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**Official Report
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(Hansard)**

Thursday 3 February 2005

**Journal
des débats
(Hansard)**

Jeudi 3 février 2005

**Standing committee on
social policy**

Accessibility for Ontarians with
Disabilities Act, 2005

**Comité permanent de
la politique sociale**

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

Chair: Mario G. Racco
Clerk: Anne Stokes

Président : Mario G. Racco
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Thursday 3 February 2005

Jeudi 3 février 2005

The committee met at 0905 in the Four Points by Sheraton, London.

**ACCESSIBILITY FOR ONTARIANS WITH
DISABILITIES ACT, 2005**

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

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

The Chair (Mr. Mario G. Racco): Good morning. All the members are around here, but they haven't reached this room yet.

Interjection: Some have.

The Chair: Of course. There are at least three of us here.

Maybe at least we can start the process of explaining to you what we will try to achieve today. I'm sure you already know that, but we are here to hear presentations from you, the people of Ontario, on Bill 118, the Accessibility for Ontarians with Disabilities Act, 2005. Of course, second reading took place already. All three parties in the House supported the second reading. We are here before going for third reading. Your comments will be taken into consideration and there will be questions from members to you during your presentations to make sure that we understand as much as possible what your intentions and objectives are and try to reflect them in the final Bill 118.

There will be 15 minutes' time all during the day for anyone making a presentation. Anyone making a presentation can use the 15 minutes to make a presentation. But if there is any time left from the 15 minutes, then the members can ask questions of you; otherwise, we'll move on to the next presentation.

In addition to that, we do have people, as you can see, who are translating. It will be shown on TV what's taking

place today so that Ontarians all over the province will be able to hear and see what we are discussing, what we are saying, and go from there.

There are also two individuals in the room, I believe, assisting. If anyone needs help, they are there to assist you. If you need to go to another section of the hotel, if you need water or if you need to move around, they are here to assist you and so on.

Whenever you make a presentation, keep in mind that all of us want to appreciate what you are saying, so take your time to make your presentation. That's basically what I wanted to underline.

There's a quorum, Anne? Yes?

DONEVAN

The Chair: There are four of us here, so we'll start with the first presentation. The first one is Donevan. Good morning. You can proceed any time.

Donevan: Good morning. Thank you for taking the time to hear me. I would like to make several points and then give my personal story on why you should listen. One of the things the bill needs is an advocate position which will deal with intergovernmental, interprovincial, different organizations and stuff from a point of view of not a policeman but a strong adviser, and possibly even a policeman, to facilitate, negotiate where the system doesn't overlap well.

The definition of a student loan has been changed such that no student can actually qualify under the changed definition. I have approached my member of Parliament. He says he can't help me because I haven't filled out the form. My doctor won't fill out the form because of the definition. So I'm now caught in a Catch-22 situation, one of many. My life is a fine example of finding all the cracks in the system. So there needs to be someone to talk to, like the people at the student loans, to say, "Wait a minute. This definition is discriminatory," and not to use minor little technicalities, "Well, you didn't fill out this form." "I can't, because of the definition." "But we won't talk about the definition until you fill out the form."

Inspectors would be a very important part of this process, that there be inspectors to look at buildings, facilities, and in particular—my interest—educational facilities where they can go in and have the power like a building inspector. This hotel has a handicapped entrance

but none of the bathrooms are handicapped-accessible. They have nice little signs on the door, but if you can't open the door you can no more use it than—you know, you might as well not have the handicapped door on the front of the building if you can't use the bathroom.

This is virtually universal in that if you look at hotel buildings they will have a handicapped door into the building, but once you get in the building there are spiral doors, you can't use the bathrooms or anything like that. Universal design works. The Eaton Centre in Toronto, when it was built, put in ramps for the disabled so they could use the building. They found that 95% of the traffic uses the handicapped-designed path versus the path that was designed with steps and stairs. I think that tells us something.

The other recommendation I have is that the definitions and stuff be functionally based in that, instead of saying that a path must be three metres wide or six metres or whatever, you have a functional approach. For this, I suggest that for an educational institution the definition be such that you may approach, enter, move about and access a washroom without the use of a third party. You do not have to rely on the charity of others to open doors for you and to get you in or out of the bathroom. You should be able to use a building like any other normal person.

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Also, consider linking, particularly educational institutions and such that receive federal and provincial grants—that if they do not meet minimal standards, which should be raised over time, at the end point of the 25-year plan, such that a person going to a building no longer has to ask where all the handicapped stuff is and whether it's hidden in the basement or by the back door. There should no longer be this built-in architectural discrimination.

The details are everything in handicap accessibility, especially the little details. The building code does not require a railing for a single step, but if you are handicapped, have cerebral palsy or something like that, that railing is vital to your safely negotiating that single step. If a ramp is not of a certain size, a railing is not required on it, but if your balance isn't good, you definitely need a railing on a ramp.

It takes a lot of learning to look with the eye of a disabled person and to consider, "OK, if I was in a wheelchair"—I had specifically requested a room for last night that could accommodate a walker. However, the placement of the bed blocked access to the secondary bathroom door. The bathtub has a very narrow lip on it, so you can't sit on it to get into the tub. There is a safety bar on the far side of the tub, but if you can't reach it, it's of no value. It's all in the details.

I'd like to give a couple of examples of why Bill 118 is desperately needed. I am a student at the University of Windsor. I've been going there since 1994 on a part-time basis. I've graduated with a psychology degree and am currently completing my social work degree. When I enrolled at the university, I applied as a special-needs

student. I've since had three complete psychological and physiological workups because, according to the government, they expire every couple of years—like I'm magically going to change overnight. I think that's a waste of money, time and effort. Good documentation is valid at some point, but I don't think you need to repeat it every couple of years, except in a few cases.

Each semester, when I start my term, I am given a letter of introduction to my professors. In there, it states that I use a digital tape recorder, that I get reserved seating at the front of the room and that I write my exams in a private, isolated area. However, this last semester my professor decided that he didn't like the idea of me using the tape recorder. I politely informed him that since it had been approved by the university and by the special-needs office, he didn't have a say in it; it had already been decided. He basically said, "I don't care. I'm in control of this classroom. What I say goes." This discussion went back and forth, while remaining technically polite. During the fifth class, the teacher called in the police and had me arrested, handcuffed, dragged out of the building and down to city hall to be tossed in jail. This was over my refusal about my accommodation device. Because I did not follow the professor's instructions not to use my disability accommodation, which was duly certified and approved, now I have to go through an extremely lengthy and costly legal process. They have suspended me from my studies and are preventing me from returning to my studies. This is just unfair. There needs to be someone the university and places can call up and get information, because they don't know, and they don't really want to know.

I've repeatedly sat on committees for the designs of buildings. They have recently built a new stadium that seats 2,000 people and has additional seating for 4,000 more on the grass area. We are supposed to be handling seniors' games, disabled games, paraplegic games and Ontario Games there. For all these participants, there is one male and one female handicapped-accessible bathroom. According to the design, there still is not a door opener to be built for the bathroom. How are these people—there is an exemption in the building code that organizations, particularly larger organizations, can base their decisions on. We have 35 handicapped bathrooms for the university. That's good enough, but it's not good enough on an individual building-to-building usage. If you've got 2,000 people watching a football game and half-time comes up, what chance does a person who is in a wheelchair, who must use a single elevator to change floors, to get to the bathroom, have of actually making it to the bathroom before the whole game is over? It is these Catch-22 situations that need to be eliminated, the little things.

Recently I forced the University of Windsor to make a number of changes, although they were reluctant to admit I had anything to do with it. They put in a handicap ramp at the back of a building complex, which is—

The Chair: There's a minute left for your presentation.

Donevan: OK. Any questions?

The Chair: The Liberal Party, please.

Mr. Khalil Ramal (London-Fanshawe): First, thank you very much for coming this morning. Also, I want to welcome the committee to London, the forest city. Welcome to London.

I agree with you about all these issues not being dealt with because we don't have the standards. The standards are not in place. When we have the standards, I think the hotels, universities, schools and many institutions will follow the standards, and then all the places will be accessible for people with disabilities.

Donevan: Thank you. May I make one more quick point?

The Chair: Yes, you can.

Donevan: Under the human rights legislation, only a person with a disability can make a claim or bring it to their attention. As a concerned individual—my partner has cerebral palsy—I can't legally say, "Look at this railing situation." She herself is required to fill that out. She can't get it done. Because of her disability, her life is quite difficult. It's just another—that people can act in the best interests of society, as individuals, not only as the complainant.

The Chair: Thank you. The time has expired, unless somebody wants to ask a question. Thank you very much, sir.

I wanted to thank the local MPP from London, Mr. Ramal, for having us here today. I also wanted to remind those who want to see what has happened here today on TV that it will be shown on Saturday, February 5. So if you wish to check what takes place on TV, what is taking place here will be shown on Saturday, February 5.

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ACCESSIBILITY CENTRE

The Chair: The next presentation is the Accessibility Centre. Good morning.

Ms. Tracy Roetman: Good morning. I'm Tracy Roetman, from Sault Ste. Marie.

The Chair: You can start any time.

Ms. Roetman: I'd like to thank the committee for giving me this opportunity to address Bill 118. When I called to make reservations here, there were no accessible rooms available. It would have been very nice to stay at this motel. I'm staying in a brand new motel with 120 rooms. They have one accessible room, and it's not completely accessible because the toilet is 14 inches, which is very hard for anybody who has to transfer. It's really low.

At this time I'd like to commend the minister for taking the initiative to strengthen the act. This is a much stronger act and addresses the real issue of persons with disabilities being able to participate fully in the life of the province. It also addresses the need for penalties for non-compliance, something that was sorely missing in the previous bill.

In my years of working toward a barrier-free Ontario, we have lost many dedicated individuals who never gave

up on the hope or the dream of seeing the barriers coming down. They gave their limited time to fight so that others could enjoy the freedoms they never had the opportunity to see. A large number of the individuals I now work with will not live 20 years to see this act implemented. Another generation will have grown up and not enjoyed the freedoms that the majority of the population take for granted. As a Canadian from a compassionate country, I'm embarrassed.

I understand the complexity and vastness of the task before us, for we have all had to make our homes accessible. I am encouraged by the realization that the people I have worked with, speak with and sometimes vote for are finally becoming aware of the value and importance of what they can learn from those who live outside of the perceived norm. I have lived on both sides of this issue; I know the difference. For those of you who are here, having lived on both sides, it is a lot harder on this side of the issue. Please do not insult me with your pity or promises; bless me with your honesty and integrity.

I would also like to take the opportunity to commend the many accessibility advisory committees for their part and commitment as volunteers. My local AAC donated 35,000 hours in the last two years to make our city and surrounding communities accessible.

I mentioned before that I'm pleased to be here and grateful to be among people who have struggled in this battle. I'll not forget those who fought the fight and lost, or those who I know will not live to see this bill become a reality. Let us keep those individuals in the forefront and respectfully honour them by successfully making this a reality.

I'd like to see government spend some money on education for the public. Unfortunately, there is still a lot of fear and misunderstanding that could easily be rectified through education.

We have left some of the language open to interpretation. There are aspects of the bill that may be interpreted differently if the government changes. One of the first things that needs to be defined is "accessibility." Sault Ste. Marie has created an Accessibility Centre to address accessibility issues, a home for accessibility in the community. As a centre, the hope was to assist the city and surrounding areas on accessibility issues, education and promotion of an office that works with existing agencies. We hoped to develop programs to fill the gaps. I have to say that at the onset of this, I had some idea of the needs. The reality is that we underestimated the needs by far.

I need clarity. Most of the clients I work with have no understanding of the forms they are being required to fill out. If they get one part of the form wrong, they are rejected. I thought this would be a small part of the job; I was wrong. The people I see are overwhelmed by circumstances and are looking for a way through the system, looking not only for guidance but also for dignity. I believe that the government has lost sight of the impact of these processes on the people.

We have many volunteers, but one comes to mind: a kind individual suffering from a brain injury. We're helping him get back into life in a protected environment. He is learning to accept who he now is, and we are learning from him each time he comes in. I have come to understand many different aspects of disabilities, but one of the rewards of working with people is understanding that they all have the same needs. They are just looking for a place to fit in.

Let us leave none behind. Let us recognize the value of what we are undertaking. Again, I commend the government for taking a leadership role. Let us address the gaps, the words and the bill so that it is crystal clear. Let us not make this another situation where it is so governmented up that it's unworkable.

I would really like to see the information flow improved. I should not have to rely on information being passed to me by another person on e-mail. I am thankful; at the same time, I'm well aware of the sad fact that a good part of the people who should have the input are being left out. They are not techno-literate, or are on the wrong side of the digital divide. They have no means for a computer.

Twenty years is too long. We are not building a spaceship; this is not rocket science. My group would be happy with 10, but I believe it could be done in five. The standards are out there; so is the technology. There are ways to address this. A business plan should look like a flowchart so there is no guesswork involved. The plans and standards are good. The fines are substantial. It identifies that we are taking this seriously.

I would also encourage this government to make available low-interest loans, tax incentives, and a planned dateline for development, a one- to three-year program for supporting barrier removal.

You will definitely need regional boards that have representation on a provincial board, through the Strong Communities (Planning Amendment) Act, the Association of Municipalities of Ontario or even the directorate. I would encourage that the formula used to develop these committees be the same as the formula we use for the AACs: 51% disabled persons.

