7 in all 12 communities of regional Niagara for seniors, who are mostly women, persons with disabilities, and the disadvantaged.

We realized that accessibility begins at the front door of our clients' homes and not at the entrance of a grocery store, medical clinic, lawyer's office or place of worship. If persons require assistance, a safe, affordable companion service is necessary to exercise their human rights of ready access to business enterprises, community services and facilities that are normally available to all other Ontarians. Also, companion services would assist persons to live independently in their own homes.

Sadly, there are major systemic barriers at the municipal level that have prevented Takekare Companions from assisting clients who wish to exercise their human rights of accessibility.

I will read an open letter dated November 23, 2004, on pages 5 to 7 of my presentation booklet. The letter was delivered by the regional clerk to each member of Niagara regional council.

"Dear Councillor,

"I have written all councillors a number of times over the past few years. If not newly elected, you are familiar with Takekare Companions.

"I believe that regional council can do more to assist the 120,000 seniors and partially disabled citizens of regional Niagara. Personally, my conscience will not allow me to ignore their great needs.

"For the past several years Takekare Companions would have provided needed companion services for seniors and the partially disabled in all 12 municipalities of regional Niagara 24/7. Members of the private, non-profit Takekare Social Club would have paid \$20/hr for services rendered during a one-hour minimum—taxes included. A free shuttle would have been provided (pro bono) throughout regional Niagara for companion-assisted shopping, medical appointments, worship," and so forth. "(Other services charge up to \$50 with a three-hour minimum plus mileage.) Respite relief, light house-keeping, live-in and vacation companions would have also been offered. This wonderful service would have helped so many in need!!

"However, the regional municipality of Niagara ruled that Takekare Companions and its independent contractors must obtain a 'newly created' vehicle-for-hire

specialty licence for each of their private, mechanically certified vehicles. They could not name one other companion service company in Ontario required to have such licensing! Apparently, all other legitimate, private companion service and escort service companies operate legally in regional Niagara without this licensing.

1520

"On March 12, 2001, and January 14, 2002, we attended public hearings of the licensing committee and made presentations to obtain the required licensing. In 2001, severe licence restrictions were imposed on Takekare Companions, putting us out of business. In 2002, we asked for more reasonable licensing and we were turned down completely. We were put out of business by regional Niagara with no alternative, and we were told that the restrictions imposed on us were fair. Should I, my wife or an independent contractor provide a free shuttle, pro bono, for a senior going to a medical appointment, we would be charged and liable to a fine of up to \$5,000, recently increased to \$25,000.

"Historically, it appears that, unlike other municipalities in Ontario, the licensing committee does not function at arm's length to the police board. Here in Niagara, members of the police board have also been members of the licensing committee that grants and denies licences. As well, unlike other municipalities in Ontario, there has been no local appeal mechanism for the decisions of the licensing committee. In order to appeal, you must attend high court to defend your stance against the police board with its \$90-million budget and ability to sue. Of course, this is impractical and intimidating to the appellant. Justice may not be done.

"What does the law say? Honestly, there are four provincial and federal laws and regulations that clearly dictate that Takekare Companions vehicles and their independent contractors are not vehicles for hire and cannot be licensed as vehicles for hire by regional Niagara. If you care enough to know the truth of the matter, I will immediately deliver this information to you directly. Telephone me at this phone number.

"All our people are experienced caregivers and long-time residents of regional Niagara, good people who are bonded, heavily insured and have a police services clearance certificate. The private vehicles of all our volunteer drivers are certified as mechanically fit and insured for business. For goodness sake, please let our people go.

"Send me a letter granting Takekare Companions permission to operate. Our mechanically certified, private vehicles are not vehicles for hire. All we are asking is that we be treated equally as other private companion services now operating in regional Niagara. What can be the problem? Please help the seniors, partially disabled and other citizens in need that you are sworn to serve."

Again, to date I have received no response to this letter. The laws mentioned in the letter are pages 8 to 11 in the booklet. The Takekare Companions brochure of services is on pages 12 and 13. Please note that the mission statement of Takekare Companions paraphrases

the principles advanced by the United Nations in its declaration of the International Year of the Elderly in 1999. The remaining pages of the presentation booklet are a selection of letters and research that I feel you will find helpful. In addition, I have over 400 pages of documentation available for any committee to examine and, if requested, I am available to assist personally 24/7. Simply call me at my phone number.

Recommendations: For the purposes of Bill 118 only, that all seniors aged 65 or more are deemed to be persons with disabilities due to age. Every senior has some form of disability due to age. It may be caused by arthritis flare-ups in the winter, night vision problems, diminished hearing, physical and emotional suffering, as well as other causes. Who is to determine who has a disability and who has not? At what point in time is one disabled and no longer disabled due to age factors? Who can judge other than the individuals themselves? One half of our seniors are regarded as disabled now. Why are those seniors who become disabled due to aging exempted from this legislation? Why is it that seniors, who are mostly women and are some of our most vulnerable citizens, do not have their human rights of accessibility protected?

I can assure you from my personal experience that municipal governments do not appear to care. I have been disregarded, coerced, lied to, intimidated and discriminated against these past six years in trying to bring accessibility to our seniors and persons with disabilities. Regional Niagara appears to have obtained only one legal opinion to support their position in our matter. Recently, when I suggested they seek another legal opinion from any respected legal firm based outside of regional Niagara, the regional chair claimed, "We can't do that." There is not a single politician of any stripe at the municipal, provincial or federal level who has been able to help our company stay in business with their best efforts thus far. If this matter is not resolved now with Bill 118, we may all be here again in the future trying to protect the human rights of our seniors by guaranteeing their accessibility.

The Human Rights Commission path does not work. We all know that very well. It's too costly. It can take several years, if not more. It's too complex. And it tries to obtain compromise, first of all. Compromise our human rights? Give me a break.

I say to the government of the day and to this tripartisan committee, this is your opportunity. This is your defining moment. This is your chance to step up to the plate and do something great for all Canadians. Prime Minister Pierre Trudeau sought a just society. Not a bad goal, that.

I suggest a change to the bill under the definitions for "disability" by adding, "as well as aging of those 65-plus years old" so that "disability" means "any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect, illness, as well as aging of those 65-plus years old...."

The Chair: You have two minutes left for your presentation.

Mr. Atamanyk: Thank you.

Recommendation number two: A ministerial order declaring that service vehicles of companion providers are exempt from all municipal licensing requirements, provided that each service provider is certified.

Takekare Companions would be pleased to provide such annual certification for companions throughout the province. Such certification would, of course, require proof of the mechanical fitness of all vehicles used to service clients, as well as other strictures. A sample of Takekare Companions' present required profile for certification is on the last three pages in this presentation booklet. Provincial certification is necessary because a conundrum from municipal bylaws and related legal roadblocks will never allow companion services to be available for all Ontarians in need. A ministerial order may be the only way to protect the human rights of all Ontarians who require assistance for gaining ready access to business enterprises, community services and facilities. The Municipal Act, 2001, part IV, Regulations, section 160, allows the minister to make the necessary regulations. I include this on page 4(b) of the booklet. I believe a ministerial order was the government course of action in the past in order to free up and promote the development of the parcel delivery industry. Apparently, it was a very successful measure.

The bottom line is this: Given these recommended legislative changes, Takekare Companions has the potential, as well as other companion services, to provide needed companion services to the vast majority of seniors and partially disabled throughout Ontario within eight years, at no cost to taxpayers.

Thank you very much.

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

1530

BRENDA HOLLOWELL

The Chair: We'll move to the next one, from Brenda Hollowell. Please come forward. Yes, that's fine. Please take a seat. You have 15 minutes, as you know. Thank you for coming. A reminder that there are two people available if anyone needs assistance at the back of the room. There is also translation taking place.

We thank you for coming to make your presentation. Please proceed whenever you're ready.

Ms. Brenda Hollowell: Thank you very much for having us. Thank you, Gary, from Companions. I think you had a lot of very important things to say.

The Chair: Can you move closer to the microphone and introduce yourself?

Ms. Hollowell: My name is Brenda Hollowell, and this is my son Albert Hollowell. I'm very nervous.

The Chair: You don't have to be. We're all friends here today.

Ms. Hollowell: I'm here today because Bill 118 is, of course, of special interest to me and my son. We're not doing too well with the current conditions in Niagara Falls, whether it's the school community, the hospital, the police or any of the existing laws for the disabled, or the recognition of the same.

I didn't know anything about the disabled myself until the last six years, because my son was born normal and healthy. He became disabled six years ago because of some medicine; he had a bad reaction to some medication. He can't talk, as you can hear. He's back in diapers. Two years ago he couldn't lift his head or swallow his own spit. This was very much like the speaker not too long ago with the seizure disorder. It caused grand mal seizures that couldn't be controlled; the medication reacted adversely for him, leaving him with multiple disabilities and also with CP.

I find that the school boards currently can't deal with these situations. I feel that the school boards aren't prepared for any type of disability currently—facilities like washrooms, facilities like speech, facilities like occupational, physio-occupational or speech therapies. I find that there are large shortfalls in the disability area with regard to parents such as myself.

When these bad situations happen to a family, as the previous speaker indicated, it doesn't matter if it's birth defects, old age or accidents. These things happen. I didn't grow up until it happened to my life. I have four sons. I didn't become a mom—I didn't know I wasn't a mom, really, until I had to give 100% of myself 100% of the time. I had no idea what that involved; I imagine probably none of you do either, because until it actually hits your doorstep you do not know what it entails.