There are standards all over the province and throughout the world. This is not a difficult task. Take away the choice, just as you did when you implemented the AACs.

Planning is critical. You cannot accomplish anything or any task if you have not set guidelines and timelines for completion. We need to know the extent of the exemptions being offered, other than those for historic buildings.

As board members of Community Living Algoma, we struggle to maintain a standard of living for our clients. Unfortunately, the agency has been doing little more than crisis management. There has been no increase in base funding since 1994, except for special programs, and we can only run them as long as the funding lasts. There have been layoffs, and as much as we try to say it doesn't affect the clients, with every layoff there are transfers and repositioning of personnel, which alters the consistency

of care. This is hard on these vulnerable people. This is not right.

They also cannot comprehend the comfort allowance—\$112, which will be going to \$115. On a personal level, I've raised four children. That \$112 wouldn't cover their bus passes, their haircuts, their toiletries. There's nothing left over for comfort. There's nothing left over for a hockey game or taking a lesson. We should be ashamed here.

I would like to include their bill of rights; it's something they've come up with.

“Community Living Algoma Bill of Rights:

“Respect: Respect my ability to make my own choices and decisions. We can disagree, but be nice about it. Say sorry when you are wrong.

“Self-advocacy: to be the person I am and choose to be; to know and understand my rights and options and have my choices respected.

“To be heard: to speak for myself and be heard; to get the help I need to communicate.

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“Privacy: to decide what privacy means to me—locks on my door; my own keys; reading my own mail or having it read to me; knock on my door; my own space to be alone; not touching my things unless I say it is OK; to use the phone in private; right to sexual intimacy.

“Choosing supports: to choose who, when and how I am supported.

“Living: to choose where I live, who lives with me and some say in who visits my home.

“Relationships: to spend time with who I want.

“Work: to explore and choose what type of job works best for me; to continue to learn and grow.

“Money: to be in control of my money and to decide how I spend it.

“Free time: to choose what I want to do with my free time and to be in control of my time.

“My information: to know and decide what personal information is kept and who sees it.”

Students with disabilities; trained attendants or assistants: Children who have needs and need assistance are being given assistants who have no training. Kids are being left behind in programs that they should be able to partake in—swimming, social events—some because of no accessibility, some because the TAs refuse to participate. When an understanding or a working relationship is formed, there is nothing in place to keep consistency with that TA. Success is difficult enough.

We cannot continue to fight for rights. The understanding that we have with our AAC is that it's a partnership, just as Bill 118 has to be.

Questions?

The Chair: Mr. Jackson, do you have any questions or comments?

Mr. Cameron Jackson (Burlington): First of all, I want to thank you for coming such an extensive distance for the hearings.

Ms. Roetman: This was the closest place.

Mr. Jackson: It's unfortunate you weren't accommodated in Toronto.

You've expressed concern about specific timelines within the 20 years. Is there a specific sector or a priority that you'd like to recommend to the committee that we should begin with? The minister has indicated she wants to start with hotels, which was how you started your presentation, the hospitality industry and transportation. Are there areas that you feel over the 20 years we should be starting with?

Ms. Roetman: Education should be first. We have one child who can't go to school in his community because the community refuses to accommodate him. He has to ride an hour on the bus. He's there with children who aren't his friends and aren't his neighbours and he has no choice.

Mr. Jackson: Do you feel that the school boards should be required under law to file annual accessibility plans so that parents like yourself would be able to know just what—you could be auditing—

Ms. Roetman: It won't be any good unless you put people, parents on there with disabilities. Right now, the MUSH sector doesn't have to do that. Their plans, most of which I've looked at, except for a few, are a joke.

The Chair: Thank you for your presentation.

CATHERINE LINDEROOS

The Chair: We'll move on to the next presentation, from Ms. Catherine Linderoos. Is Ms. Linderoos present? Yes. You will have, as I said earlier, 15 minutes total allocated for your presentation. If there is any time left, we will allow questions.

Ms. Catherine Linderoos: Thank you very much. I'm hoping that most of you at this table have my speaking notes. If you don't, I'll get you a copy after.

My name is Catherine Linderoos. I'm a retired teacher. Before being diagnosed with MS in 1987, I taught school in Ontario. I taught many students with specific learning disabilities over a period of nine years. I was 33 years of age at MS diagnosis and I'm now 50. I am a member and a volunteer regional contact for the Ontarians with Disabilities Act Committee, London region.

I am very pleased that upon second reading, Bill 118, the Accessibility for Ontarians with Disabilities Act, 2004, was voted for by all three parties. I am very glad that the standing committee on social policy is here in London today hearing from the public on Bill 118.

I fully support the Ontarians with Disabilities Act Committee's brief suggesting amendments to Bill 118. You have that copy from David Lepofsky, so you know that "brief" is not the best word for it. I look forward to seeing an amended Bill 118 passed into law after receiving unanimous support upon third reading.

Regarding Bill 118, I've gone through the ODA Committee's brief and selected out a few of the amendments I want to address today.

The first one is that section 8 should be amended to the following: "Identify the minimum number of standard development committees that must be established within six months of the bill coming into force, and identifying at least some of the key standards areas that should be covered. These should include, among others, standards committees to address transportation, education, health care, the built environment, employment, large retail stores and customer service to people with disabilities." That does not reflect necessarily the order of importance, and of course that's open to your input and debate, I should think.

This morning, I would like to address the crucial area of education. When I think of education within this area, I'm thinking of standards development committees which will address special education testing, accommodations, placement and review in both elementary and secondary schools.

Today, I can highlight some unnecessary barriers to students with unidentified learning disabilities in the London area. Not addressing these barriers—in other words, not having a standards committee under the AODA, 2004, and not having the Ministry of Education's policies and accessibility reports and planning—means you do have and you will have a worsening of those existing situations where students do not receive the appropriate testing and necessary accommodations in school, become discouraged, drop out and/or fail to take full advantage of the many opportunities for education, for apprenticeships and ultimately for paid competitive work. This is a trend that Ontario, a province with a declining birth rate, declining public school enrolment, an aging population and looming skilled trade shortages, can ill afford.

It has been suggested elsewhere that only those students with the greatest special education needs are currently getting the services they need in those Ontario centres where there are a great many school-aged children with special education needs in general. This suggestion goes on to state that, because of its concentration of health care and medical resources, London, Ontario, is one such location. That may or may not be true. At any rate, we must redress the inequities province-wide as soon as possible. Passing Bill 118 with the necessary amendments will assist with this task.

I've outlined an excerpt from an association called the Learning Disabilities Association of Canada, and it's just about learning disabilities, nothing else. It refers to a number of disorders which may affect the acquisition, organization, retention, understanding or use of verbal or non-verbal information.

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Going on in the second paragraph, "For success, individuals with learning disabilities require early identification and timely specialized assessments and interventions involving home, school, community and workplace settings. The interventions need to be appropriate for each individual's learning disability subtype and, at a minimum, include the provision of: specific skill

instruction; accommodations; compensatory strategies; and self-advocacy skills.”

I’ve read the accessibility plans for 2004-05 from the Thames Valley District School Board, as well as the 2004-05 accessibility plan from the London District Catholic School Board. Of all the areas where unnecessary barriers against people with disabilities might be identified and addressed, the barriers encountered when trying to access special-education testing, identification and placement seem to have merited little specific attention in these plans.

Perhaps the accessibility working groups have privately viewed the current provincial education funding formula as the primary reason why such barriers or obstacles cannot effectively be dismantled under the ODA, 2001, and so have opted to leave that fight to another political arena. At any rate, there are written requests from the Thames Valley District School Board to aid with monies to allow measures to be afforded to remove barriers under the ODA.

I am concerned that the length of waiting lists for special-ed testing in elementary schools is a formidable barrier to students with unidentified learning disabilities. I’ve met parents who, for whatever reason, are not succeeding and did not succeed in getting their children considered for testing at all. These are extremely serious barriers. An excerpt on timeliness from the recently published discussion paper *Guidelines to Accessible Education*, from the Ontario Human Rights Commission, explains why this should be dealt with as soon as possible. That’s on the next page, page 5 of 8, under “Timeliness.”

Another sort of barrier concerns the number of students with special needs assigned to each special education teacher. That’s very relevant to southwestern Ontario because that figure is very high in school boards in southwestern Ontario, according to the *People for Education 2004 Elementary School Tracking Report*. This barrier should be dealt with as swiftly as possible.

The reason I brought forward the *People for Education* tracking report is so that you don’t have to depend on my anecdotal experience or experience in the classroom from 18 years ago, which is a very long time—a lifetime ago. I suspect we were doing a better job of addressing special-ed difficulties, at least assessment, 18 years ago than we are now, because there are 43,000 students within the province of Ontario just waiting for service, and those are the ones who have been identified. What about the ones in northern Ontario who can’t even get psychologists to identify them? That is a travesty.

Where there is insufficient funding for appropriate special-education instruction, then, at least teachers within the mainstream classrooms will better be able to accommodate those students identified as having learning disabilities. Children who are tested and told they have a specific learning disability, for example, can and should be taught to understand that they have strengths and not just weaknesses that matter at school. This is an indispensable component of teaching.

I think costs are very, very important, and I cannot overlook the fact that with a \$5.2-billion deficit, which doesn’t even compute, we have to be respectful of costs. Therefore, going on to page 5, the government and an education standard committee should immediately ask that concerned Ontarians think outside the box on the cost of this important issue. One example is that community foundations such as the London Community Foundation could be approached by school boards’ foundations. There is a program called the assistive devices program, ADP. It’s where people like me can apply for and be helped with the purchase of a wheelchair or something for mobility, like a walker. Of course, I’m not just talking about physical barriers today, but those are the examples that come to mind. As well, there could be something set up to help parents who can’t afford to have testing done when a school board says, “I’m sorry. There’s a waiting list.” Pro bono work by psychologists and psychometrists could be solicited by northern school boards. Any parent or teacher should be able to request that their child or student be tested for learning disabilities.

Look at this timeliness thing. This is from the Ontario Human Rights Commission. It talks about being a breach of the code. They mean the Human Rights Code. So being a breach of the Human Rights Code, you don’t want people having to go one by one with their barriers up against the existing Human Rights Commission, but we don’t want to get rid of it either, because it’s got some really excellent points.

The Chair: There is about a minute left, madam, in your presentation.

Ms. Linderoos: How much?

The Chair: About a minute.

Ms. Linderoos: Thank you very much. Section 9—this would be on the second last page. Section 9 should be amended to reaffirm and make it as clear as possible that accessibility standards developed under the bill shall ensure that the level of accessibility for persons with disabilities is equal to or exceeds the level of accessibility required by the Ontario Human Rights Code.

Since I’ve finished all the time I have, I just want to say one last thing. The suggestion was that education should be very, very important and brought in for students within the schools to learn about what accessibility means. I think that’s very worthwhile, and it’s very important for those people who are going to be working in the field and bringing their expertise to the standards committees—that sort of thing, the architecture, and we’ll say design consultants. They need to get to school right away. Thanks very much.

The Chair: Mr. Marchese has a question.

Mr. Rosario Marchese (Trinity–Spadina): Catherine, thank you very much. I think you’ve identified, as have many others as well, a big field of concern for students, young people with education needs. I don’t think the government had in mind to create a standards development committee that would specifically deal with this, but I think it’s a critical area. To leave that just to

the educational system, as if somehow they're dealing with it, would be a mistake. I think this would be very comprehensive in terms of what they should be doing and ought to be doing. I don't believe that that list of 41,000 students that we identified in opposition when the Conservative government was in power has been dealt with.

Ms. Linderoos: I agree.

Mr. Marchese: I believe it's still there, and I believe a whole lot of students—

Ms. Linderoos: Or it's growing, but we have to look for the next annual report.

Mr. Marchese: I'm not sure it's a question, other than just simply saying to people that they should lobby, as you're doing today, to make sure that we set up a standards development committee dealing specifically with special education in our school system.

Ms. Linderoos: No, but at least within the sector.

The Chair: Thank you very much for your presentation, and the question.

0950

CITY OF LONDON

The Chair: We'll move on to the next presentation, from the city of London, Susan Eagle, councillor. Good morning, and thank you for having us here in the beautiful city of London. You can start whenever you are ready. There is a total of 15 minutes for your presentation and potential questions. I know there will be people who want to ask you some questions.

Ms. Susan Eagle: Thank you, Mr. Chair. I'm Councillor Susan Eagle for the city of London and I'm joined today by Mr. Kash Husain, who is the chair of the city of London's accessibility advisory committee. With your permission, we'd like to combine our presentation time and that of the accessibility committee, which is supposed to follow us. So we'd like to put the two presentations together, if that's acceptable.

The Chair: It is. Thank you.

Ms. Eagle: I'm also joined by Grant Hopcroft, who is our intergovernmental and community liaison, and by Robin Armistead, who is our municipal policy specialist, if there are some questions or time during the presentation when there is a specific issue they might want to address as well.

The Chair: Sorry, just to make sure everybody understands, there are two presentations together. We have a total of half an hour for your presentation and questioning. Please proceed.

Ms. Eagle: Thank you. I'd also like to welcome the committee to the city. We're certainly delighted that you were able to come and hear the presentations that are being made today. Not only do we have folks at the front here today representing the city but we have members of the advisory committee who are also in the audience. We're joined by another staff person, Joyce Burpee, our human rights specialist, and also a councillor colleague, Judy Bryant. So perhaps that gives you some indication

of the seriousness with which we take the work you are doing and our partnership with you in that.

We believe that the public sector has a lead role to play in the creation of a barrier-free Ontario. We have long recognized that accessibility planning is a long-term process. We know that community consultation is integral to that process. As council, we join with our mayor in the commitment to build a better community through identification and elimination of barriers.

Over the last 20 years, London, with its 338,000 residents, has witnessed an expansion in the number of citizens with disabilities. Today, we estimate that there are over 43,000 people with some form of disability, and we expect that figure is going to increase as our population ages.

We began accessibility planning back in 1997, when we adopted a policy designed for the inclusion of people with disabilities in recreation facilities and services. Then, in 2001, the city joined with Partners in Leisure, a community-driven consortium of service providers working to develop a responsive leisure system for adults with disabilities. With partial funding from the city and the Ministry of Citizenship and Immigration, it coordinated a community response and produced a leisure directory, which provided information about leisure activities and accessible outdoor and indoor facilities.

That same year, an inclusion enhancement study identified barriers faced by children in summer day camps. Since then, new policies have been introduced, including comprehensive staff disability sensitivity training.

In 1999, city council adopted a diversity policy for the city, followed by an accessibility policy for all city departments the next year.

We have recognized the need to seek input from persons with disabilities when we have been developing these policies. As there was no accessibility advisory committee in place at the time, London council took the initiative and created a position on their diversity advisory committee for a representative from the London Ontarians with Disabilities Act Committee.

In 2001, city council adopted the facility accessibility design standards, known as FADS, to make newly constructed or renovated city facilities accessible to people with physical and sensory disabilities. Designable Environments Inc. was hired to develop these standards, with input from more than 12 local disability organizations. Libraries, local arenas, the John Labatt Centre, community centres, long-term residences and parks are just some of the facilities that were affected by this standard.

We believe that, with community involvement, everybody wins. As a city, we have tried to create accessible planning which is right for our community as well as meeting the legislative requirements of the ODA. Since our advisory committee includes members with a variety of disabilities who have direct knowledge and experience, we have a better idea now of how to eliminate barriers. As well, we've involved our staff to make sure

that we have a flow-through from the kinds of recommendations we get into active planning and implementation.

Just quickly, I want to identify some lessons we've learned.

We need to involve as many people as possible from a wide range of representation in accessibility planning. Not only does it make for a better process but it creates ownership.

We've learned that we need to promote consultations throughout the community with formal letters to disability organizations and/or telephone, e-mail or mail contact with all interested community members.

We've learned that we need to schedule consultations taking into account the needs of participants with disabilities: plan meetings around available transportation, ensure meeting rooms have enough space for wheelchairs, and ask participants what's needed in terms of accommodation, such as sign language interpreters, material format in Braille etc.

We've learned that we have a diverse representation of disabilities on any type of accessibility planning initiative and that that's critical. If it isn't possible to include the whole, broad spectrum, then we need to look for people who can bring to the table more than one area of expertise so that we try to cover as many areas as possible.

I'm going to turn things over now to Kash Husain, who chairs our advisory committee, so he can give you some of the specific details and recommendations that we'd like to make to the committee.

Mr. Kash Husain: With regard to standards development committees, we endorse the direction the legislation takes with the establishment of accessibility standards for both the private and public sector. The development, implementation and enforcement of a set or series of strong standards will ensure that persons with disabilities, no matter where they live in Ontario, will receive equitable treatment and be given equitable opportunity when seeking services throughout this province. It is therefore vital that these standards be comprehensive and be developed by persons with disabilities for persons with disabilities in partnership with each sector.

Bill 118 provides for the formation of standards development committees whose mandate will be to produce accessibility standards for sectors of the economy. While Bill 118 acknowledges that these committees will be composed of representatives from the government, the sector of the economy to which the standard applies, people with disabilities and other stakeholders, there is no time frame given as to when these committees will be established and how these committees will function. Nor is there any indication as to the number of standards development committees that will be established and/or the sectors that will be governed by these proposed standards.

We recommend that, rather than establishing a standards development committee for each sector of the economy, the minister consider setting up a few stand-

ards development committees with a broad scope of sectoral responsibilities.

We also recommend that these standards development committees be set up so they operate at arm's length from the government. This will be necessary to establish trust with the disabled community.

The city of London would like the province to establish a specific municipal sector standards development committee following the passage of the AODA to allow for focused representation of large and small municipal issues and standards.

Furthermore, this municipal standards development committee will be composed of a balanced, representative number of municipalities—both staff and politicians—persons with disabilities, organizations representing the disabled community and ministry officials.

We would like the ministry to identify a process for seeking applications and/or nominating members to serve on these and other standards committees, a fair review and selection process, clearly defined roles and responsibilities for each standards committee, voting procedures, mechanisms for settling disputes, and a process for reimbursement of committee members' travel and accommodation expenses.

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Bill 118 states that there will be opportunity for public comment on proposed standards for 45 days after each standard is posted by the minister and that the committee can then make any changes it considers advisable prior to providing the proposed standards to the minister for a final decision before it is enacted as a regulation.

The city of London hopes these standards development committees will be able to actively consult with stakeholders as required while the standard is being developed. We would like to see the public record of standards committees be transparent while different points of view could be brought forward. There needs to be a clear record of each committee's deliberations and their reasons for adopting or not adopting a particular standard.

The proposed time frame of five years for the first development and implementation for proposed accessibility standards is, in our opinion, too long. We propose shortening this first development period to three years.

The bill implies that accessibility standards will come into force only when the standard has been completed in full. This could result in undue delays as some standards may take years to complete. The minister should allow standards committees to develop standards, in particular the municipal sector standards, in sections or parts thereof. This will allow the city of London to implement each section of an applicable standard without delay.

One of the positive aspects of Bill 125 was the requirement of municipalities with a population of 10,000 or more to form municipal accessibility advisory committees. However, the success of the workings of these advisory committees varies from municipality to municipality. One of the reasons for this discrepancy is that Bill 125 did not clearly specify the roles and

responsibilities for these advisory committees. Thus, it was left to them to negotiate the terms of their duties with their respective municipalities.

London chose an open and transparent process in preparing the mandate and composition of its advisory committee. Public consultation sessions were held, and Londoners with disabilities were able to contribute toward the establishment of their advisory committee. Our committee has worked hard in establishing a close, co-operative working relationship with city council. We believe we have been able to make a meaningful contribution toward making London accessible to people of all abilities.

During the past two years, we have been able to get council support on many initiatives, and we have listed for you a number of these initiatives.

Despite our success, there are many advisory committees that are still struggling. The minister has the power to assist these committees by ensuring that the terms of reference for them be enhanced and included in Bill 118. To assist the minister in determining these additional duties, we have included in appendix B the terms of reference for London's MAAC, and we hope you could use that as a guideline.

With regard to municipal standards development timing and content, municipalities are unique corporations that reflect the size and scope of the communities they serve and, as such, need flexible timelines for implementing a municipal standard. The timing of annual reporting should be flexible and linked with the municipal budgeting process.

ODA, 2001, is not specific enough for municipalities to know what is expected. It is recommended that Bill 118 be more specific related to the proposed categories for municipal standards development.

With regard to the built environment standards, I can tell you that as an electrical engineer working in the consulting business for over 20 years, myself, architects, contractors and construction personnel have been inundated with standards in the design and construction of all types of facilities. There are standards for the building envelope, standards for the electrical and mechanical systems, standards for fire protection and HVAC systems, and standards for the purchase of materials. These professionals are also required to comply with municipal bylaws in plan submissions and reviews. Should we be introducing a new set of standards or regulations governing the work these professionals do, or should we be enhancing the standards currently in use?

The Ontario building code is used by the built environment. It is, therefore, used in the design of hotels, motels, restaurants, retail stores, apartment buildings, condominiums, arenas, libraries—just to name a few—and including government facilities, train and bus stations etc. In fact, any building built in Ontario which will be used by the public must adhere to the requirements of the Ontario building code. Knowing this, why would we consider sectoral built standards, such as those for hotels, restaurants and municipal facilities, when the design of

these buildings is already governed by the Ontario building code?

We strongly believe that our time and resources can best be utilized if we work toward the establishment of a strong and effective Ontario building code, complete with a section devoted to the principles of universal design. Professionals who use these standards and codes are used to seeing regular updates and attending seminars which explain the changes that are upcoming.

The city of London recommends that its facility accessibility design standards become the built environment standard for municipalities and other sectors, if achievable. We have provided for you a CD which contains the complete set of standards, and we hope that you get an opportunity to review them in detail. The implementation of FADS, as we call it here in London, has made newly constructed and/or renovated city of London facilities, lands and services accessible to people with physical and sensory disabilities.

FADS go beyond existing regulations, standards and guidelines that currently address the needs of persons with disabilities. This standard incorporates universal design principles that benefit people of all ages and abilities.

Some of the design elements included in FADS are: access and circulation; space and reach requirements; doors, gates, windows; disabled parking; curbs, ramps, stairs and handrails; escalators and elevators; washroom facilities; signage, lighting, flooring and colour treatments; visual alarms, assistive listening systems and telephones. This gives you an indication that these standards are comprehensive and cover a wide range of disabilities. They're not just limited to those with physical disabilities.

London city council adopted FADS before the ODA, 2001, was approved because they believed it was the right thing to do and that it was also good for business.

We have a list of large and small municipalities that have formally adopted FADS—you'll see that list in appendix C—and London has specific experience in the use of this standard related to new construction and renovated municipal facilities. For example, the use of FADS has been shown to add 3% to 4% to the total building cost of new construction. FADS have also had flexibility related to heritage building standards, noting that municipalities are often the owners of buildings which can be difficult and costly to renovate.

We would like to see the concept of FADS incorporated into the next version of the Ontario building code because it incorporates the concept of universal design. We feel there should be one minimum built environment standard across Ontario. In this way, suppliers of building products will create new accessibility products that will match the market demand generated by having a common standard.

There are a couple of other standards that are currently in use by engineers and architects that we feel should also be upgraded and enhanced. These include the Planning Act and a couple of other ones that are used by

the Ministry of Transportation, specifically the Ontario provincial standard specifications and the Ontario provincial standard drawings. These are used by MTO primarily in the design of traffic signals, curbs and sidewalks. We believe that by updating these standards, the ministry would then download them on to the various municipalities and the cities that use these standards in the design of their traffic control systems. That way, there will be no need to provide a new set of standards, as they can be implemented by those produced by the MTO.

The standards committee struck to review these OPSSs and OPSDs, as they're referred to, should consist of traffic engineers and designers, MTO staff, as well as representatives from the Canadian National Institute for the Blind.

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The Chair: There's about five minutes left, sir.

Mr. Grant Hopcroft: Thank you, Mr. Chairman. I'm going to be dealing with the issues of enforcement. The proposed act is enforcement-driven and enforcement-focused and similar in approach to other enforcement-driven pieces of legislation such as environmental protection and human rights legislation. While we recognize that enforcement is necessary in some instances, we believe that education is going to be the key to success of the AODA. We encourage you to take the lead in developing a marketing campaign similar to the no-smoking campaign that's currently ongoing in Ontario. Municipalities and their accessibility advisory committees are prepared to assist in that initiative.

We think that it is incredibly important for the success of the legislation that there be some flexibility as it applies to both the public and private sector to ensure that there are appropriate periods of time for various sectors to respond to the new standards.

I'd like to also outline some concerns we have with respect to a continuation of a thread in terms of administrative penalties that we see in this legislation. This is a concern to municipalities on two counts. One is the overlap with the provisions of the provincial offences penalties that are applicable and the double jeopardy, in some cases, that places on those who do not comply. It is also a concern to us from a monetary perspective because, in the provincial offences stream, we would see the revenues from those fines accrue to the municipal sector, and that was part of the local services realignment in the 1990s.

We'd like to address as well the issue of site plan control. This is a very powerful tool that municipalities have in terms of controlling the accessibility of sites. There are many developments in the province of Ontario that are not currently covered by site plan control, and we would urge the committee, in terms of an enforcement mechanism, to look seriously at permitting retroactive requirements for site plan agreements and site plan control on sites across the province so that municipalities, in addition to the province, have a tool with which to ensure that all of our facilities, both public and private, are accessible to those who need it. Thank you.

Ms. Eagle: In conclusion, I would be remiss if I did not identify two other areas, and they are in the printed material that we've provided to you. One is the need for an orderly transition as we move from ODA to AODA. We certainly would be looking for some help as a municipality in making sure that there is an orderly transition there.

Finally, the area of funding, and that's not a new area, I'm sure, to this committee or to the provincial government in the dialogue that we have as municipalities with the provincial government. Certainly we do identify that there could be some funding needs that are part of moving forward and we want to ensure that there is an opportunity and some dialogue between you and ourselves and other municipalities in ensuring that there is sufficient funding from the provincial level to assist us in doing the work that we need to do.

I see that our local MPP is nodding his head, because he knows we've had many dialogues with him on this and other areas as well.

Mr. Chair, thank you very much. We appreciate this opportunity to be here. Again, our learning has been that we need to do this together, we need to be proactive and we need to be as inclusive as possible as we move ahead.

The Chair: I thank you. I will allow all three parties to have a minute, and I'll start with your local MPP, Mr. Ramal.