Since then, I have lost my job as a senior mortgage administrator of Home Savings and Loan Corp. I've lost several other jobs in the meantime because when my son is sick, I have to be home or I have to be in the hospital.

My son unfortunately has SUDEP. He stops breathing from these seizures. He's died numerous times because during the seizures he goes into status epilepticus. Consequently, I have to be with him in intensive care. I am taken away from my job.

I have lost probably more jobs than all of you have had in all of your lives. I don't have benefits any more. I don't have unemployment insurance any more, so now I'm back to work again. I started a job on Monday and I'm off today. Thankfully, they're gracious enough to allow that, and I've only had the job for three days. Not all employers are; that's why I've had so many jobs. The point is, there's no protection for moms either. There's no protection for these kids. My son has come home several times, pushed down in the schoolyard, because children don't understand and kids will be kids. Nobody is going to change that.

So I thought, well, Jeez, I'll do like the blind do. My son has no skills; I'll get him a dog, and a dog will take the place of mom when mom is not able to be with him. But, you know, our society doesn't even have the same rules for handicaps. The blind people can have a dog, but

my son can't physically have a dog because the laws are only there for the CNIB. So now I've probably put close to \$10,000 into training Magic, who is here with us under the table. She is not certifiable until she's a few months older, but she'll never be able to go on a city bus with him if you don't do something very soon. We can't wait 10 years. Albert is 11 years old and he needs a companion today. He needs to be able to know, and I need to be able to know, that I am not wasting money I don't have. I'm asking for sponsors and clubs, which Kim is familiar with, to help me pay some of these outrageous costs for certification and training. The blind are covered. The government pays for it. The clubs are covering these things 100%.

Anyway, the discrimination, I guess, is something that—maybe that's not the right word or maybe it is the right word, but there are lots of areas that need changing today, not down the road. I don't know from reading the 37-page Bill 118 that you're addressing all these issues. There are so many areas of confusion for me when I read it because it's "ifs," "ands" and "buts" and in between, and I can't decipher everything that's being said in these bills.

I'd like to see some things happen a lot faster. I know restaurants can't change and I know you can't come up with 10 new bathrooms in the schools to help these children go to the washroom. I know you can't come up with nurses to help single moms trying to do the best they can with their children and I know you can't pay \$25,000 for dogs to assist with things. I would just like to see a more even ground. One of the speakers, who I don't think is at the table now, was addressing a judge being able to swing and make different—not understanding different disabilities. I agree that it's not just judges and it's not just you or me who is going to make a difference, if anybody can make a difference, but we have to start here and now and today to make a difference for our children for tomorrow. It's our children who will be here tomorrow.

I'm drawing a blank now.

The Chair: Thank you. Is that all you want to say? There are three more minutes we can allow for questions, unless you have something else to add.

Ms. Hollowell: I'm prepared for questions.

The Chair: OK, that's fine. Ms. Wynne, please: One minute each for questions.

Ms. Wynne: Thank you, Brenda, for coming. I know you've been working with Mr. Craitor and I just asked him if it would be OK if I asked you a question. I'm in the Ministry of Education and I just wanted to ask you about your experience with the schools. Is there a school that your son can go to? What's been the response from the board of education?

Ms. Hollowell: The board of education so far has, in my opinion, been a total letdown. Before my son got sick, I thought there was a really important thing—you know, you see on TV that Canada supports children. Children are their main thing. We give money to kids overseas and feed the poor over here and over there. My son has been to four schools. He's been to NPCC, where

he started out. I thought it was grand. He got physiotherapy, occupational therapy, speech therapy. Then Albert turned five, and now there's nothing for Albert. If you can't talk by the time you're five, you don't talk. Did you know that? If you don't talk by the time you're five, forget it.

Ms. Wynne: What about the dog? Part of what this bill is about is setting standards that allow accessibility. I'm just wondering, it's a service dog? Is that what he's called?

Ms. Hollowell: She's a service dog.

Ms. Wynne: Is the dog allowed anywhere?

1540

Ms. Hollowell: I'm not having any problem having the dog allowed, but legally, she could be refused entrance and I would have to take her out, because Albert is not blind. That's the only reason why. She has the same certification, Albert has the same needs as a blind person, but because he can see, she is not legal in this province.

Ms. Wynne: Thank you for raising this issue and making us aware of it, because it's exactly the kind of thing we need to know about in relation to the bill.

Mr. Arnott: Thank you, Ms. Hollowell, for your presentation this afternoon. I'm sure you're absolutely right: Those of us who are blessed with healthy children have no idea what it is like to be a parent faced with the challenge that you are faced with. But you're doing an extraordinary job raising Albert. You deserve credit and the support of your community and your family, and I'm sure you have the support of the members of this committee.

I think your testimony today has been very helpful to us to have a better appreciation of the kinds of day-to-day challenges you face. Clearly the government has a lot of work to do to respond to those kinds of challenges, to support families like yours, to ensure that Albert is able to reach his full potential in life. Thank you very much for coming today.

Mr. Marchese: Thank you, Brenda. I too was thinking about your point—

Ms. Hollowell: May I just interrupt here?

The Chair: Can you allow Mr. Marchese—at the end, if there's some time left, you may. I think everybody has equal time, if you don't mind.

Mr. Marchese: I just want to say, when you say that you don't know what it's like until it happens to you, it's very, very true. My father died of Alzheimer's disease and I had no knowledge of the problem until it happened to us. That's why in my mind I think about the obligations of governments to families when they face difficulties like yours. Sometimes we forget that. Sometimes we don't fit into the box and we don't fit into the rules, just as you indicated.

Ms. Hollowell: That's the problem.

Mr. Marchese: So there's nothing we can do, because it doesn't fit into the rule. To change the rule takes forever, and, "Too bad." In the meantime, you're suffering alone as a single mother with this child and we let you go on suffering—

Ms. Hollowell: Because you don't know.

Mr. Marchese: —because the law at the moment doesn't permit it. It's just incredible how we allow that. That's why I speak to the idea of the social obligations we have to each other. That's where governments have to kick in and find the money to be able to help families in need, and yours is one such example.

Ms. Hollowell: Thank you, sir. That's what I was trying to say. Even the unemployment—I'm not looking for free handouts. I work hard—I have always worked hard—but when your unemployment runs out, you have these choices. If your child is not dying, you can't help your child and look after him. You have to go to work. I don't think that's right. I think my son should be allowed his mom to have a quality life, not just have me home to die.

The Chair: Thanks very much for your presentation. We thank you and your son for coming here.

CORPORATION OF THE TOWN OF FORT ERIE ACCESSIBILITY ADVISORY COMMITTEE

The Chair: The next presentation is from the Corporation of the town of Fort Erie accessibility advisory committee. I believe Diann Krieger is here.

Ms. Donna Summerville: Actually, I'm sitting in for Diann Krieger. She's had surgery and it's kind of a last-minute venue for me, but I think I can get through this.

The Chair: Please introduce yourselves for the record, both of you, and proceed.

Ms. Summerville: My name is Donna Summerville and I sit on the advisory committee of the town of Fort Erie. I also work with the Brain Injury Association of Fort Erie.

I did discuss with Diann on the phone this morning some of the issues she would like to address, and both of us decided that we're looking at hidden disabilities: people with brain injuries, epilepsy, hearing disorders, anything that is not apparent to the eye, that people are not aware of. Maybe there's something going on with that person that's hidden. Oftentimes it gets misconstrued, that maybe people have some kind of mental illness, especially when it deals with brain injury. We're trying to address the fact that a lot of times the accessibility of a person is not only getting into the building but also what's inside the building that can help us.

In the town of Fort Erie, we had addressed a lot of the municipally owned buildings, and we made recommendation to our town council about some of the issues that faced us: Inside of buildings, if we could get in, were we able to use the washrooms? Were we able to use the fountains? Were we able to use the reception area? We found that most of the time there was compliance there. We made recommendations. We are coming up to snuff with most of those things that we found.

Another thing that we addressed on the committee, and I know it's only in private, is probably that people with private businesses that can allow individuals who

are in a wheelchair, or the parking is another issue—I know that can't be addressed by the government. That's something to do with the people personally. But I think if the building codes were changed also, to come to a standard where everybody has inclusion—it's universal design—that it would make it a much better placement, so we don't have to shift things around when somebody comes into the room with a wheelchair, make accommodations for that, that everything is a normal flow.

With the hidden disabilities, too, I find, working with people with brain injury, that people may look fine, they may act fine, but they do have this cognitive impairment which may not be visible to other people. Those issues have to be addressed, because we are also looking at employment for these individuals. Oftentimes, they don't want to tell the employer that they have this hidden disability.

I myself have a hidden disability, a chronic back ailment that I do put up with. There are times that I would love to say, "I've got to stay home," but I prefer not to do that. There are other disabilities that are hidden, like epilepsy. Employers have to come to the understanding, if they're told that the person has this disability, where that is going to put the person at risk of losing their job.

Many other hidden disabilities would include, like I said, brain injury, and probably hearing loss too. When we're speaking with someone, if we don't tell each other what the issue is—a lot of people keep those issues inside. They keep that disability inside, because sometimes they want to be in denial of it. I think they're afraid because, once they let someone know that they have the disability, lots of times there's an issue of losing your job, like I said. Or if you're an employer, you're not going to hire somebody who may be sickly in their minds.