Mr. Ramal: First, I want to thank the city of London, Grant, Susan and Kash—I'm sorry, I don't know your name—

Interjection.

Mr. Ramal: —and Robin for coming today to present in front of the committee, with your recommendations for Bill 118. The city of London makes me proud all the time, especially when they mentioned London as an example that should be adopted across the province for working with the disabled community and being accessible as much as possible.

Susan, I want to assure you, it's not going to be like the past. Our government is not going to download things on any municipality across the province. From the dialogue between the Premier, the ministers and our government all the time with municipalities, whatever we do, whatever we move, on any issue that comes up, we like to consult municipalities and see how we can work it out together. We believe strongly that we cannot move forward without consulting with the municipalities across the province because we believe you are a true partner to go forward toward prosperity in this province.

I share your concerns about different issues, especially about the continuation from ODA to AODA. There's not going to be an emptiness. I believe the ODA will still be an act and will establish standards in order to move forward to make the linkage and the bridge in order to maintain our standards across the province, and to maintain your work. You've been working for a long time with the disabled community in this city and in this province. I thank you very much.

The Chair: I'll go to Mr. Jackson.

Mr. Jackson: Welcome. I've had the privilege of working with some of you over the years on this issue during the development of Bill 125. It's on that issue—you would probably be quite aware, Mr. Husain, that the access advisory council of Ontario specifically has in the current legislation, the ODA, the responsibility to prepare the regulations that affect all sectors referred to in the bill. So the council, as it's currently constructed with a majority of disabled persons, is required—and in fact they have been working on developing standards for the province. Are you aware of that?

Mr. Husain: I'm aware that the council does exist. We have, quite frankly, not had much communication with them unless it has been at meetings such as this. There has been very little communication with them.

Mr. Jackson: You would be aware, then, that in accordance with the act, they also have responsibility to develop regulations for programs that are provided by the government of Ontario and, further, that the bureaucrats, known as the Accessibility Directorate, are responsible under the act to prepare those draft regulations, standards, codes, codes of conduct, guidelines, protocols, all of which are to be developed by the civil service, and that both those sections in the bill that involve the disabled community are being removed under the new legislation. Are you aware of that?

Mr. Husain: Not as such. As I say, I was aware that some work was being done in the background, but we are not familiar with what exactly has been done.

Mr. Jackson: I encourage you to read—

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

Mr. Marchese: I want to thank you for your submission. I think it's very thorough and has very universal applications across Ontario and, in that regard, I hope the government will use it.

Three quick points. First, on enforcement versus education, I know that you think this is enforcement-based, at least from the way you presented it, but while there is a fine, and a big fine, it doesn't say in this document that the government will hire inspectors, it doesn't say that a director will review accessibility reports—it says they “may”—and we don't know who's responsible to administer those penalties or fines. So it appears as if there's going to be a strong penalty-fine kind of approach to this, but it's really not there. I wanted to point that out.

I agree with you on the issue of education. On the issue of municipal downloading, I won't be as sanguine as my colleague Mr. Ramal on this point because I think there are a lot of municipal concerns about downloading responsibilities to you folks, and it does involve considerable costs. I hope the money will flow.

The third and final point, because I don't have much time, is to agree with you on the standards development committee suggestions. I think you propose a lot of useful things that we should be looking at. In addition to the fact that you said there was no time frame given—and that's true, because we need a time frame to get this going—I agree with you that it shouldn't be 20 years.

I've been saying 12. It should be 10 or nine, and if we can get there, that would be great.

On the other suggestions about setting up a few standards development committees with broad-scope sectoral responsibilities, that's useful. A municipal sector would be good; you'll probably agree that there should be an education one as well, because it's big.

I want to thank you for all those suggestions, and I hope the government will review them very carefully.

The Chair: Thank you for your presentation. Have a lovely day, and thank you again for having us here today.

1020

SAULT STE. MARIE ACCESSIBILITY ADVISORY COMMITTEE

The Chair: The next presentation will be from the Sault Ste. Marie Accessibility Advisory Committee, Mr. Taylor, please.

Good morning, Mr. Taylor. You can start whenever you're ready. You know the rules already. Let me just remind everyone that in the back of the room there are two individuals who are available if anyone needs any assistance. You may proceed now.

Mr. Gerard Taylor: First, I'd like to thank this committee for holding these sessions on Bill 118. In October 2001, the province enacted what we have come to know as the Ontario disabilities act, ODA. The purpose of this act was to improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal, and prevention of barriers so that they might fully participate in the life of the province.

The ODA gave the people of Ontario, and especially disabled people, the opportunity to have a voice and a platform to work from on accessibility in Ontario. In the ODA, municipalities with a population of over 10,000 people had to form an accessibility advisory committee, or AAC. Each AAC had to be made up of volunteers, and at least 51% of those members had to be disabled. Municipalities under 10,000 people could still form an AAC, but most were left to merge with bigger municipalities in order to participate in the ODA process.

One of the most important responsibilities of these AACs was to audit municipal property and respond to their city councils with an accessibility plan that identified the barriers for removal within their community. Some municipalities bypassed the committee and hired a consultant. We question whether all municipalities produced an accessibility plan. From information recently received, some neglected to submit accessibility plans in their communities. As far as we know, there have been no repercussions for not complying with the ODA, in the form of penalties for municipalities, as outlined in the ODA.

Along the way, AACs came up with more questions than they had answers for as committees had the opportunity to meet at events such as the Access Ontario conference in Sault Ste. Marie in 2003 and the Michael

Lewis memorial forum in London in 2004. There's a further AAC event planned for later this year in Burlington, Ontario, in June.

At these events, many questions and concerns were raised. Some of the most frequent questions were, first, why didn't the provincial government include the private sector in the ODA; secondly, where were the universal standards in the ODA; and finally, where was the funding?

The province responded to AAC concerns, and on October 12, 2004, Dr. Marie Bountrogianni introduced Bill 118, the Accessibility for Ontarians with Disabilities Act, the AODA.

The AODA's purpose is "to benefit all Ontarians by, (a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services ... occupancy of accommodation, employment, buildings, structures and premises on or before January 1, 2025; and (b) providing the involvement of persons with disabilities, of the government of Ontario and of representatives of industries and various sectors of the economy in the development of the accessibility standards."

In the purpose of both the ODA and the AODA, the province wants to do what is best for Ontarians. If that's so, then why does it take 20 years for disabled Ontarians to regain some self-confidence from our leaders in government?

When the ODA was implemented, AACs didn't have the luxury of long timelines when it came to developing accessibility plans for the municipalities, and most municipalities were not able to meet the fall deadlines with detailed accessibility plans. Many AAC members quit or got ill as a result of the frustrations they experienced in the ODA process. When we consider the timeline contained within Bill 118—2025—it seems that the province overlooked the sense of urgency among disabled Ontarians to obtain accessibility in Ontario.

When the province implemented the smoking ban in public places, business grumbled and groaned, but business responded with smoking areas complete with bright lights, gas heaters for the cold months, and liquor licences, which cost in the tens of thousands of dollars.

Phasing in standards will slow down accessibility in Ontario. Bill 118's adding a more significant compliance date such as 2009 would be a better idea. This is 2005, and we have the technology and experience to make accessibility happen faster than the timelines outlined in Bill 118.

Municipalities all over Ontario have been over the issue of standards time after time. Some municipalities have adopted their own standards already as bylaws, and are implementing them even as we speak. Many municipalities have gone above and beyond the universal standards in some cases.

We have all heard the phrase "Let's not reinvent the wheel." It seems redundant for the province to implement a standards development committee and allow five years for their input when we have Ontario's AACs in place

right now. AACs are waiting patiently for their opportunity to propose their ideas on standards.

Another section of our society which may be given some more consideration in Bill 118 is the MUSH sector: municipalities, universities, schools, and hospitals. The MUSH sector had to develop accessibility plans but didn't have a timeline imposed on them as to when they were going to become accessible. One main reason for this was funding. Our MUSH sector is cash-strapped and government-driven.

Our AAC went to work on that question, and they propose that the days of free handicapped parking are over, that all disabled Ontarians should be charged a fee for their parking permits, anywhere from \$5 a year. Whether you park with a permit or without a handicapped permit, it would generate funds to benefit all AACs across Ontario that are cash-strapped. Each MUSH sector could receive up to 25% of this revenue. However, the province would have to dedicate these funds to accessibility in Ontario.

1030

The Chair: One minute is left, sir.

Mr. Taylor: Accessibility means: being able to use a public washroom any time, any place; being able to get into buildings to apply for jobs, to see your physician or dentist—to be able to get through the entranceway; being able to purchase a house and not have to spend tens of thousands of dollars to make it barrier-free.

A barrier-free society means just that: free. When we make accessibility easier for disabled people, we will make accessibility easier for all Ontarians. To make an effective AODA, we must consider what is truly best for all Ontarians by striking a balance between MUSH, public and private sectors. If we collaborate on accessibility and prevent further barriers from popping up, we will have achieved a major step in a multi-step process. If the people of Ontario want accessibility, we must take the bold steps necessary to achieve the accessibility goal for all and be proud of what we have accomplished.

The Chair: I want to thank you, Mr. Taylor. There is no time for questioning. Thank you very much for coming, though.

SAULT STE. MARIE AND DISTRICT BARRIER BUSTERS

The Chair: The next one is from the same area, Sault Ste. Marie and District Barrier Busters, Ms. Dorothy Macnaughton. Welcome.

Ms. Macnaughton, like the other speakers, you have 15 minutes that you can use for your presentation. If there is time left, we will allow some questions or comments from the membership. You can start any time.

Ms. Dorothy Macnaughton: Thank you. Good morning, everyone. I'm not sure exactly who the members of the committee are that I'm speaking to, so at some point it would be really helpful if the members of the standing committee could perhaps introduce themselves.

The Chair: We can do that now if you want.

Ms. Macnaughton: That would be wonderful.

The Chair: We'll start with the local MPP, please: name and riding.

Mr. Ramal: My name is Khalil Ramal, MPP for London-Fanshawe.

Mr. Peter Fonseca (Mississauga East): I'm Peter Fonseca, MPP for Mississauga East.

Mr. Ernie Parsons (Prince Edward-Hastings): Ernie Parsons, MPP for Prince Edward-Hastings, otherwise known as God's country.

Ms. Kathleen O. Wynne (Don Valley West): I'm Kathleen Wynne from Don Valley West in Toronto.

The Chair: And I'm Mario Racco from the Thornhill riding.

Mr. Ted Arnott (Waterloo-Wellington): My name is Ted Arnott, and I'm privileged to represent the people of Waterloo-Wellington.

Mr. Jackson: I'm Cam Jackson. I am the MPP for Burlington and was the Minister of Citizenship who drafted and designed the ODA.

Mr. Marchese: I'm the NDP member from Toronto, Trinity-Spadina.

The Chair: You may proceed, Madam.

Ms. Macnaughton: Thank you. I appreciate that.

I represent a group called Barrier Busters in Sault Ste. Marie. We're actually an ODA committee, and we've been around for about six years or so. We're made up of people with a variety of disabilities, people who have low vision, are blind, who are deaf or hard of hearing. We have people involved in our group who have cerebral palsy, arthritis, a brain injury. We have parents with children with disabilities. So we call ourselves a cross-disability group. Everyone involved in our group is a volunteer. We have no money of any kind. We're fairly informal. We're basically a grassroots advocacy organization.

We wholeheartedly support the brief which the ODA Committee submitted. We are an ODA committee in Sault Ste. Marie that has been actively working toward strong, effective legislation to identify, remove and prevent barriers for people with disabilities. We attempt to increase public awareness and understanding of the challenges facing people with disabilities. A few of our Barrier Busters are happy to be here today: Tracy Roetman, Gerard Taylor and Catherine Meinke, who is also a member of the accessibility advisory committee in Sault Ste. Marie, as I am myself.

Living in northern Ontario has challenges, and particularly in the winter, the highway north of Sault Ste. Marie is often closed. Even if it weren't, we couldn't travel the distances involved to get to hearings in Thunder Bay; that's why we're here today. We have quite a few other people in our community who would have loved to have been able to come, but due to physical limitations, the limitations imposed on them by other disabilities, they weren't able to travel the distance.

We are pleased that this government has examined carefully the current ODA and has developed Bill 118 and the proposed AODA, creating accessibility standards

with penalties if the standards aren't adhered to. At the present time, organizations named in the ODA, such as municipalities, school boards, transit authorities, colleges, universities and hospitals, struggle to develop accessibility plans and their own standards. Some municipalities took advantage of purchasing a copy of Peterborough's accessibility guidelines, which they willingly shared. This provided an excellent base from which to create accessibility standards. Unfortunately, there is no consistency across the province.

It's encouraging that this act will apply to the private sector, something which ODA committees have been requesting for years. Our Barrier Busters group feels it's important to put a face on the reality of living with a disability day in and day out. That will help you to understand the impact of this proposed act on our lives. During my presentation, I'll give you some examples, real-life examples of what people have faced.

A person in our group who is in a large electric wheelchair can't get into her doctor's building. It's an older building, so it doesn't fall under the current ODA, and it actually wouldn't fall under the AODA, because it's not about to be built nor is it about to be renovated. She can't get into her doctor's building independently because there is no automatic door opener. The doors are too heavy for her to manage. If she does manage to get in with help, she must get a key for a small elevator which doesn't accommodate her larger wheelchair very easily. The door into her doctor's office is small. She can squeeze in, and when she gets into the examining room, there are no lifts. To make it possible for her to visit her doctor independently, this building must be totally accessible, with the same standards as a new municipal building or, under the new AODA, a new restaurant. She wants to be able to have full access to these facilities by herself.