I brought along a member from the Head Injury Association. She may want to say a few words. I wanted to leave some time for some questioning. Her name is Judith Jacques, and she didn't mind coming along.

Ms. Judith Jacques: I'm a person with a brain injury. We are still very shy to admit to anyone, if we go for a job, that we have a brain injury. I also take very bad seizures and things like that. I'm also working, though. I'm a lunchroom supervisor at a school. They fully know about my brain injury and they accept it, but there are a lot of places that don't. They look down on you because you're not exactly right in their eyes. That's all I'd like to say.

Ms. Summerville: I think the whole thing is that we have to educate the communities themselves. I know the government is very aware of what is going on. Maybe this is not an issue, but I think that sometimes when people go on a disability, they're either going on an Ontario disability or a Canada Pension disability. There's a lot of trouble being on both of them, because you can be on both at one time: One's legislation allows you to work; the other legislation says you can work but don't really work, because, you know what, you can be cut off, and try to get back on again. That's why a lot of people

really suffer through their workloads. The government doesn't allow that person to be productive. You can have a good day with hidden disabilities, and you could have a bad day, and there's no happy medium in that. I think that has to be addressed also. How can we let these people be productive without their being afraid to make a decent living? Most of the members I work with live on \$930 a month and they're allowed to make a little bit of money. If you're on Canada pension, you're not allowed to make any money. Although they do say you can, I wouldn't advise it.

Are there any questions?

1550

The Chair: Yes. We have over two minutes each.

Mr. Arnott: I want to look at this issue a little differently. We've heard a lot of presentations today, and Monday and Tuesday in Toronto. We've made a lot of progress, though, in recent years in terms of ensuring that people with disabilities have the best possible opportunity to achieve their full potential. Would you care to talk about that part of it and what kinds of positive steps have been taken, perhaps in your community, to get us to where we are today?

Ms. Summerville: You mean as far as people in the employment field?

Mr. Arnott: Sure.

Ms. Summerville: Probably if you know the right connection, the support system—the thing is, a lot of people fall through the cracks. To get services for certain people, you can't have this or you can't have that. I'm not answering your question very well, but I find that with our individuals, the only services that would come in to help at this point would be home care, community care access services, and you would be getting one hour a week. If you have a certain disability, you would get more because government funding is recognizable. I'm only talking in the brain injury field, because brain injury still is a very difficult field to follow. But other services, community living for the developmental—there are lots of supports in that area too with government funding.

As far as volunteers who would help out—there are programs for people who are on Ontario disability, though, that can put them to work also. I've worked with some of those, so that's a positive area there too.

But then there's the follow-up after. Who is going to carry on with that individual? That's what I find. There are lots of programs out there, but then all of a sudden, when they're over, that's it. There's no one to help carry on that program with that individual.

Mr. Arnott: Clearly, we have much more to do and Bill 118 represents part of that. But I guess what I was trying to get at is, where we've experienced success in the past, we need to build on it. We need to identify the kinds of things we've done that have created the success and the success stories and then use that to build upon for the future.

Ms. Summerville: Yes.

Mr. Arnott: We appreciate your advice on that.

Mr. Marchese: Donna and Judith, thank you. You talked about education, which others have talked about as well. In the past, when we've dealt with bills, I've been one of the members talking about the need to educate. Everybody agrees, and we never do it. This is the first time that I've heard a lot of people talk about the need to educate. If ever there was such a bill that should include an education component, it would be this.

Ms. Summerville: Exactly.

Mr. Marchese: It has to do with education around an understanding of the hidden kind of problems, the hidden disabilities that people have. It has to do with educating people about how we discriminate, because we do—people may not want to admit it, but we do—and the need to be able to educate in that particular area and the need to inform people about the economic shortfalls, the economic problems that people with disabilities face and what we need to do about it.

So I want to say to you, thank you for that aspect of the remarks you made. I hope that they as a government will listen and that we might be able to remind them as we go through clause-by-clause about the need to do some public education campaigns.

Ms. Summerville: Yes. Thank you.

Ms. Wynne: Thank you very much for speaking today, and on short notice, it sounds like.

You talked about a lot of the local municipal issues, the parking issues, the universal design, the building code issues. I guess I just wanted to ask you whether you think it's a move in the right direction that we would put a framework in place where standards would be developed and then those standards would be province-wide for all the sectors of the economy?

Ms. Summerville: Yes, that's probably what I had in mind, that we would re-examine the building code for buildings and things like that to accommodate so that it's an inclusion, that that will be the norm.

Ms. Wynne: Right, and once those standards are set, then the building code has to be changed in order to—

Ms. Summerville: Exactly.

Ms. Wynne: I guess the other point I wanted to make is on the issue of invisible disabilities. One of the main tenets of this bill is that the disability community must be included in the setting of those standards. What's helpful, in terms of these hearings, is for us to get a sensitivity to the range of disabilities groups that need to be heard from. I just wanted to reassure you both that the point of the way the standards development committees are being set up is that the disability community be part of making those standards. So I wanted to thank you for raising that issue.

Ms. Summerville: That's good. Thank you.

The Chair: Thank you very much for coming and making a presentation.

A LEGAL RESOURCE CENTRE
FOR PERSONS WITH DISABILITIES
(ARCH)

The Chair: We will move from the next presentation from A Legal Resource Centre for Persons with Disabilities. Of course you have 15 minutes. Again, if there is any need of assistance, there are two people at the back. Feel free to use their services. When you make your presentation, let me to remind you that all of us want to be able to appreciate your presentation, if you can keep that in mind. Thank you.

Ms. Phyllis Gordon: My name is Phyllis Gordon. I'm the director of ARCH, A Legal Resource Centre For Persons with Disabilities. With me are Cara Wilkie, our student-at-law, and Heidi Lazar-Meyn, one of our staff lawyers.

Before we begin, I wanted to let people in the audience know that we do have one copy of our submissions in Braille and another on disk. If anybody here would like an alternative format, if you'd just raise your hand, Heidi could give it to you.

ARCH is very happy to be here today to express our support for the vision of the AODA. It's an ambitious statute of broad application that has a most urgent goal, which is the creation of an Ontario that's free of the barriers that restrict and impede the full participation of persons with disabilities.

I'm going to ask Cara to carry on for a moment.

Ms. Cara Wilkie: I just want to begin by briefly speaking about who ARCH is and what we do. ARCH is a charitable legal clinic that's primarily funded by Legal Aid Ontario. We have a province-wide mandate and are dedicated to defending and advancing the equality rights of persons with disabilities. We do this regardless of the nature of the disability.

ARCH represents national and provincial disability organizations and individuals in test-case litigation at all levels of tribunals and courts, including the Supreme Court of Canada. We provide education to the public on disability rights and to the legal profession about disability law. We make submissions to government on matters of law reform, and we offer a telephone legal summary advice and referral service. We also maintain an informative Web site—

The Chair: Excuse me. Can you please moderate your pace so that all the people in attendance are able to understand and appreciate your presentation equally? Thank you. There is 15 minutes.

Ms. Wilkie: Absolutely. We also maintain an informative Web site on disability law. We have a staff of 11, including six lawyers. Our membership consists of over 60 disability organizations, and ARCH is governed by a volunteer board of directors, a majority of whom are persons with disabilities.

Turning now to Bill 118, the vision of the bill is that persons with disabilities will participate as full citizens in all walks of Ontario life, including work, recreation, politics, volunteerism and education. The means of

achieving this vision that the government is proposing is the development of enforceable standards. These will establish what is required to be done by the private and public sectors in order that the vision is achieved.

1600

As lawyers with disability expertise, we have studied Bill 118 and offer to you several suggestions that, in our view, will increase the likelihood that the bill will be successful.

In this oral submissions, we wish to emphasize two points: the over-reliance on the regulatory power and the need for greater public participation throughout the entire life of the statute. But we do have other points to make and hope that you will refer to the entirety of our written submission where we set out our concerns in more detail.

In particular, we request that you give serious consideration to the following points, many of which other organizations today and the last two days in Toronto have also raised.

ARCH believes that the purpose of the statute should be boldly stated. The current language in section 1 does not convey that the goal is to remedy systemic discrimination that is faced by persons with disabilities by removing the barriers they face.

We share the view that the push for barrier removal should be undertaken as soon as possible. ARCH is very concerned that the 20-year time frame will lead to unintended delay. As a result of the feedback from the community we've received after our initial ARCH alert, we recommend that the goal be nine years instead of 20 years and that this be done with three three-year periods for standards development.

It is our view that the words "to the public" that are found in subsection 6(3) should be removed. These words will lead to inconsistencies and unnecessary complexities, delaying implementation. The Human Rights Code was amended to remove this language because of the unnecessary litigation it caused.

We are very concerned that section 36 will lead to unnecessary intrusion into the lives of individuals and violate their privacy rights. The enforcement of a standard which addresses a systemic issue does not require the disclosure of personal information of individuals. In our view, section 36 is inconsistent with privacy legislation and should be deleted. We urge you to carefully consider our submissions on this point that you'll find at pages 30 and 31 of the material.