This act will have a positive impact on people's lives only if accessibility standards are implemented within a shorter time frame, such as 10 years. Many people with disabilities are already older and won't likely be around in 20 years to enjoy the level of accessibility which this act is designed to create.

Many of our group have mobility impairments or are in wheelchairs. They would appreciate a parabus service that parallels the regular bus service sooner rather than later. Here's an example: Because the Sault Ste. Marie airport is outside of the urban service line, if someone wants to travel to the airport, they must charter the parabus at \$60 an hour, compared to the cost of a limousine ride of \$22 for someone without a disability.

Volunteers with our organization who also serve on accessibility advisory committees deserve the same service I have on a regular bus. They want to be able to arrive at meetings on time, not an hour later, and leave when the meeting ends, not an hour before the meeting ends because that's when the parabus can pick them up.

1040

Many of us face attitudinal barriers. Public and private sector workers need to be educated about the act, whether it's the ODA or the AODA. Many of them don't even

know it exists. They need to be educated about how barrier removal and prevention will benefit everyone. For example, they need to know about the principle of universal design and how it makes sense not just for people with disabilities. Sensitivity training will educate everyone about what it's like to experience the impact of a disability. We deserve to be treated with dignity and respect, the same as everyone else.

There's also a need for greater understanding of the role of guide dogs and service dogs.

The public and private sectors need to understand that materials in alternate formats should be readily available for people like myself or for people who are learning disabled.

Public libraries should automatically receive funding from the province for a service providing access for print-disabled consumers, such as the CNIB library offers. It shouldn't be an add-on cost. Libraries—this is just an example of one of many public institutions—should receive funding to make their buildings physically accessible. That's only the tip of the iceberg.

I should be able to receive a menu in large print from any restaurant. I shouldn't have to ask a waiter to read what's on the menu, because many times I'm met with a gigantic sigh—"Oh, I have to read the menu to her." That may not seem like a big thing, but it is to me, because I'm frustrated enough by the limitations imposed by my disability. I don't need someone to make it harder for me.

One of the people in our group was recently watching TV—I wanted to relay this to you because she was quite impacted by this—and there was an ad speaking about how to access literacy programs. It directed people who can't read to look up "Learn" in the Yellow Pages. So these are the kinds of issues that people deal with. What a difference it can make to have the knowledge, the skills and the right attitudes.

We want to know that by having an effective AODA, children with special needs will be guaranteed access to neighbourhood public schools, the specialized help they need, and consistent home care.

Parents need appropriate financial assistance and respite care. A parent shouldn't have to quit her job—and this is the real-life situation—to take on the daunting and time-consuming task of searching out funding for her severely disabled son. There needs to be a one-stop-shopping approach.

As special-needs students leave high school, particularly if college is too difficult for them, many of them fall through the cracks and find few opportunities for employment. What kind of future will these young people have without the necessary assistance at the right time?

This act must address these very real concerns.

In Sault Ste. Marie, there are no public recreation programs for children or adults with disabilities. Our city relies on a few volunteers for a minimal level of assistance, which proves woefully inadequate. These programs should be mandatory.

Volunteers are the backbone of accessibility advisory committees and are dedicated and hard-working, giving

much time and energy to increase accessibility in their communities.

The province needs to provide a greater level of support and financial assistance to municipalities and accessibility advisory committees. There should be opportunities for accessibility advisory committees to get together and share knowledge, ideas, best practices and challenges. An annual conference funded by the province is critical for AACs to be effective.

The Accessibility Ontario Web site is quite good, but it could be more user-friendly and up to date. Here's an example: The ODA Committee, David Lepofsky's group in Toronto, notified people across the province by e-mail about these hearings, with one week's notice of the time frame in which to submit a request to come before these hearings. That wasn't for the written presentations; you gave longer for those, and I'm sure that's much appreciated. At that time, I went on to the Ontario government's Web site, and the pertinent information was not there. We got the information through our network system before the public did. It should be noted that many people with disabilities can't even afford a computer, so even if it were on there, many people couldn't access that. Computers with speech software or large print aren't necessarily available in public libraries where many people go to use the Internet.

People with a print disability have to have access to that kind of opportunity. Apparently there was a print ad in our local paper. That really doesn't help people like me or my friends or people with learning disabilities.

When some of our group finished post-secondary education, it was assumed they could pay back their student loans, even though they couldn't find employment. This is a real issue. Many of these people are on Ontario disability support payments. They do not even have money, particularly at the end of the month, for food, rent and other necessities, and they're being harassed to pay back student loans.

People on ODSP live well below the poverty line. Even though these payments were increased minimally, which we very much appreciate, they still don't have enough funds to live on. They don't wish to be on a disability pension. They deserve more from this government.

Programs such as Ontario student loans, ODSP, assistive devices programs and other Ontario government policies and programs must be reviewed and improved now so that the quality of people's lives will improve. These changes cannot take another 20 years. As baby boomers age, more individuals will become disabled and will benefit from increased accessibility. They're counting on you to accomplish this in the fastest possible time frame.

Here's another real example of a desperate situation. An elderly woman, who wants to continue to live independently in her own apartment, has low vision, arthritis and cancer, can't get adequate home care, yet our community care access centre sends back significant amounts of money. We need strong legislation to ensure this does not happen in the future.

We have submitted a detailed written submission because our group, as we did in 2001, went through the entire bill and provided our comments and recommendations. Over the past weeks we have spent hours studying and discussing the bill, and we hope you will take the time to give our longer submission serious consideration.

We look forward to the AODA coming into effect in the near future and the many positive changes it will bring for all citizens of Ontario.

The Chair: Thank you, Ms. Macnaughton from the Sault. You used your 15 minutes. We thank you again, and we'll move to the next presentation.

COMMUNITY LIVING ESSEX COUNTY

The Chair: The next presentation is Dodie Wilson and Ray Jerome.

Good morning, Ms. Wilson. You can start the presentation whenever you're ready. You have 15 minutes, as we said earlier; use it as you please.

Ms. Dodie Wilson: Good morning. On behalf of Community Living Essex County, I would like to thank the committee for the opportunity to speak and for giving us a voice on such an important issue as accessibility for people with disabilities.

I'm Dodie Wilson. I'm staff representing Community Living Essex County. My co-presenter is Ray Jerome, and he receives support services from us.

Community Living Essex County provides support to over 500 people with intellectual disabilities and their families in Essex county. Community Living envisions a society where everyone belongs, has equality, respect and acceptance. The gifts, uniqueness and value of each individual are celebrated, supported and acknowledged as essential to the completeness of the whole community.

1050

Community Living Essex County has a high understanding of the barriers that are faced by people with intellectual disabilities in their communities, since their focus is to fully engage people in their communities. Although we celebrate many successes of people participating in true citizenship, many barriers still exist.

Community Living Essex County is located in a rural setting, so transportation is a huge barrier. When supporting people with limited funds and supporting more than one person, staff are unable to get people to work, to medical appointments, to school, to volunteer commitments in the community, and to participate in recreational programs. There is a need for more accessible transportation, ensuring that people with disabilities can live more independently, not having to rely on others to meet their transportation needs.

We support the direction of strengthening Bill 118, specifically identifying the need to develop, implement and enforce standards in order to achieve accessibility for all Ontarians. Members of communities, people with disabilities and organizations were given opportunities to provide input on barrier-related issues to their local

municipalities by serving on their local accessibility advisory committees and providing input on the development of an accessibility plan. Until now, these plans were considered only recommendations and applied to hospitals, school boards, colleges and universities, municipalities and government. With the establishment of standards, Bill 118 will apply to businesses, workplaces, hotels, motels and all facilities. This is a much-improved application which will identify, remove and prevent barriers in the whole community.

As well, with the establishment of standards development committees, including input from people with disabilities and mandatory compliance supported by visits from appointed inspectors, society will take the act more seriously. The implication of penalties will be viewed with the same respect by businesses, employers, organizations and proprietors as are penalties from the Ministry of Labour and the Ministry of Health. The proposed penalties are substantial and will give the bill more credibility.

The word "accessibility" in the name of the act itself does not communicate to society the full scope of its meaning when referring to accessibility issues for people with disabilities. Many people, when they hear the word "accessible," are still inclined to think of physical barriers or to visualize a wheelchair. The challenge for them in the enforcement of Bill 118 will be clarifying and educating the community that a barrier is anything that prevents full participation.

Community Living Essex County supports Bill 118 when it refers to accessibility in all areas, such as housing, employment, buildings, structures, transportation and attitudinal barriers. By removing and preventing such barriers, people will be able to experience true citizenship.

This brings me back to the enforcement of penalties. Penalties can be easily applied to tangible neglect in complying with certain requests—adding a ramp to an entrance, providing wheelchair access to a facility, or removing snow.

For people with intellectual disabilities, there are other barriers that affect them even more than these noticeable physical barriers. What penalty can you apply to barriers that are attitudinal and prevent a person from socializing, learning and making friendships? How do you enforce understanding, empathy, patience and kindness? How do you change a society that is based on productivity to encourage employers to hire a person with a disability, someone who might require more support in the beginning to learn the tasks that are required to do a job well? How do you impose penalties on professionals who, although highly educated, can many times lack understanding when providing support to families pertaining to disability issues?

Community Living Essex County supports the empowered Bill 118 and realizes the challenge to be great, but with a unified effort from all Ontarians, people with disabilities will be able to celebrate true citizenship.

Mr. Ray Jerome: My name is Ray Jerome.

Transportation: I live in a small town and have to walk everywhere I go. It is difficult to go to the city to visit my mother. Sidewalks are uneven. At traffic lights, I don't have enough time to walk across the street.

Funding: Prior to the most recent increase in ODSP, it was over a decade before any increase at all. It is very difficult to pay for housing, groceries, clothing and essentials on such a limited income.

Employment: I had a job before and I would like to get another job.

Snow removal: Sidewalks are not shovelled and snow is piled up in parking spots that are specified for vehicles with handicapped permits.

Attitudinal barriers: People still make fun of me.

Communication: Sometimes people don't understand me. I need more time to say what I want to say, and people need to take more time to listen.

We thank you again for this opportunity.

The Chair: Thank you very much. We have three minutes left, so there is a question from all three parties, one minute each. We'll start with the PCs. Mr. Arnott, one minute, please.

Mr. Arnott: Thank you very much for your presentation. Ray, thank you for coming in too.

Mr. Jerome: You're welcome.

Mr. Arnott: I thought it was excellent. It's good for us as committee members to be reminded about the challenges that you're faced with on a daily basis.

Mr. Jerome: Mainly, it's that the sidewalks are uneven or they're covered with snow.

Mr. Arnott: Yes.

Mr. Jerome: It's not kept clean. The roads should be cleaned on the shoulder so that you can walk. Otherwise, you have to walk on the road.

Mr. Arnott: I'm glad you brought those issues to our attention.

Dodie, thanks for your advice as well, representing your group, Community Living Essex County. Where is your office in Essex county? What town is it in?

Ms. Wilson: We're actually located in the town of Essex.

Mr. Arnott: So transportation is a huge issue for all your clients.

Ms. Wilson: It is, yes, for over 500 people.

The Chair: Mr. Marchese.

Mr. Marchese: Thank you, Dodie, and thank you, Ray. I have some quick responses to what you're saying.

Dodie, you and one of the other representatives from the city actually talked about education, not enforcement, but I also want to point out the weaknesses of enforcement. While it might appear that there is strong enforcement by way of penalties, there are no inspectors who "will" be hired. You create the impression that they will be appointed. They "may" be hired, which leads me to believe the province has no interest in hiring inspectors. That's one.

Two, with compliance, a director "may" review an accessibility report, which leads me to believe, on the issue of enforceability and review, that they may not—

likely not. And we don't know who's responsible to administer the penalties and fines. So while you're correct in thinking that there's an enforcement kind of component to it, it's not really there.

Education is a big one. I think everyone has identified education, in terms of awareness of the discrimination against people with disabilities, as being big. We hope the government will incorporate that as part of the bill and/or regulations, and hopefully we'll have something from them in that regard.

Ray, you raised two other points that this bill will not touch: funding and employment. Discrimination in employment is big and it will continue to be big, and the underfunding of people with disabilities continues to be a big, big problem. I hope we can convince governments they have a responsibility to deal with that.

The Chair: Thank you very much. Mr. Parsons, please.

Mr. Jerome: There's the ODSP—

The Chair: That's OK. Otherwise, we'll run out of time and you won't be hearing Mr. Parsons's comments. But thank you—

Interjection.

The Chair: Just wait until Mr. Parsons's comments, please.

Mr. Parsons: Thank you very much for appearing here. As an engineer, I find barriers like sidewalks and door widths and elevators easy to fix. They cost money, but they're easy to fix. The one that really perplexes me, Ray, is what you note as attitudinal barriers: "People still make fun of me." I struggle to find that, and I guess I'm going to ask you for some advice on how we work together to deal with that invisible but really awful barrier that you face of attitudes.

1100

Mr. Jerome: Can there be a letter sent to the Parliament?

Mr. Parsons: I'm sorry, I missed the last—

Mr. Jerome: Can there be a letter sent to the Ontario Parliament?