As you heard from the speaker a few moments ago and as we also regularly hear from the persons who call us, persons are often discriminated against because they use a service animal. As an immediate priority, Bill 118 should remove these barriers and include a guarantee of access to persons who use service animals. This key provision does not need to wait for standards development.

Now I'm going to turn it over to Heidi.

Ms. Heidi Lazar-Meyn: We should remember that the purpose of regulations is to fulfill the intention of the statute, not to create the statute. Like other speakers whom you've heard over the past few days, we're

gravely concerned that too many issues are left open in Bill 118 and are to be decided by regulation or by the minister. Many important matters should be resolved now and not by cabinet in the future, because it's possible, and in our experience is often the case, that key regulations are never enacted. When a statute lacks sufficient clarity, delay and debate can occur throughout its implementation and adjudication. The greater the detail in the bill itself, the greater is the likelihood that it will be successfully implemented.

Here are some of the issues that we reiterate should not be left to the future:

How will "services" be defined? Bill 118 provides that this essential word can be defined by regulation. Persons with disabilities require immediate assurance that the act will include such essential services as transportation, education, health and those that the Ontario Human Rights Commission has included over the years. If the government does not want to define "services" now, it should at the very least remove clause 40(1)(q) of the bill so that the public is assured that future cabinets cannot restrict the application of the act without full legislative debate.

How might the word "accessibility" be defined by a future cabinet? This word, which goes to the heart of the legislation, cannot be left to the future.

When will standards development committees be established? How long will committee members be appointed for? Will they be paid? When will directors and inspectors be appointed? What organizations will be exempted from the bill's application? What tribunal or tribunals will hear appeals?

Bill 118 leaves it to the government to decide whether or not to make a regulation enacting a standard. We recommend that subsection 6(1) be reviewed to ensure that it confirms the government's strongest possible commitment to enacting the proposed or revised standards.

No one can predict what economic or social pressures will be on cabinet in the years to come. It is our submission that Bill 118 should be thoroughly reviewed to ensure that only what cannot be put into the legislation now is left to future cabinets.

Ms. Gordon: Finally, we would like to address that the bill certainly needs greater public participation of persons with disabilities throughout its life, not only during the design of the standards. Currently, Bill 118 provides for the participation of people with disabilities in three situations: as members of a standards development committee; later on, to provide input after a proposed standard has been made public; and possibly as a member of a municipal accessibility advisory committee. However, there are many other avenues through which the public can continue its involvement.

The first is a monitoring function. Bill 118 does not expressly provide a means to effectively monitor the success of its implementation, nor does it require the minister to publish an annual report on the progress of standards development or enforcement. There's no mandatory evaluation process that will assess whether barrier

removal has been successful. There is no explicit provision for the maintenance of a publicly accessible database that could be compiled from the reports filed under the AODA. Given that this legislative initiative will be carefully watched by persons with disabilities as well as policy-makers in Canada and internationally, ARCH recommends that the bill clarify who has the responsibility to monitor the law's implementation, undertake data collection and develop evaluation tools from the outset.

We also think that the public should be provided a role in the enforcement of the AODA. Currently, it is left entirely to government officials. There is no independent review mechanism permitting persons with disabilities to complain about failures to comply with the act itself or the accessibility standards. The only cases that will get before a tribunal are those where an order is being appealed, and these appeals can only be initiated by the person or organization named in the order.

If, for example, a large transportation company fails to comply with the relevant standard, it's not certain that this non-compliance will be monitored or inspected or that the company will be ordered to do anything at all. In such cases, persons with disabilities must be able to complain to a tribunal that the company has not complied with the standard and that they remain unable to travel without barriers. It's ARCH's view that enforcement initiatives should not be left entirely in the hands of the bureaucracy.

There's another mechanism in Bill 118 that excludes the public, and these are the incentive agreements between the minister and an organization. Even though the intent of these agreements is to encourage performance way beyond the minimal requirements of a standard, the trade-off is that the terms may not be public and reporting may be avoided. Accordingly, a person with a disability who encounters a barrier will have no way of ascertaining whether an incentive agreement exists at all, let alone whether the organization has complied with its terms. There is no avenue for complaint or appeal.

The third way that the public should be involved with the life of the AODA is through access to an expert tribunal. In our submissions, we set out quite a lengthy discussion on the real, essential need to have one expert tribunal. The current adjudication framework set out in the act—which is highly speculative, because it will just be designated by regulation in the future—is highly problematic and needs significant revision. I might add that it is much less than what parallel statutes currently provide to other people. We don't think that persons with disabilities should have less of a regulatory regime than you will find in many other statutes.

As we have noted, Bill 118 mostly excludes persons with disabilities from participation at a hearing. Therefore, everyone is more dependent upon the bureaucracy charged with its enforcement. However, it's quite possible that the bureaucracy charged with enforcing the law several years from now may be underfunded, in need of quick settlements, and/or not committed to its implementation in a wholehearted manner, as we would expect

people involved with the creation of the bill would be committed to it. One way that the current bill could protect against these dangers is to provide that an appeal process be available to a person or organization that's affected by an order, and not only to the person or organization that is the subject of the order. To be effective, this amendment must also require that all orders are publicized in a timely way.

1610

ARCH also believes that there is a very valuable and important role for persons with disabilities and their advocates to play at the hearing of appeals, as interveners. As the bill is now worded, those wishing to bring a disability perspective to the tribunal will have a difficult time establishing their right to be made a party. The bill should include language that provides for participation in the adjudication process regarding the substantive issues under the AODA.

Finally, the preference for written hearings that the bill offers excludes the public once again. It's important to remember that this is a public interest statute designed to correct a long-standing history of exclusion and discrimination. The orders are not private matters between the government and the offending person or organization. Rather, they are mechanisms to ensure compliance with an important anti-discrimination statute. In our view, it is critical that the adjudicative scheme includes public participation and makes enforcement of the AODA a public rather than a private enterprise.

I'd like to thank you for the opportunity we've had today. If there's time, we'll look at questions, but otherwise, I'd like to offer ARCH's services or consultation to any members or their assistants. We have done that in the past. We regularly consult with government and bureaucracies and are most willing to continue an open discussion.

The Chair: Thirty seconds, starting from Mr. Marchese, please.

Mr. Marchese: Thirty seconds?

The Chair: Yes, we are running—if you need a minute, I'll give you a minute.

Mr. Marchese: This is an incredibly important report that you bring to this committee. Your recommendations are powerful and the knowledge you bring to it is incredible. When you talk about, "Bill 118 does not expressly provide a means to effectively monitor the success of its implementation," it's critical. Only an organization that has that kind of experience could speak to these issues. I will bring forward a lot of recommendations to clause-by-clause that will include a lot of your proposed changes to make this a more effective bill.

Mr. Ramal: Thank you for coming. I had a chance to see your submission before today, and I share your concerns, after the failure of Bill 125 to meet the demands of the disabled community. That's why as a government we came up with Bill 118.

As I mentioned, I read your submission and your concerns about some sections and subsections of the bill. Hopefully, we can address your concerns after discussing them with the legal department to see the technicality of

applying it, because you raised some technical issues. We'll see if we can enhance the language. We look forward to working with you.

Ms. Gordon: And we would like to work with you, if we can.

The Chair: Mr. Arnott, any comments?

Mr. Arnott: Thank you very much for your presentation. Your expertise and your experience in dealing with these kinds of issues on a day-to-day basis is something that the committee needs to take into consideration, obviously. We do really appreciate the advice that you've given us today.

The Chair: Thanks very much, both of you. Thank you for coming.

JACK EDWARDS

The Chair: The next presentation is from Jack Edwards. Is Mr. Edwards here? You can proceed any time you wish, Mr. Edwards.

Mr. Jack Edwards: I don't have a presentation. I wasn't sure what to expect here. I'm an interested citizen with an opinion.

The Chair: That's fair. You can present your opinion and, if there is time for questions, we'll go from there.

Mr. Edwards: I'm opposed to the legislation. It seems to me that it would be far more practical to try and meet your objectives with policy guidelines first. Legislation has unintended consequences. I know a little bit about litigation. This will prove to be a windfall for lawyers.

It will be a tremendous burden on the economy. The best way to help disabled people is to have a prosperous province and a prosperous country.

I've read in the last nine years three books that I would highly recommend to the standing committee. One was called *The Litigation Explosion*, a very depressing book. The other one was *The Case Against Lawyers*, more recently. The cost of litigation is a tax on the economy, it's a tax on individuals. I don't know if there has been a cost-benefit analysis on what this legislation is going to do versus the value that you'll get from it.

To my mind, I don't understand how a democracy can legislate individual and minority rights. There seems to be a conflict here. If a lawyer holds public office, I see a conflict of interest between making the law and profiting from the enforcement of the law.

I feel foolish after listening to the ladies before me. I'm not prepared. I didn't know what I was going to say, I didn't know how to say it, but this is a very serious matter. You're going to wreak havoc on the economy because some power monkey in a wheelchair is going to get hold of a power monkey with a law degree and they're going to see how it works. Not everybody who's disabled is kind and gentle and deserving—disabled people can be nasty too.

The Chair: Mr. Edwards, you have the right to express yourself. You have done that, and that's fine. I think if you have anything else to add on the topic, it's up

to you to do so. But you have to address the issue in front of us. I think you already did make a point on the issue, and I thank you for that.

Mr. Edwards: The litigation that'll come from this is going to be bad for the economy.

The Chair: Thanks very much for your comments.

Mr. Edwards: OK.

CANADIAN HEARING SOCIETY

The Chair: The next one on the list is the Canadian Hearing Society. We need a minute or two to get ready. Whenever you're ready, you can present.

Ms. Sally Wall (Interpretation): Good afternoon. My name is Sally Wall and I'm a representative of the Canadian Hearing Society, Hamilton region. We cover Hamilton, Niagara Falls and the Brantford area. I was supposed to have another person with me, Mr. Chris Kenopic, but unfortunately he's had a scheduling conflict and hasn't been able to make it, so I'm here on my own.

1620

The Canadian Hearing Society serves deaf, deafened and hard of hearing people in this province, and we do have a number of recommendations that we would like to make to Bill 118.

The first one is in order for that bill to be properly instituted and enforced. I have a written submission that all of you should have a copy of, and I'm going to speak to a few of the points in that submission right now.

We're very happy to see this legislation proposed, and we want to see it successfully implemented so that access is provided to all people in our society in Ontario. One of the ways you can ensure that you'll be able to enforce the law is to make sure you have proper support systems in place for non-profit and other service agencies that may have difficulty complying unless those supports are in place.

Had a technical issue to deal with there. Sometimes it takes a little longer to say things in English than it does in American Sign Language. The point I just made is to ensure that the government has funds available to some of the smaller service agencies, some kind of a granting system, so that services can be provided and so that access and equity are going to be consistent around the province. Some kind of funding system needs to be in place.

One of the services that needs to be funded is things like interpretation services—American Sign Language English interpretation—intervention services for people who are deaf-blind, and open and closed captioning for people who use text-based services. These are things that people require. Staff will need some sensitivity training on how to effectively communicate with members of our communities. The biggest barrier that we face on a daily basis is that of communication and being able to access information in an equitable way.

We're of the opinion that Bill 118 puts a strong focus on bricks and mortar. There are a lot of clauses and there has been a lot of action around people who have mobility

issues and around making buildings and facilities accessible. For people like us—deaf, deafened and hard of hearing people—the issues are different. We want to ensure that organizations are aware of the need for and able to provide interpretation services. Our issues are not physical. We can get into a building pretty much no matter what it looks like. Our issues are around communication and having access to communication.

I came from the United States. As you know, the Americans with Disabilities Act has been in place for quite some time. When I had to go into a public service such as a hospital, interpretation services were readily available. When I come back to Canada, when I come back to Ontario, unfortunately the case is not the same. It's often a tremendous struggle for us to convince these people that they even have an obligation to communicate with us in an equitable and fair manner. Information such as what I've just told you needs to be given to all of these public sector services.

Another thing we want to ensure is that other auxiliary aids are included in the legislation in order for systems to be accessible. An example I can give you is emergency services public announcement systems. A deaf person in that kind of environment would have no idea that an emergency was taking place. On transit systems and subway systems, there are often public announcements and public alerts given that we have no access to.

I can highlight that with a personal experience. I can recall being at a hotel with many other deaf people, and in the middle of the night the fire alarm went off. Every single one of us slept through it. Nobody alerted us. Nobody made an effort to let us know that there was a danger of fire. Imagine what would have happened if all of us had been trapped in that building. These are the kinds of things that need to be made accessible, not only for safety's sake, but in order for us to participate fully.

Finally, we think the 2025 timeline is too long. We would like to see that shortened down to 2020. A 15-year period is long enough for us to wait; 20 years is too long.

I do have another brief that has been given to all of you which outlines some of the information I have given to you, but in much more detail. The paper that I was just speaking from also has additional points. I have just highlighted a few of them right now.

Thank you for your time.

The Chair: Thank you. If there are any questions, there are a couple of minutes at least. Mr. Craitor.

Mr. Craitor: Hi, Sally. It's nice to see you again.

Ms. Wall: It's nice to see you too.

Mr. Craitor: You're still as active as ever.

Ms. Wall: Absolutely.

Mr. Craitor: Sally, the points you make are so valid, and the way in which you're going to be able to assist the government, and all of us, is by participating in the standards that are going to be set in all the different categories—accommodation, for example. You gave a great situation where a fire alarm goes off and you don't hear it.

The point I'm just going to make to you is, as we go through the process, be involved, make sure you indicate that you want to participate, and then help us set those standards for the people who are deaf so that we can ensure they are the same throughout all of Ontario.

Thank you very much for being here. It is nice to see you again.

The Chair: Mr. Jackson, two minutes.

Mr. Jackson: Thank you again, Sally. It's good to see you. Tell Chris we miss him.

Ms. Wall: I will do that.

Mr. Jackson: I want to talk about item 7, your suggestion about the regulations for Bill 4 and the importance of having set timelines. I'm going to make you a promise right now that I will table an amendment to this legislation which will identify Bill 4 and require that the government, within a specified period of time, publish the regulations, because then they will be required to begin funding access to these programs.

I found your analogy of the American hospitals interesting because, as we know, they're private sector hospitals. They see the economic advantage of having all people come to their doors. The government, in effect, funds all our hospitals. They would therefore have to pay for deaf and deaf-blind services. So, in my view, allowing hospitals to stop filing access reports by allowing the Ministry of Health to stop filing accessibility reports will have a negative effect on the disabled community, specifically deaf-blind services in these institutions.

You don't need to worry about standards; you already have standards. It's very simple: You must have someone who's competent to perform American sign, and they have to be made available to you when you are in a medical crisis, just to begin with. You don't need a standard for that. That is simply an access point. It's almost like saying that there should be a roof on your building and a washroom in your home. So we don't need 20 years to look at designing the standard for American Sign Language. We need the regulations that say where you will be guaranteed access to a competent signer. That's all that is required at this point.

1630

Do you fully support the notion that this bill be amended to at least honour the commitment of 12 years ago—I remember Bill 4, because I was around—that you will get signing services and that you will get proper regulations that will determine competency levels and levels of service?

Ms. Wall: You've said a lot. I need you to summarize that and state again clearly what you're asking me.

Mr. Jackson: Item 7 of your report confirms that governments bring in legislation but are not required to have regulations. Bill 118 is written the same way. Do you want me to table an amendment that will specifically call on the government to bring in the regulations within one or two years of the proclamation of this bill to honour and uphold the rights you won in Bill 4? That can be written into this legislation very easily, but it will

require the government to come up with money. That's my question.

Ms. Wall: What you're referencing, then, is to have ASL services written into the regulations so that ASL services must be provided. Of course I'm in support of that. I recommend that not only American Sign Language but also la langue des signes québécoise should be recognized and written in.

Mr. Marchese: Sally, one of the points you raised has to do with the timelines. You just said that 20 years is too long, and you propose 15. You may have been here when I was suggesting earlier on that 20 years is too long, and that a whole lot of people agree with you and me that it's got to be a lot less. Some people say nine years and some people say 10; I have been suggesting 12. The reason I am suggesting 12 is to work on the basis of their report that talks about five-year cycles for the accessibility standards development. The five-year cycles lead us to 20 years. I'm recommending that we do three-year cycles, which would lead us to 12 years. It would shorten the timeline to such an extent that we would see a lot more progress and faster, and it would force governments that are in power for two terms to literally do three quarters of what they promised they want to do. I am suggesting 12 years, and my sense is that you probably agree with me, that it's more reasonable and more doable.

Ms. Wall: I think 12 years would be fabulous. The quicker, the better. The sooner we can provide access to the people of Ontario, the better off we will be, and that would be wonderful, if it is possible.

The Chair: Thank you very much for coming here.

Ms. Wall: Thank you for having me.

The Chair: The next one is the Advocacy and Facilitation Group. Are they present? If not, is the Ontario English Catholic Teachers' Association present? They are not.

We were able to make up 10 minutes, plus the 4:45 has not confirmed, so we basically have about 25 minutes of extra time, because the next one is at 5 o'clock. So we can—yes?

Ms. Wynne: Mr. Chair, I was going to do this at the end, because I didn't want to take time, but given that we've got some time now, could I make a request?

The Chair: Sure.

Ms. Wynne: This is an issue that came up from a comment that Mr. Jackson made in response to Mr. Kis's presentation about the \$5,000 penalty for disabled parking spaces. I wondered if I could ask that Mr. Jackson supply to the committee members the section of Bill 125 that enacted the \$5,000 penalty for abuse of disabled parking spaces and the section and reference in Bill 118 that explicitly removes that penalty, and also if he could provide in writing any other sections in Bill 118 that explicitly remove sections of Bill 125 that have already been enacted, because that has been said a number of times. Because I'm a new MPP and you've been around, I'd just like to see that in writing. My understanding is that those don't exist, but I'd like to see them in writing.

Mr. Marchese: Could we use the same ministry staff to get that information, if you don't mind?

Mr. Jackson: Well, they were the same ministry staff that wrote the regs—

Ms. Wynne: I'm assuming you've got the information, Mr. Jackson, because you made the claim.

The Chair: Mr. Jackson, the request was to do it in writing. You can answer now if you want to.

Mr. Jackson: Thank you. First of all, Ms. Wynne, you should wait for Hansard, because, as you said, this is about the regs that I said were not—that's not what I said. Your government has—

Ms. Wynne: You said that the \$5,000—

Mr. Jackson: Mr. Chairman, if you could have order here.