The Chair: Yes, of course, you can do that.

Mr. Parsons: If you need some time, that would be great. I would appreciate hearing from you.

Ms. Wilson: Also supporting Ray, I would suggest that education would be the key, education in our school programs, and also people we support or any people with any disabilities going into school programs or broadcasts on television. But I think fear is the main factor, and if we educate people, we will eliminate the fear.

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

Ms. Wynne: I was just going to ask Ray, could you send the letter to all the members of the committee, because I think we would all like to hear that?

Mr. Jerome: OK.

The Chair: If you need the general address, the clerks will be able to provide it. I'm sure you have it. Thank you again for your presentation and we'll be waiting for your letter.

JOHN TRAVERS COLEMAN

The Chair: The next presentation is from John Travers Coleman, who is the chair of the Guelph Accessibility Advisory Committee.

Mr. John Travers Coleman: Mr. Chairman and members of the committee, I am here on short notice and I apologize, but I want to tell you how much I appreciate the opportunity you've given me to make a few remarks. I assure you they will be short.

The Chair: Actually, someone cancelled. We replaced them with you, so we thank you for making this presentation.

Mr. Coleman: I want to try and underline some things that you will have heard in Toronto and in Niagara—incidentally, I applaud your courage and stamina. Some of the points that have been made are incredibly important. But before I do that, I want to salute the presence and participation of Cam Jackson, who in many respects is in fact the father of ODA. If it weren't for what he championed, I don't think we would be here in the first place. I want to make sure he understands that he's recognized for that great contribution.

The Chair: We will let him know when he comes, sir.

Mr. Coleman: Thank you, Mr. Chairman.

Mr. Arnott: On a point of order, Mr. Chair: I would just like to inform the committee that Mr. Jackson had to step out for a minute to make a telephone call and he'll be right back.

The Chair: It's understandable. I just wanted to make sure that was—please proceed.

Mr. Coleman: There are some critical limitations in the current, proposed act, and I think it's important they be addressed repeatedly.

In the first case, it's deficient because it makes no particular reference to the Ontario building code. We know from experience in Guelph that our building inspectors will adhere to the provisions of the existing Ontario building code, in spite of the fact that we have, in co-operation with London, a very advanced set of standards or guidelines for accessibility that we have introduced. Our building inspectors say, "That's fine, but it's not covered in the Ontario building code." That's their guideline and they need that.

We need standards that are set and enshrined in the act that identify how you do things, when you have to file your annual reports and what standards are acceptable for accessibility, and they should be common. In that regard, I should identify the fact that there is a consortium of municipalities in southern Ontario—about six or seven, I think—that are working with the Canadian expert on universal design to establish a new set of standards for accessibility that should be available in May or June. We would like to encourage the province to adopt those when they're available.

Public awareness and funding are two most significant devils to accomplishing really good things on behalf of persons with disabilities. Public attitude is not supportive of what we do. Municipal funding is less adequate than it

has ever been, and the opportunity of receiving funds to do expansion programs, such as curb cuts—as an aside, 48% of our intersections in Guelph are curb-ramped, or to put it differently, 52% aren't. For people who have a mobility disability, that means more than half of the intersections are impassable. They shouldn't be, but we have no funds to do it better. At the current rate of installation of curb ramps, it will take us 72 years just to curb-ramp those existing intersections. I suggest that's probably true in every major community in this province.

I should point out that the barrier-free committees in Guelph have just been incorporated, and that allows us to seek private funding over and above what the municipality may be able to provide us, which allows us, potentially at least, to do things we have not been able to do before. While that may be an example, setting a precedent, I would encourage other communities to consider the same approach.

We have a dilemma in Guelph, and I suspect other communities may have it as well. Our local library board determines that it is independent of the obligation imposed upon the city of Guelph as regards compliance with ODA. It takes the position that if it decides to, it will, and if it decides not to, it won't. What it suggests is that it's opting out of the provisions of ODA even though it's a fully funded community service. I've tried to find out whether that's acceptable in terms of the provisions of the act, and I have no answer. So I would encourage you to advise whether such bodies are in fact obliged to comply with the expectations of ODA. It would be helpful to us.

The timelines within the act are inadequate, to say the least. I'm 72. If it takes 20 years to realize compliance with the provisions of the act, I probably won't be around to enjoy them. As to the last 10 years of labouring as a volunteer in terms of working with persons with disabilities, I may not see the results of all the good intentions of the act. I think there's a limit to public patience, most particularly to the patience of persons with disabilities. They've heard these promises for years. They have yet to realize what those promises will give them.

The support system for persons with disabilities is a disgrace. To be obliged to live at 27% below the poverty line is an insult, and that's what the provisions require. If you earn more than that by any means whatsoever, even in spite of the fact that you can't earn anything in all cases, it's clawed back and deducted from the measly amount of money that's provided each month—less than \$1,000. I find it very difficult as a citizen and taxpayer to appreciate that this government or the previous government or any other government before it would tolerate such a disgrace. While there has been a meagre enhancement of that provision, it's still an insult. It must be very difficult for you to hold your heads up with pride and accept that, because it's not acceptable.

This whole provision is predicated on the participation of volunteers, some of whom are themselves disabled, but in the case of that, how do you know the individual is disabled? Two thirds of our constituency, 16,000 in

Guelph, are invisible disabled. They have no outward evidence of a physical disability. Most of the disabilities we address, as Mr. Jackson knows, are disabilities that are invisible. They are emotional; they are attitudinal; they are a learning disability—a wide range of circumstances that have nothing to do with being in a wheelchair or using a cane or a walker. By and large, I think our collective attitude is, “We’ll pay attention to the obvious and we’ll ignore that that isn’t obvious.”

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I think it’s time to reawaken ourselves and look at what we’re doing and why we’re doing it and, in particular, to address that timetable. If we have to wait five years to have standards that don’t go into effect for 20 years, or whatever the other provisions may be, just like the supplementary payments to disabled persons, that too is a disgrace.

You can’t expect people who have yet to receive proper resolution to their dilemma to wait another 20 years to see some resolution. I encourage you to accelerate that as best you can.

Mr. Chairman, that concludes my unscripted remarks, but they are from the heart.

The Chair: Thank you for that. There is six minutes, so two minutes each for questioning, but I wanted to let Mr. Jackson know that he was very complimentary of you. I’ll start with Mr. Marchese.

Mr. Marchese: Thank you very much. Is it Teeny or Tiny?

Mr. Coleman: Trav. T-r-a-v. There’s been a change to the agenda.

Mr. Marchese: Oh, sorry.

Just a couple of remarks on the timelines. This is the first hearing where literally everyone has talked about the fact that the timelines are too long. I am consistently raising it, and I think it’s going to become very difficult for the government members to overlook the fact that everyone is saying the timelines are too long. In every other place we’ve been, the government members have been saying, “Look, it’s a 20-year period. Don’t worry, there’s a five-year cycle of committees doing their work, so things are happening.” I disagree with them, and I think you strongly disagree with them, as many others do. I hope that they will listen to all of you when the time comes to make changes to this bill.

The other one has to do with standards. You make a good point, and others have made it too, that many have said we need guiding principles and values for the standard development process. Because we don’t have such guiding principles, it means that the various groups that are out there can do whatever they like.

Mr. Coleman: Pretty much.

Mr. Marchese: So I think you’re saying to the government members that government has to establish the guiding principles for the standards development committees before they go out and do their work, and that that work should start immediately. The time frame probably, in your view, shouldn’t be longer than 10 years, I imagine.

Mr. Coleman: I don’t have a magic calendar to suggest to you what it should be. I can simply tell you that 20 years or five years, whichever, is simply too long and not acceptable.

Mr. Marchese: I also want to agree with you in terms of the support systems. Governments keep on saying they just don’t have enough money. The Conservative government took away \$13 or \$14 billion from our income tax system. That means we don’t have any money to give out to people. The current government says, “We’re unwilling to raise taxes,” although they had to break that promise and raise taxes in order to be able to get money that we need. But unless we find dollars through a progressive system to be able to help people in need, they will be, as you say, 27% or 25% below the poverty line, and that ought to be unacceptable to any human being. I agree with that.

The Chair: Thank you. Mr. Leal?

Mr. Jeff Leal (Peterborough): The government of Ontario is now providing gas tax to enhance transit for municipalities across Ontario. As a former municipal councillor in the city of Peterborough, are you going to the Guelph city council to make sure a portion of that money is being used to enhance transit for the disabled? I think that’s a key area where we’ve got to keep their feet to the fire to make sure they deliver enhanced transit for the disabled. I just want to get your comments.

Mr. Coleman: We have a rather unique situation in Guelph, I suspect. We have what’s called a corporate steering committee made up of department heads of the municipal organizations that serve the public, including transportation. I talked to Randall French, who runs our city transportation system, yesterday, and he’s ecstatic because of the share of the gas tax that they’re getting, which will amount over three years, if I recall correctly, to some \$6 million. All of the problems that he had with respect to providing, for example, low-floor buses and other conveniences of service to persons with disabilities—most particularly those with mobility disabilities—while they haven’t been eliminated, have been addressed most significantly.

Mr. Leal: It’s always been my view that municipalities should set specific targets to enhance disabled transit.

Mr. Coleman: We have. The accessibility plan that we file each year—I think we’re into our third one now—identifies not only what we have done and what we’re planning to do, but the timetable in which we’re trying to achieve those objectives. Our major difficulty in transportation at the moment has nothing to do, however, with city transport; it has to do with the fact that as of about a year ago, we no longer have accessible taxis in Guelph. We are before the police services board to resolve the taxi issue. They’re not armed, I don’t think. We can’t convince the community and certainly not the two cab companies that they should provide accessible taxis.

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

Ms. Wynne: Thank you for being here today. I just want to go into this time frame issue. Mr. Marchese is absolutely right; we have heard over and over again about the time frame. You said at one point that the 20-year time frame is too long, and I understand. What we're trying to do is put that in as an end date, not a start date.

I just want to read you the section on standards development: "The standards development committee shall fix a target date for the implementation of the measures, policies, practices and requirements that the committee identifies for implementation at the first stage and the target date shall be no more than five years after the day the committee was established." So getting those province-wide standards in place—they have to be developed—and putting those committees in place with people from the disability community on them is a major thrust of the bill.

What I'm interested in is your comment—and it was not emphasized—that five years is too long as well. I just need to ask you to expand on that.

Mr. Coleman: Thank you for that opportunity. I've been involved in bureaucracies virtually all my life as a consultant, and one of the great dilemmas I find, and I think it's inherent in this current proposition, is that instead of dealing with the obvious information that's at hand, the tendency is to form a committee and give it three or four years to study a thing that's already been studied to death, to get the answers you already know. That's the beginning problem.

Ms. Wynne: All right, let me just push on that a bit. You're saying there is consensus, and I guess where there's consensus—I completely agree with you—we need to tap into that consensus. My concern and my experience are that in a lot of these areas there is not consensus, and we need to build that. So we need your help in finding those areas where there is, and where there can be quick action. That's why these hearings are so important, so we can tap into the community.

Mr. Coleman: The greatest resource your committee has is the AAC organizations.

Ms. Wynne: Absolutely.

The Chair: Thank you, Mr. Coleman. That is all the time we have. Thank you again for coming here.

Mr. Jackson: On a point of order, Mr. Chair: You indicated that all three caucuses would be given two minutes.

The Chair: Oh, I'm sorry. OK, you have two minutes, of course. My apologies.

Mr. Jackson: Thank you very much, Mr. Chairman.

Trav, thank you for being here and thank you for those very kind words. When you mentioned the 20 years, you may in your *[inaudible]* referring to me as the grandfather of the ODA.

Mr. Coleman: I'd be in the same boat, Mr. Jackson.

Mr. Jackson: I'm afraid so, although I hope I look as good as you at 72.

Unfortunately this committee has not received any briefing whatsoever on the ODA and Bill 125, and

you've referenced it in your remarks. When you talk about time frames, there are time frames in Bill 125, as you know. For example, it was very specific that the accessibility advisory councils had to be up and running by a certain period of time. That was the first timeline, and to a high degree, that's been honoured. But Gerard from Sault Ste. Marie referenced in his brief, when you were in the room, that not all have complied.

The second thing I put in the legislation was a \$50,000 penalty to every municipality, every hospital, every school board that didn't file. The government, in the last 17 months that it's been the government, has chosen not to proclaim that section of the bill. We didn't need to wait four years to do that because the timeline was clear. You had to get up—but you couldn't impose this fee on people two months after the ODA, because there weren't accessibility advisory committees in the province. That was something I made sure was in the bill.

Mr. Ramal: On a point of order, Mr. Chair: I want to note for the record that no change has happened. The ODA, 2001 is still an act and to put standards. So whatever has applied in the past will continue to apply in the present until we change it.

The Chair: Thank you. That's clarified.

Mr. Jackson, you still have the floor.

1120

Mr. Jackson: I don't think that was the point I was making, but anyway, we'll proceed.

We now know there are organizations that are in violation of the current legislation and are breaking the law for disabled persons. There are municipalities—and Gerard put that in his brief. The government tomorrow could take it to cabinet and proclaim that section. You know that as well as I do, from your experience working with governments. They are refusing to do that. You would have accessibility plans on the government's table tomorrow if they knew there was a \$50,000 fine. We have to wait 20 years before the penalty section kicks in under the new legislation, so the one and only penalty that's in there isn't being enacted.