The Chair: Excuse me. Could I have the floor, since I am the Chair, please? We have 25 minutes, since we have to wait for people, and I think we can use it very usefully. A question was asked. If you wish to answer, please answer, but I would like the answer and the question as simple as possible, and we could have a coffee break. OK? So would you please give an answer.

Mr. Jackson: Mr. Chairman, thank you for recognizing that you had given me the floor.

Just to correct Ms. Wynne's putting on the record erroneously, I did not say that the government didn't enact our regulations. I asked that question on Monday, and you will be aware that your government has not enacted any regulations under the ODA. That was the point I made. So there are sections in Bill 125 that you are removing from this legislation, your 118, and my information on that comes from Mr. Lepofsky. If you read his brief—it's 148 pages long—he makes extensive reference to the clauses and sections of legislation which you are removing from the current ODA, that are not in 118.

At no point have I ever said that you're not enacting the new regulations under that, because in the year and a half that you've been a government, no new regulations have been brought in. So that, I'll clarify.

If you'd like a written response on the \$5,000 fine for violation of parking spaces that was recommended, I'll be more than pleased to get that for you. But the details of the sections that are not included in this legislation are contained in Mr. Lepofsky's brief. He does that very succinctly and he explains the rationale as to why he believes those sections of the legislation should be maintained and kept in the government's Bill 118.

The Chair: Ms. Wynne, is that satisfactory?

Ms. Wynne: What I was asking for on the \$5,000—today the statement was that the penalty was being removed explicitly by Bill 118. I'd like the reference to that and I'd like where that was enacted by the previous legislation. That's the piece I'd like to see.

The Chair: You have the right to ask, and it's up to Mr. Jackson to reply or not to reply. He made his statements; you made your statements.

Mr. Leal, you have some comments?

Mr. Leal: I just have a request of the committee researcher. I'm interested in the Americans with Disabilities Act and any provisions in that act with regard to hospitals and the standard of the American Sign Language being provided within hospitals in the United States. I'd like to get the background on that. Mr. Jackson has indicated he's going to bring forward an amendment during clause-by-clause, so I think the committee might benefit from that background research. If we could make that request and have that available prior to clause-by-clause, I think that would give sufficient time to get that information.

The Chair: Mr. Jackson, when are you going to—

Mr. Jackson: I'm going to suggest that's a good idea, but I think what's also instructive is that we should get the information on Bill 4, because that's what I'm actually amending. Bill 4 says, "We'll bring in regulations." We never got the regs. We have a law without regs. That's all I'm going to ask in the legislation. I'm familiar with Bill 4, but I was around in those days.

Mr. Leal: Right, I wasn't.

As part of that, I would also like to know if they set about to achieve standards within the act in the United States, that process, if I could ask for that information too.

The Chair: Any other requests before we take a break until the next presenter is here? There is none.

Did anyone from the Advocacy and Facilitation Group arrive? Is anyone here? I'm looking for Norbert Hoffmann or Julie Wilson. Or anyone from the Ontario English Catholic Teachers' Association, Halton secondary unit? None.

OK, then. If you don't mind, we'll take up to 20 minutes until someone shows up.

The committee recessed from 1642 to 1707.

ADVOCACY AND FACILITATION GROUP

The Chair: Because you just came in, I believe, I want to make sure that you appreciate that we'll give you 15 minutes for your presentation, starting now. If you take less than 15 minutes, then the members will be able to ask questions and make comments. We need your name, and you can start whenever you're ready. I want you also to know that there are people translating. Please keep that in mind when you speak. Thank you. Welcome again.

Ms. Carolyne Champaigne: Thank you. Good afternoon. My name is Carolyne Champaigne. I'm a member of the Advocacy and Facilitation Group. One of my primary roles in the group is as a facilitator to accommodate the disabilities, the cognitive impairment disabilities, of those of us in the group. We're a grassroots organization, with 80% of our members having brain injury and cognitive impairment.

I must begin, with all due respect, by informing the standing committee that you did not accommodate the disabilities of those people who are here. Your process excluded individuals with cognitive impairment, with

cognitive disability. Many people were excluded. First, they had no idea that there's an act for persons with disabilities being enacted. It was only through happenstance that we found out about the act and the forum for submitting less than a month ago. We actively searched disabled rights, and we wrote to the Minister of Labour, back in March 2004, asking for an opportunity to provide invaluable input from people who walk the walk.

Some people were excluded because they didn't have the money to participate in the process. Often with disability comes minimal disability benefits. They were not aware that the standing committee would assist with funding, and those who were aware didn't have the money to pay upfront and submit their bills for reimbursement.

Some were excluded because their disabilities do not allow them to travel, and those with cognitive impairment are not able to submit orally or in writing without assistance and the accommodation of their disabilities.

There are three key members of our group who intended to be here today but were not able to. Karen is a founding member and driving spirit of our group who survived her accident when she was found, vital signs absent, but she's not surviving accessing benefits and assistance and hasn't survived the system that was designed to protect her. Lynn suffers from a brain injury with body tremors and does not yet feel safe enough to stand here, vulnerable, for the world to see. Greta wore herself out trying to put together some submissions without assistance, and her health has now prevented her from participating today. The issues before us are very important to Karen, Lynn, Greta and the rest of us. Though they may not be here in person, they are here in spirit.

We weren't able to provide you today with the group's written submissions because we were only given a couple of weeks to do them, and individuals with cognitive impairment can't do it in a couple of weeks. Jill and I facilitate for the group. Unfortunately, there are nine of them who wanted to do submissions, and we weren't afforded the time to do them. So we are going to ask if we can please have an extension until they can complete their submissions, because they have a lot of important things to say.

People with cognitive impairment often have great difficulty identifying and organizing their thoughts and communicating them orally and on paper. It's important to the group that their information is presented in a clear and meaningful manner, which is not possible without accommodation of their disability and facilitation.

I commend my fellow members for their incredible courage in coming here today and their strength and determination in getting here. With their disabilities, it's a task not easily accomplished for most of them.

It's now with great respect and pride that I introduce Norbert Hoffmann, who is a survivor of a traumatic brain injury.

Mr. Norbert Hoffmann: Greetings, distinguished members of the panel. My name is Norbert Hoffmann. I

come to you today with a goal. I stand before you vulnerable and terrified, yet determined. My goal is to give you insight into my life, a life that for the last 15 years has been spent in confusion, disorder, vulnerability, turmoil, fear, isolation, loneliness, awkwardness, worthlessness, frustration, embarrassment, humiliation, irritation, anger, distrust, misery, pain and routine, without dignity. I have experienced many barriers as a person with disabilities. My goal is to also give you insight into the possibilities of my life, with the accommodation of my cognitive impairment and other disabilities.

Fifteen years ago, I fell 60 feet while dismantling a brick shaft and was buried in bricks. I eventually woke from my coma and survived surgeries and infections. I was immediately plunged into a different world, looking through the eyes of a newborn, or a reborn brain-injured man, at 22 years of age. I had no idea what the shadows of brain-injured life had in store for me.

My family physician did not have the required experience with brain injury or the available time to help me, and no one else offered. The only program available to me was Laurentian Hospital's outpatient brain injury rehabilitation services program, which unfortunately did not provide me with any coping skills or compensatory strategies to use in my new life. Apparently, due to funding constraints and waiting lists, the program is only able to offer limited services that do not include community or social rehabilitation. I needed help very badly, and I didn't know how to get it or where to look.

The WSIB denied my rights and benefits and alleged that I was perpetrating a fraud and faking my brain injury, apparently because they had me on video singing karaoke without stuttering and stammering. The denial of my injury was based only on the opinion of a claims investigator and was not supported by the board's medical assessments or the MRI, which confirmed my brain injury. Although I knew that I was entitled to benefits and that I needed help, and that the claims investigator was wrong, I was powerless to do anything about it due to my disabilities. There was no one available to advocate on my behalf. Apparently, I waived my right to appeal the investigator's decision within the board, although I have no knowledge or recollection of doing so and there is no written confirmation available to remind me.

At no point throughout the WSIB claim or appeal process did I ever understand what was transpiring, and at no point did anyone explain my rights to me, nor did anyone provide me with any options or any offer of assistance to accommodate my disabilities.

Not only did I not receive income replacement benefits, but also, more devastatingly, I did not receive any rehabilitation and received very minimal medical intervention. This caused my condition to deteriorate and I hit rock bottom. I survived on the edge, living like an animal, with whatever female companion I could find who would take care of me, as I hadn't relearned how to take care of myself. I felt like a piece of driftwood floating down a muddy river, knocking off the banks.

I was sinking deeper. After a decade of survival in fear, living out of suitcases and hiding from the truth, I deemed myself unfit to live and began entertaining the idea of complete worthlessness, all the time keeping a cloak of secrecy from society, hiding the truth about the huge problems I had from my brain injury. Little did I know that everyone knew something was wrong with me; they just didn't know what it was.

Thank God the Canada pension plan didn't think I was faking my brain injury. I received limited disability benefits, but unfortunately, no medical or rehabilitation benefits.

With self-hatred, a broken spirit and thoughts of ending my life, I found myself at a local brain injury association meeting. For the first time, I met others like myself and people who seemed to understand brain-injury language. After I moaned my tale of woe for the thousandth time, I was given a members' cell phone number and was told to call her any time.