The second timeline is the five-year review. This is fascinating. Nobody has raised this yet, but it's bothering me. The five-year review under the ODA begins in 10 months and the purpose of that review is to force the ODA back on to the table of government and force them to make the amendments as to what hadn't occurred in the first five years. This is significant, because five years will have already gone by since Ontarians with disabilities had been asked to have some clout.

The final point I want to make—and we could go with a dialogue here, which we can't because of time—is that the Accessibility Advisory Council, which is a majority of disabled persons, is empowered under the current act to create the regs and standards in sectors that do not need to be put to an all-encompassing committee to study for five or 10 years. These are very simple standards, like building code compatible with the Human Rights Code. Do you agree?

Mr. Coleman: I agree in principle. The dilemma is that the organization you speak of has not once been in contact with our committee. So we're operating in the dark in respect of what that—

Mr. Jackson: Because it's directed by the minister.

Mr. Coleman: I have no idea why. I can only report what—

Mr. Jackson: Well, that's with the access.

The Chair: Thank you, Mr. Coleman. I think we clarified a few questions. We thank you again for being here today.

Mr. Coleman: Thank you, Mr. Chairman. I particularly appreciate the last-minute opportunity to speak.

ACCESS GUIDE CANADA

The Chair: The next one is Access Guide Canada, Anne Robertson. Please have a seat, Madam. Again, there is 15 minutes that you can use as you please. You can start any time. If anyone needs any assistance, as I said earlier, we do have two individuals who are available for your assistance if there is any need. They are at the back of the room. Please go ahead.

Ms. Anne Robertson: Good morning. I'm here to speak as part of the disabled community. I'm one with an invisible disability. I'm also here in my role as a volunteer with Access Guide Canada. I am also a member of the London Accessibility Advisory Committee and I'm a trained occupational therapist.

Access Guide Canada is an on-line directory of accessible resources, such as restaurants, hotels, events and organizations. Volunteers across Canada go out and record the details in their own area and enter them on-line. This gives a record of what is accessible and where the barriers exist so the disabled community can refer to it when they're planning.

Personally, as an Access Guide Canada volunteer, I have assessed over 140 facilities and services in London. We only do buildings that a user of a wheelchair or walker could enter, but once you get inside, the barriers are staggering. Even when a washroom is marked "accessible," often it is not. Sometimes you can get the wheelchair in but you can't close the door. Sometimes washrooms are built to the building code and inspected, but they're not accessible. Sometimes—more often than not—they're used for storage. It seems to be a variation on a theme. Other times you go up a ramp to an outside door but it's impossible to get the door open. I could tell you stories of what I have seen out there.

Bill 118 addresses this problem to some extent, with the establishment of the accessibility standards appropriate to different sectors. The bill needs to speak of inclusion of universal design in these standards. This has been spoken of before and is a key point.

Since everyone, and especially government, is in favour of being economical, the city of London has already developed a standard including universal design, and they call it FADS, facility accessibility design standards. FADS incorporates the belief in universal design

that recognizes the broad diversity of people who use facilities. Universal design is defined as "the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design." Note that it is not design just for the disabled or a specific sector. Universal design needs to be incorporated into all sectors.

A frustration that I have encountered often in my ventures is that after I had completed an assessment, I would inform owners of existing barriers and usually give them written material on how to remedy the problem or where to purchase materials. I'd really have to sell it because I knew it wasn't very likely that the change would be made in a timely manner, although there were places like Masonville mall that had all of their changes made in two weeks. If there were serious ones, such as if the automatic door opener was broken or if there was no handle to open the cubicle door in the washroom—everybody else got a handle to open the door, but there was no way to open the door in the accessible cubicle—or if there were no raised or Braille buttons in the elevator, I would return to that facility to see if they had followed through.

I am so glad to see that there is going to be some kind of enforcement through this bill. People go to the path of least resistance, and often they have good intentions, but until it is mandatory, it will not happen. This is a big plus for Bill 118 over the Ontarians with Disabilities Act, 2001, but it is going to take time before this gets into place and the committees are appointed and the standards are developed and the reports are formed. We have to remember that the persons with disabilities are waiting. Again, the time frame comes up. We have to work with the committees to see where the standards already exist so that we're not reinventing the wheel.

Education is so important. You cannot effectively have regulation and change without education. In section 31, one of the duties of the proposed new Accessibility Standards Advisory Council is public information. This would not be sufficient since education is the key to change. The proposed Accessibility Directorate of Ontario in section 32 has the accommodation only for public education as it relates to the implementation of the act. Bill 118 needs to include a component for educating the public on disability and inclusion issues. We cannot create an accessible environment without an open-minded, educated community.

I would like to thank the committee for their time and for allowing me the opportunity to be part of this democratic process. I also want to thank all parties for voting on Bill 118 on second reading. I encourage you and your parties all to vote on the third reading, with some amendments, so that it passes and we will be on our way to building a stronger Ontario. This bill affects a large segment of our population. As someone told me recently, we are all a disability waiting to happen.

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To finish, I have an illustration to show how desperately we need public education and enforceable stan-

dards. I cannot remember where I was doing the assessment, but the group of people I was with were so very excited that they had a new, fully accessible washroom; did I want to see it? So they took me over and we opened the door. I was expecting to see a room, and then I looked down. There were 15 stairs going down, and there at the bottom was their new, fully accessible washroom. I think they missed the boat.

The Chair: I thank you for your presentation. We have just run out on the 15 minutes, and we thank you again.

DAVID DIMITRIE

The Chair: We'll move on to the next presentation, which is from David Dimitrie. Mr. Dimitrie, again, there are 15 minutes that you can choose to speak for, or you can allow for some questions. You can start at any time.

Mr. David Dimitrie: Good morning. My name is David Dimitrie. I am appearing before this committee as an individual who has lived with a chronic mood disorder called manic depression and obsessive-compulsive disorder for 18 years. I also have chronic spasticity in my legs, which hinders my ability to walk and causes extreme fatigue, leg muscle pain and muscle spasms.

Accessibility to employment and to goods and services is the main barrier that I face. I am an elementary French teacher and digital pre-press specialist in the printing trade. I have two university degrees and a community college diploma. Although I am totally fluent in both official languages in addition to German, most employers that I have contacted can't get past my mental illness's disabilities. To put it bluntly, they look terrified and embarrassed when I bring up my mental health disabilities in order to obtain workplace accommodations. Unfortunately, I also get this reaction quite frequently from civil servants at various provincial ministries when I disclose my mental health disabilities and ask for accommodations while accessing government services.

I experience this same reaction from others due to the visible hand tremors, stammering speech, dry mouth and profuse sweating which leads to dehydration that I experience. These symptoms are side effects of my medications. My obesity is a direct result of my daily large dose of lithium carbonate for manic depression. Before I took lithium, I ran marathons and played hockey. Today, my obesity, constant dry mouth, dehydration and muscle pain in my legs limit my mobility to short walks.

It has been my experience that mentally ill persons are often assumed to have low intelligence and to be prone to violence. Don't call this "stigma." Call it what it is: prejudice. This prejudice has led to my painful and isolated existence and kept me from using my education in the workplace, where I want to be.

I would like to thank the Honourable Marie Bountrogianni, Premier McGuinty and the members of this committee for their work on Bill 118, the Accessibility for Ontarians with Disabilities Act. Disability issues are clearly a high priority of this government.

I have spent the past eight years educating the public, retailers and employers about the ODA and disability rights. I have studied Bill 118 thoroughly. Unfortunately, I cannot support it as I supported and lobbied for the current ODA. I reached this position for many reasons which I would like to explain today.

(1) Bill 118 is biting off more than it can chew. The road to accessibility for all the groups represented in the current ODA definition of "disabled" requires many pieces of legislation, written specifically to break down barriers unique to each disability. For example, the barriers that I face are largely attitudinal and organizational in nature, whereas my friend Jim, who lives with cerebral palsy, requires more building and workstation accommodations. There is no one magic piece of legislation that will make Ontario an accessible place for disabled persons.

(2) It is futile to discard the existing act less than four years after its creation. The current ODA has broken the ice on the issue of accessibility in Ontario. It deserves more time. The advisory committees created and the work that has been done in the past few years have made a difference in municipal and provincial government through mandatory accessibility plans. The current ODA has made a difference in new building construction and renovations at the provincial government level and to some extent in municipalities. Many municipal governments, including London, have voluntarily adopted building standards for municipal buildings which far exceed the current building code: FADS in London.

(3) The 20-year timeline that Bill 118 uses does not take into account changes in government and the government policy that will occur in the next 20 years. Three years from now, we could have a new government that could repeal or replace this legislation.

(4) Bill 118 lacks an effective conflict resolution system for disabled individuals. As I read the bill, the job will fall to inspectors and a tribunal that will be created at some point in the future. There is no mention in the bill about how disabled Ontarians will file complaints or represent themselves in complaints. Our legal aid system is overworked and underfunded. Many lawyers do not accept legal aid, and legal clinics are overwhelmed with eviction issues at the Ontario Rental Housing Tribunal. Most Ontarians do not qualify for legal aid. If they do, it's often insufficient to cover the entire legal matter.

(5) The role of the private sector contained in Bill 118 is insufficient. While they will be consulted on standards, it is doubtful that they will have much clout when it comes time to write the standards. Bill 118 is economically threatening to small businesses, employers and many other groups not covered in the current ODA. Having read the bill, I found the role of the standards committees, the standards development process, inspectors and fine structure heavy-handed and unlikely to elicit co-operation from the private sector. All facets of the private sector must co-operate with any plan to make Ontario more accessible. If private sector co-operation is the goal, Bill 118 is the wrong legislation to achieve it.

Chambers of commerce, local business associations and other interested persons in the private sector could work directly with disabled Ontarians through other voluntary means to improve co-operation. I believe the private sector wants to create an accessible Ontario, but they fear high costs and heavy-handed bureaucracy from Queen's Park. The private sector would be able to build accessibility into their hiring, marketing, construction, store layout, staff training and customer service policies if they were approached in a co-operative manner. Co-operation with the private sector could lead businesses and employers to see disabled persons as customers or potential employees instead of a burden to their bottom line.

Bill 118 is an unwieldy, expensive, over-reaching piece of legislation. Bill 118 should be scrapped.

I have an alternative for this committee to consider.

For reasons stated above and given previously through my long and passionate involvement in disability issues, I suggest that a ministry for disability issues, hereafter known as the MDI, is the best alternative to Bill 118. The current ODA would remain as a foundation for the new ministry.

For 10 years, two provincial governments, countless persons with disabilities and many others have in good faith attempted to draft one piece of legislation that will make Ontario an accessible place to live for the many groups included in the ODA definition of "disabled." There never was, and there never will be, one act that can achieve everything that Bill 118 is trying to achieve. I have worked on disability rights issues for the last eight years, and I no longer believe that the Legislature can craft a one-size-fits-all disabilities act for all of the affected groups. At some point, the provincial government is going to have to stop looking for the magic piece of legislation that will make Ontario accessible. It doesn't exist.

The benefits of a separate MDI are as follows:

(1) A separate ministry for disability issues, MDI, will work with each ministry and the private sector through existing advisory councils. The Accessibility Directorate of Ontario and the provincial advisory council should be folded into this new ministry.

(2) A new layer of voluntary advisory councils would be created in cities and towns across the province, made up of members of the private sector, that would improve education and accessibility in retail stores, hiring committees and many other areas of the private sector. These recommendations would gradually be written into law in the respective ministries.

(3) A ministry for disability issues could be a watchdog for human rights abuses that disabled people face daily. The Ontario Human Rights Commission has consistently failed in its role to protect disability rights and improve accessibility. The previous government believed it could be the enforcement arm for the ODA. They were wrong. Anyone who has gone through the miserable process of filing a complaint and waiting for a year or seven years for a resolution knows how humiliating and degrading the process is.

An MDI would put a minister at the cabinet table whose sole responsibility is to handle disability issues. It's time that disabled Ontarians had the same amount of power at the cabinet table as Bay Street lawyers, financiers, developers and lobbyists. The minister could influence legislation from other ministries that may have ignored the needs of persons with disabilities. One of the most important pieces of legislation a Ministry for Disability Issues could influence is the Ontario building code. It's currently being revised and is in desperate need of attention to issues of accessibility.

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(4) There are at least 1.5 million Ontarians living with disabilities, and the numbers are growing exponentially with the aging of the baby boomer generation. Persons with disabilities range from newborns to elderly persons. Premier McGuinty would be sending a very strong statement to all provincial ministries if this ministry were created.

(5) Lastly, a new ministry would correct one of the weaknesses of the ODA by placing an emphasis on print and electronic advertisement, advocacy and public education. Disability issues would be integrated into the school curriculum.

The federal government has already recognized the need for a permanent institution that deals with disability issues. It created the Office for Disability Issues under the portfolio of Human Resources Development Canada. Ontario should follow their model and create the MDI. A Ministry for Disability Issues could work cooperatively with its federal counterpart in providing grants, tax incentives, work subsidies and other bilateral services to disabled Ontarians.

The real battle for disability rights will be won one person, one business and one employer at a time, not through massive legislation that promises next to nothing in the near future. Disabled persons must begin to advocate for themselves on a continual one-to-one basis with retailers, employers, family, friends, work associates and anyone else who affects their lives.