I was living in an abusive situation and could not envision any way out of my hell, when I received a letter from the WSIB which I thought was stating that they were going to put me in jail. I had misunderstood the letter. After being sent home from the local hospital, as they did not have anyone available in the psychiatric department to admit me, I called the cell phone number of my fellow brain injury association member. Karen began to advocate on my behalf and introduced me to facilitation as a compensatory aid for my cognitive impairment. Within a short period of time, I had my own facilitator.

The first step was to remove me from my abusive environment. I only recently became aware that I was entitled to Ontario disability support program benefits and that I qualified for supportive housing assistance. With the assistance of my facilitators, I have been able to access both. No one ever told me. If they had, I probably wouldn't have lived in some of the situations that I have over the last 15 years. I let people abuse me and take advantage of me because I was terrified to be left on my own and so grateful not to be living like the others under the bridge.

After taking care of my food and shelter needs, the first thing we did was to contact the WSIB on February 7, 2003, and inform them that I intended to appeal the denial of my benefits and that I required my disabilities to be accommodated in order to participate in the process. I also informed them that I had no idea of the status of my claim or what had transpired.

I have been contacting WSIAT since February 27, 2003, after being informed by the WSIB that my only option was WSIAT. I have informed them that I want to proceed with my appeal, that I require my disabilities to be accommodated, and that I am unable to afford representation. I have never received a response.

1720

The Chair: Thank you. Your time—

Mr. Ramal: On a point of order, Mr. Chair: I know the time has expired, but they drove for almost six hours to be here. I'm asking the committee if—

The Chair: I don't have a problem proceeding. I just wanted to let you know that the time allocated has expired. Unless there is an objection, you can proceed. Thank you.

Mr. Hoffmann: After filing a complaint with the Minister of Labour and asking for his assistance, I was referred to the office of the worker adviser, OWA, for representation. The OWA refused to represent me when I requested that my disabilities be accommodated through the assistance of my facilitator. They did not understand me or my brain injury. The worker adviser office asked me to sign legal papers. I had no idea of their meaning or consequence, but I signed them because I was afraid not to. After I complained to the OWA and again requested that my disabilities be accommodated, through the assistance of my facilitator, the OWA informed me that they would not represent me if I insisted on using my facilitator, and they returned my file to me. I realized that I was falling into the same pattern of the last 15 years. With the support of my group and the assistance of my facilitator, I again complained to the Honourable Christopher Bentley, and I am now awaiting his reply.

I still don't know how I will present my case at the tribunal, but I do know that I have no choice but to proceed. I will do my best. Over the last 15 years, I have had so many people represent me that I never could remember them all. I ended up renting a room from one of them at one point. I had trouble communicating with all of them and was not capable of presenting them with a clear history of my injury and claim and was unable to advise them accurately. I was unable to communicate to them what action I wanted to take. None of them seemed to understand my brain injury or me. They all said that I had an excellent case and that my benefits should be reinstated, but for some reason, nothing ever happened with it. I still have no idea why.

With the help of my group and my facilitators, I have learned that it is possible to have a quality life. I am learning to adjust to my disabilities and have begun to learn compensatory strategies to assist me. My life now has meaning and purpose, and I have a reason to carry on. I'm a contributing member of society, and with the accommodation of my disabilities, I have so much to offer. Unfortunately, the hard part is to overcome all the existing systemic barriers that exclude me from participating in society.

With assistance, I have learned that the value of who we are is not defined by what we are or what our disabilities are but by what we can offer our fellow men and women. That is my goal for my future, to help other survivors of brain injury, with a spirit I thought lost long ago, in a pile of bricks, forgotten.

Thank you for your time.

The Chair: Thank you. Are there any questions? There isn't time, but if the members wish to ask a quick question—

Mr. Jackson: Thank you for being here. Could you clarify how far you've come? You mentioned how far by miles, but where did you come from today?

Ms. Champaigne: Sudbury.

Mr. Jackson: From Sudbury.

The Chair: Any other questions? I thank you again for coming all the way down and wish you a good stay or a good ride back home, as you choose.

ONTARIO ENGLISH CATHOLIC
TEACHERS' ASSOCIATION,
HALTON SECONDARY UNIT

The Chair: The next one, the last one, will be the Ontario English Catholic Teachers' Association. Take all the time you need; that's fine. Hi, sir. There are some people there to assist you. Whenever you are ready, you can start your presentation by stating your name. You have 15 minutes time in total, if you can do it within that time frame, please.

Mr. William Hoch: Thank you, Mr. Racco. I appreciate the opportunity to be here.

I brought copies of my presentation for everyone. Fifteen of them turned out to have a disability; they ended up half printed and not printed. But there are seven you can read. So you can fight over them, and I'll autograph them later for you.

The Chair: Thank you for that. I think the clerk can take the seven you have and she'll copy the rest.

Mr. Hoch: Thank you. I'm here today on behalf of the Ontario English Catholic Teachers' Association, representing not the provincial organization but my local unit, Halton secondary. In terms of what I intend to do, I would like to speak for a very short period of time and then field your questions, because I think some of those may be important, based on some of the things that I hope to present to you.

I'm currently a secondary school teacher in Oakville. It took me six hours to drive from Oakville to Niagara Falls—no offence. Nevertheless, it's a long drive.

With my presentation today, the other thing I wanted to stress to you is that I spent about 15 years practising in the disability industry. I was the president of the Easter Seals/March of Dimes national organization for a number of years. I've also been the executive director for the Canadian Paraplegic Association. I ran the special-needs department at McMaster University for a number of years and bring a number of areas of expertise. I'm just going to zero in on probably about eight of those. There are many more in the bill about which, at some point in time, I'm sure you will be back to us for more input, and we appreciate that opportunity.

These are not in any particular order, but I'm going to refer you to the section on definitions because it's a concern I have and that we want to bring out to you. While we recognize that this is a bill to establish the legal and regulatory authority, we have great concern that throughout the bill there is a consistent referral to the "class" of persons or organizations to which it applies. I

did a lot of work on the Americans with Disabilities Act back in 1995 and 1996. I'm assuming that at some point you're going to tell us what a class of person is. It's a very difficult phrase to read because none of us like to be classified, none of us like to be put into a box. The phraseology also opens up a lobby process on both sides of this. So there will be a lobby process from business and industry to be in one class or another class, and there will be persons with disabilities and organizations who want to be in another class. I'll speak more about that further on.

We'd like to commend the group for considering the term "mediation." However, for those of us who work in organizations where we have unions and are part of unions, mediation and arbitration are things that can take years to resolve. We're not sure what the intent is, because there are no specific timelines tied to some of these things, but we would like you to consider carefully what you mean by mediation: who would mediate, whether it would be an agreement or arbitration—and not necessarily arbitration in the labour sense. There are many forms today of mediation that can be binding on both parties simply through contractual agreement, not necessarily through arbitration, and we would draw your attention to that.

1730

We're concerned with the flow process because, unless I am not reading the document carefully, nowhere did I see any recognition of the Ontario Human Rights Code. If I missed it, I apologize. It may be in there, and it's something, then, that I take responsibility for missing, and I do apologize.

I bring that up because, as you read the document and the bill now, there does not seem to be a flow in terms of process. There are a lot of what-ifs. It's, "When we develop a standard, this is what will happen." It worked reasonably well in the ADA with the five-year process. So I have great hope with this, compared to the current disabilities act we have. While I am concerned about where this will all fit in, "Where would one go first?" is a question that I think needs to be answered. Would I have to go through the administrative law process to deal with my contract in my union, to deal with a grievance, to deal with a process, or would I go to the Ontario Human Rights Commission, which is a quasi-constitutional body? We're sort of left looking at the legal issues here. We think it's our duty to bring some of those to you because we would like to work with the committee to make sure that some of those things are addressed for whoever is involved, be it business, persons with disabilities or others.

One of the other areas I have concerns about is the issue of federal and provincial jurisdiction. Again, I don't think it's clearly stated in this bill. I teach law. I know what the law is, so as a result I know how that process will flow, but there are many people who will be very confused. We have parents who are confused about how to get their children into programs where their special needs will be met. Some of them are unable to fill out forms. Issues around things like who's responsible or

which area of jurisdiction we are talking about may be clear, but they may not. If I deal with Air Canada, I know I'm dealing with a federal jurisdiction. I know that if I deal with the Ontario government and have an issue, I'm dealing with provincial jurisdiction. I'll talk a little bit more about municipal issues shortly, but I would like you to consider that issue. I'm not sure you can resolve it, but I think you can word it appropriately.

I'm concerned—I shouldn't say "I." I'm here presenting on behalf of the organization. We're concerned about silos versus institutional power development. I have worked in government and for government. I've been a consultant. I've been one of those people who write the weasel words, you know, the ones that say "may" as opposed to "shall," and I'm not sure what some of those mean. "May" is very prevalent. I bet if you counted it, there would be 1,000 "may"s in this document. I didn't count them, but "may" is prevalent throughout this document. "May" is totally different from "shall."

Finally, I guess what I would like to say is that we agree in principle that persons with disabilities should be the majority of any committee, but disability organizations, persons with disabilities and their local group committees all feed into a provincial committee. Then we looked at this and said, "This gets really tied up." If we take Mr. Jackson's area in Burlington, we might have a committee in Burlington and we might have one in Oakville and we might have a regional one. The question then is, where do I go? And once decisions are made by those committees, it's then taken out of the hands of people with disabilities and placed back into, with all due respect, the hands of councillors who may or may not have a disability. Whether or not they accept the recommendation of the committee, then, is another issue that's entirely up to the council or regional council or the provincial organization. So we remain concerned with that.

Finally, I would like to thank our unit, Halton secondary, for the opportunity to come here and present.

The major issue that still is not here—this is a personal issue that I want to bring, because I teach special education. We still have many kids falling through the cracks. The possibility for education being exempted is huge in this document. It talks about classes of persons and so on, and some may be exempted. My unhealthy reservation is to see that education is likely to be in the year 2020, leading up to the last five years, or, if I read the document correctly, it may be totally exempt. So I'm concerned about that and I'm concerned about our students who are not getting the funding they need and the support their parents need to get them into programs as well.

My last point: I would like to suggest that there be some kind of audit taken, whether by the provincial Auditor General or some other organization, so that the letter and the spirit of this document are followed. Thank you.

The Chair: Thank you very much. There's about a minute left. Does anyone have a question? I'll recognize anybody for a minute each.

Ms. Wynne: My question was just that you said that the possibility of education being exempted was huge. Can you just explain where that fear is coming from?

Mr. Hoch: The fear comes from my reading of the document. It talks about the ability to exempt organizations.

Ms. Wynne: That's clause 40(1)(r), right?

Mr. Hoch: It's in several sections. I have it here in front of me, but I'm not going to look it up.

Ms. Wynne: That's OK.

Mr. Hoch: The word "exempt"—government tends to exempt itself first, and I'm concerned about that.

Ms. Wynne: OK. I was just trying to get at what makes education particularly vulnerable, as far as you're concerned.

Mr. Hoch: Because it's a high-cost item, because it's our second-biggest big-ticket item in terms of our budget, next to health care, I think education is one of those areas that will be overlooked. My school board doesn't even have a door opener on its own building for people to come and go, just the simple things one would expect. It would cost them \$200 to do it, but it's not done, for whatever reason.

Ms. Wynne: Thanks for the red flag on that.

Mr. Jackson: I'll build on that question. Bill, thank you for coming today. We've heard from organizations saying, "Yes, please keep the municipal access committees," because they are a lens through which they can audit municipalities when the regs finally arrive. That has been embraced by—I haven't had one person say, "Let's get rid of those."

We require school boards to publish their accessibility plans, to post them, provide them to the ministry so we can match the regs and performance, and that's your audit. Students, teachers—teachers are very good at auditing their board in a variety of student-related issues.

1740

That was the concern I had, that they're dropping the requirement for the Ministry of Education to publish an access plan, the Ministry of Colleges and Universities—so all colleges and universities, all hospitals, all public institutions have been lifted out of this bill in terms of publishing access plans. If you go to the government Web site and ask for the accessibility plans, which I've done, and I've brought a copy of them, you will see—because they can't lie—they budgeted monies for accessibility modifications and then they've removed them from this year's budgeting plans. I think that transparency is an essential part of monitoring.

When Ms. Wynne asks, "Why would you think they are vulnerable?" first of all, it's your answer, but I just want to say to you that I'm hearing that from several people, that because the cost of modifying schools is in the billions of dollars, school boards and the property tax base can't carry that load. It's got to come from a commitment, over the next 20 years, from the province of Ontario. We fund education: period, end of sentence, full stop.

I share your concern. That's why it was originally required in the act, and the regs, once put in place—that's your auditing system. The school boards will do what they're asked by government. They will always be counted on to report. They may not be able to perform, because they don't get funding. You may want to comment.

Mr. Hoch: I'll make it very short. I think your explanation was much more eloquent than mine in terms of why I fear the exemption clause, because it is a huge cost. Many schools are 50 years old; others are three years old, like where I teach. So we have this whole range of possibilities. But our big concern, in terms of action—with my own board, we published the plan three years ago. I was on the committee involved in writing it. It has been reported to the board that we act every year on it, but nothing is done.

Again, without money—one could blame that, but more specifically, I also blame the will. There are systemic barriers. Senior administrators need to be apprised of what not only their students need but what their employees need. I could spend every day fighting a battle over something, but it's not worth my time or energy because all I want to do is teach.

The Chair: Mr. Marchese?

Mr. Marchese: I just wanted to agree with you on the whole notion of audits. The whole process of monitoring is lacking here. ARCH makes the same opinion. You're familiar with that?

Mr. Hoch: I've not read the ARCH opinion, but I'm familiar with ARCH. I've worked with ARCH.

Mr. Marchese: They say the following: "Bill 118 does not expressly provide a means to effectively monitor the success of its implementation." It doesn't. "Nor does it require the minister to publish an annual report on the progress of standards development or enforcement. There is no mandatory evaluation process that will assess whether barrier removal has been successful. There is no explicit provision for the maintenance of a publicly accessible database that could be compiled from the reports filed under the AODA."

This audit idea, a monitoring process that is clearly stated, is not in place, and if it's not in place it means we won't have a clue what's going on, either in the next five years or the next 10 or 20.

Mr. Hoch: I would go back to the word "exempt" again. We may have more organizations exempt than in. I can't say that will happen—

Mr. Marchese: We don't know.

Mr. Hoch: —but we won't know.

The Chair: Thank you, and I thank everybody for coming to the beautiful city of Niagara Falls and participating in this discussion. Enjoy the balance of the day. We are going to leave in about half an hour, so we will have dinner in London, potentially. Good night again, sir.

The committee adjourned at 1745.

STANDING COMMITTEE ON SOCIAL POLICY

Chair / Président

Mr. Mario G. Racco (Thornhill L)

Vice-Chair / Vice-Président

Mr. Khalil Ramal (London–Fanshawe L)

Mr. Ted Arnott (Waterloo–Wellington PC)

Mr. Ted Chudleigh (Halton PC)

Mr. Kim Craitor (Niagara Falls L)

Mr. Peter Fonseca (Mississauga East / Mississauga-Est L)

Mr. Jeff Leal (Peterborough L)

Mr. Rosario Marchese (Trinity–Spadina ND)

Mr. Mario G. Racco (Thornhill L)

Mr. Khalil Ramal (London–Fanshawe L)

Ms. Kathleen O. Wynne (Don Valley West / Don Valley-Ouest L)

Substitutions / Membres remplaçants

Mr. Cameron Jackson (Burlington PC)

Clerk / Greffière

Ms. Anne Stokes

Staff / Personnel

Ms. Elaine Campbell, research officer
Research and Information Services

CONTENTS

Wednesday 2 February 2005

Accessibility for Ontarians with Disabilities Act, 2005, Bill 118, Mrs Bountrogianni / Loi de 2005 sur l'accessibilité pour les personnes handicapées de l'Ontario, projet de loi 118, M^{me} Bountrogianni	SP-593
Easter Seal Society	SP-593
Mr. Mark-Alan Whittle	
Special Needs Computer Solutions	SP-596
Mr. Terry Scott	
Ontarians with Disabilities Act Committee	SP-597
Ms. Sandra Bird	
Autism Society Ontario	SP-599
Ms. Flavia Orvitz	
St. Catharines and District Labour Council; Joint accessibility advisory committee of Lincoln, West Lincoln, Pelham, Thorold, Niagara-on-the-Lake and Grimsby	SP-601
Ms. Suzanne Hotte; Ms. Donna Herrington	
Mr. John La Berge	SP-603
Ms. Josephine Hewitt	SP-606
Ms Joan Gallagher-Bell	SP-607
Ontario March of Dimes-Ontario College of Applied Arts and Technology partnership	SP-609
Ms. Brigitte Chiki; Ms. Jocelyne Gagné	
Port Colborne accessibility advisory committee	SP-611
Mr. Tom Lannan	
Mayor's advisory committee on accessibility for the city of St. Catharines; Accessible Niagara	SP-613
Ms. Linda Crabtree	
City of Welland accessibility advisory committee	SP-615
Mr. Russ Findlay	
City of Niagara Falls	SP-617
Mr. Dean Iorfida	
Mr. Jim Hoffman	SP-619
Multiple Sclerosis Society of Canada—Niagara Peninsula Chapter of Hope	SP-621
Ms. Katie Kidd; Mr. Ian Greaves	
Community Functionality Facilitation Inc.	SP-623
Mr. Ben Bishop; Mr. William Shmuir	
Niagara regional council accessibility advisory committee	SP-624
Mr. Willy Noiles	
Famous Players Inc.	SP-627
Ms. Nuria Bronfman; Ms. Wendy Kady	
Mr. John Kis	SP-629
Takekare Companions	SP-630
Mr. Gary Atamanyk	
Ms. Brenda Hollowell	SP-632
Corporation of the town of Fort Erie accessibility advisory committee	SP-634
Ms. Donna Summerville; Ms. Judith Jacques	
A Legal Resource Centre for Persons with Disabilities (ARCH)	SP-636
Ms. Phyllis Gordon; Ms. Cara Wilkie	
Mr. Jack Edwards	SP-639
Canadian Hearing Society	SP-639
Ms. Sally Wall	
Advocacy and Facilitation Group	SP-642
Ms. Carlyne Champaigne; Mr. Norbert Hoffmann	
Ontario English Catholic Teachers' Association, Halton Secondary Unit	SP-644
Mr. William Hoch	