I have presented my objections clearly to Bill 118. At the same time, I've provided an alternative for the committee to consider. I'm asking that the committee allow disabled people to escape from the shadows of the citizenship ministry and into their own ministry. It's a matter of civil and charter rights.

My good friend Jim has lived with cerebral palsy his entire life. He has often told me about the lack of government support for him in his goal to return to work in his chosen field as a bookkeeper. He lives on a meagre ODSP pension. He continues to speak out for disability rights with anyone who will listen. A permanent ministry dedicated to people like Jim and me and the self-empowerment of disabled persons will produce an accessible Ontario on a reasonable timetable.

In my work and studies, I've found that passion is a good thing. Passion mixed with sober thought and analysis is even better. The ODA passed in 2001 is a solid foundation upon which a permanent Ministry for Disability Issues should be built.

The Chair: Thank you very much for your presentation. We have three minutes, one minute each, and we'll start with Mr. Ramal.

Mr. Ramal: Thank you, David. I've been listening to you a lot. Thank you for continuing to be active. Hopefully, we can take your recommendations to the minister and to the Premier.

Things like creating another ministry would be creating another layer of bureaucracy and will delay stuff. You don't think the Ministry of Citizenship is doing the job it's supposed to do in order to deal with the issues? Just as a result—

Mr. Dimitrie: A separate ministry would put a cabinet minister for disability issues at the table for every cabinet meeting. That would be on the news every night and that would put disability issues on the front burner. I don't see any downside to that.

Mr. Jackson: David, I'm afraid I have to say that I've been waiting for someone in the last three and a half years to figure out just what happened in 2001, and I think you've hit it. I'm going to be very, very honest with you. Your idea was first floated and was rejected because governments don't like being told how to create new ministries. I personally agree with you, but that was not in the cards. It's unfortunate, but you've hit it.

Recently, a reporter asked me, "Cam, three years after you did the ODA, what are the two largest impediments?" My answer was changes in ministers and changes in government. You've figured it out. By having a permanent ministry that requires—I remember that the Liberals years ago did this with the Ministry of the Environment. They stuck Jim Bradley there for five years, and rightly so. They needed progress in that ministry. They kept the minister there for five years. It was the proper thing to do. Unfortunately, today you've got Minister Bountrogianni, who is one of the busiest ministers in this new government. The monies allocated for disabled persons in her ministry represent 2% of her total budget. In theory, that should represent about 2% of her time management. That's a flaw in the system.

So I commend you for sifting through this and saying, "You know what? We're asking politicians to try and think through the lens of the disabled." There are very few disabled who have tried to think through how bureaucracy acts. You've done that here.

Mr. Dimitrie: It's ironic that you said she gets 2% of her time and resources for that, when 20% of Ontarians are disabled.

Mr. Jackson: Exactly. Bingo.

Mr. Dimitrie: I can't say any more without being redundant.

Mr. Jackson: You've hit this point. Finally, I want to suggest to you: In line 127 of your brief, you talk about the portfolio of Human Resources Development Canada. The first person I chose, and I hand-picked the individual, to head the Accessibility Directorate of Ontario was a lawyer from Thunder Bay named Dave Shannon. I told the Premier I would take the job on the condition I got

the best person in the province of Ontario to do the job. He was Lyn McLeod's Liberal riding president. I said, "I could care less about the man's politics. He's the best man to do the job." Four months on the job working for Ontario and the federal government took him and hired him at Human Resources Development Canada. I rest my case.

The Chair: Thank you, Mr. Jackson. Before I go to Mr. Marchese, there was a point of order. Could I just allow that, and then I'll move on.

Mr. Ramal: On a point of order, Mr. Chair: Just to note for the record, Mr. Jackson is mixing up two ministries. We have a Minister of Citizenship and Immigration 100% devoted to volunteers and disabled people across the province. We have a full administration to look after the whole venue. That's just for the record.

Mr. Marchese: David, I want to respectfully disagree with your recommendation. Even if you change the title of the citizenship ministry to Ministry of Disability Issues, it wouldn't mean a thing. Just to complete the point, what you need to deal with disability issues is a strong law. We introduced employment equity and there was a great deal of disagreement about how to do that. This government got rid of it in no time at all. Doing things voluntarily doesn't work. The previous law, the ODA, didn't have the private sector included. It was incredibly weak. It was an effort, with all due respect to Cam—he on his own made a good effort—where his government didn't support him in that regard.

Mr. Dimitrie: Mr. Marchese, let me briefly—

The Chair: We are going—

Mr. Dimitrie: He said something that was false.

The Chair: Excuse me. I hadn't finished yet, sir, and I will allow you to speak. What I'm trying to do is that we are over the time and Mr. Marchese has the floor. I will allow you to make a comment after Mr. Marchese, and that will make everybody happy.

Mr. Marchese: My view is that we need a strong law. This law we have here in front of us is an improvement on the old, and it's very weak and it needs to be strengthened on the basis of what so many deputants have suggested, with which I agree. So I'm just saying to you that, in spite of what you said, I'm disagreeing with you.

Mr. Dimitrie: There was a false statement. At no point did I say that the citizenship ministry should be abolished. I said an MDI should be created. At no point did I say that.

Mr. Marchese: That's fine, David.

Mr. Dimitrie: And I did not come up with this idea over a coffee at Tim's.

Mr. Marchese: I understand.

The Chair: Mr. Dimitrie, thank you very much. You made a good presentation. A little debate helps sometimes. Thank you for qualifying it. If you still have any questions, we can certainly speak in 15 minutes, because we're going to break for lunch.

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CITY OF KITCHENER

The Chair: The last presentation before we break for lunch is from the city of Kitchener: Margaret Sanderson.

Ms. Margaret Sanderson: Good morning. My name is Margaret Sanderson. I'm an inclusion coordinator responsible for corporate accessibility issues, representing the city of Kitchener. I'm joined today by my colleague from the city of Waterloo, Lori Ludwig, who is an organizational leader with the city of Waterloo.

We welcome this opportunity to make a brief presentation to the standing committee on social policy with respect to Bill 118, the Accessibility for Ontarians with Disabilities Act.

The cities of Kitchener and Waterloo have worked collaboratively in a purchase-of-service arrangement in the area of disability issues since 1988, and continued to do so with the implementation of the ODA, 2001. The city of Waterloo supports the city of Kitchener in our presentation today regarding this pending legislation.

I would like to begin this presentation with the statement that both cities support the spirit and intention of Bill 118 and the enormous breakthrough that this legislation represents for persons with disabilities, not only in our communities but across Ontario.

We are here today to offer our cities' assistance early in the process of the development of Bill 118 and to present three main points that our municipalities would like brought forward with respect to the legislation. Our cities have significant expertise in the area of removing barriers of all types affecting the full participation of persons with disabilities. The following achievements are noteworthy:

In 1999, municipal planning staff and persons with disabilities completed barrier-free accessibility standards. The standards are recognized in our communities, and we are now working to have these standards adopted and implemented in our neighbouring municipalities.

In 2000, resolutions were passed by both Kitchener and Waterloo councils urging the province to enact a strong and effective Ontarians with Disabilities Act.

In 2001, there was a resolution by Kitchener and Waterloo councils to endorse the 11 principles for an effective Ontarians with Disabilities Act. This document I'm sure you're familiar with, as it was unanimously passed by all parties in the provincial Legislature.

In 2002, city of Kitchener chief building official Jim Witmer acted as the chairperson of the Ministry of Municipal Affairs and Housing's technical advisory committee on barrier-free regulations of the Ontario building code. That same year, direct input from Kitchener and Waterloo residents with disabilities was submitted for the Ministry of Municipal Affairs and Housing's consultation on barrier-free access requirements in the Ontario building code.

Municipal staff and persons with disabilities from both cities have also provided strong leadership and action in

the development of the Ministry of Citizenship's 2002 Playability Tool Kit around building accessible play spaces in Ontario, in co-operation with the Ontario Parks Association. This document is utilized across the province. The Designing for Inclusion forum in October 2003, funded by an AccessAbility grant from the Ministry of Citizenship, involved a steering committee of several neighbouring municipal staff from Guelph, Cambridge and Kitchener-Waterloo, persons with disabilities, non-profit organizations and staff representatives from the Ministry of Citizenship and was well attended by over 200 people from southwestern and central Ontario.

The cities of Kitchener and Waterloo were cited on the Ministry of Citizenship's Accessibility Ontario Web site as a best practice in our vision to create a seamless community for persons with disabilities with the creation of a joint accessibility advisory committee, which is called the Grand River Accessibility Advisory Committee. It is the committee for six municipalities in our area—the region of Waterloo, the cities of Kitchener and Waterloo and the townships of Woolwich, Wellesley and North Dumfries. Two members are here today, James Hunsberger and Brad Ullner, and you will be hearing from James Hunsberger later today representing the Grand River Accessibility Advisory Committee.

With our strong history, passion and involvement of persons with disabilities in removing local barriers, we would again like to offer our assistance to the provincial Legislature and the Accessibility Directorate in the development of Bill 118.

As mentioned earlier, our municipalities have three main areas we would like to see addressed in the legislation.

Mandatory standards: This bill, we know, will include the implementation of tangible mandatory accessibility standards. Our recommendation: The cities of Kitchener and Waterloo would like to reinforce the importance of municipal representation on provincial standards development committees and are requesting representation from the cities of Kitchener and Waterloo as a member of any provincial standards development committee proposed under the new legislation, especially those pertinent to accessibility standards for municipalities.

Timelines: This legislation requires full consultation by the province, upon release of proposed accessibility standards, with stakeholders, including municipalities. Currently, the act proposes a 45-day turnaround time. There is a need to have reasonable and achievable timelines for implementation.

With respect to the removal of physical and architectural barriers, our recommendation is as follows: to follow the current process that the Ministry of Municipal Affairs and Housing has with respect to proposed changes to the Ontario building code; that is, that the timelines be moved so they would be more consistent with respective requirements to proposed amendments in the Ontario building code, which allow all stakeholders to meet and discuss the impacts of proposed changes

from the perspective of their particular interest group—in this case, home builders, non-profit groups, the province, municipalities etc.

Funding: Again, the city of Kitchener supports the spirit and intention of the legislation. However, with additional requirements of the proposed act, the cities are recommending that funding assistance from the province be considered in the passage of new legislation, as it is expected that costs to municipalities will be significant to implement requirements of the act.

In summary, we thank you for this opportunity to present this morning. We are here to offer our assistance in the development of this legislation early in its evolution and, as highlighted, to bring forward the three areas of recommendation with respect to mandatory standards development, timelines and funding.

The Chair: Thank you very much for your presentation. We have three minutes. We'll start with Mr. Arnott: one minute each, please.

Mr. Arnott: I want to thank you both for your presentation today and for being here, and for the information you provided this committee about how the cities of Kitchener and Waterloo are providing real leadership across the province on this issue.

You mentioned earlier in your presentation that mandatory accessibility standards have been developed by our cities. Can you elaborate a bit on that, as to how we might adopt some of those standards for the provincial standards that are being contemplated?

Ms. Sanderson: Actually, the standards are not mandatory, but they have been developed and are encouraged through dialogue with our planning staff and the building sector and developers for implementation. We are now in discussions with three or four other local municipalities and townships to adopt those standards so that they go beyond Kitchener-Waterloo into the townships and rural communities, so that a person with a disability doesn't have to notice a change when they go from one city or township; the standards would in fact be used throughout the community.

Mr. Marchese: Thank you, Margaret. The last comment has to do with funding. We were almost getting assurance from some of the Liberal members that none of these costs ought to be, or would be, downloaded to the municipalities. My sense is that they don't have a clue yet about those costs, that there will be tremendous costs to municipalities. You were suggesting, of course, that funding somehow be set aside for municipalities because there will be costs. Could you tell us what you think some of those costs might be, for our benefit?

Ms. Sanderson: Certainly. I just finished taking a report forward to our council. I think we're anticipating both capital costs and also operational costs. We don't know yet what impacts this will have, in terms of physical barriers, for our building inspectors and other areas. But definitely both capital and operating costs are foreseen.

Mr. Marchese: And that's not going to be cheap, I suspect.

Ms. Sanderson: No.

Mr. Marchese: So we're going to need money.

Ms. Sanderson: We're going to need money.

The Chair: Thank you, Mr. Marchese. Mr. Fonseca?

Mr. Fonseca: Thank you very much for your presentation and bringing forward something that this bill is pushing for, which is around mandatory standards, bringing teeth to what the previous act did not have.

In regard to the standards development committees, I know you want to sit at the table, as so many others who have presented to us want to sit at that table, because they want to see things move forward and to make sure those standards are of the highest level. Because there is limited space, would you consider AMO being a representative for municipalities at the table?

Ms. Sanderson: I know locally we do have a region of Waterloo representative on AMO, but I think I speak for both the cities of Kitchener and Waterloo that we are mid-sized cities that are much smaller than the regional government and have less funding than our regional government. I think we would bring the perspective of a municipality of a population of around—well, Kitchener is 190,000; Waterloo is approximately 96,000. They are differently funded. So, no, I think it would be important to have municipal representation on provincial standards development committees from municipalities of all sizes.

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

We are going to have a one-hour break for lunch. The staff and MPPs can use the Tuscany Room for lunch. Just let the waiter know that you are from the province. We'll be back at 1 o'clock. Thank you again. We'll see you after lunch.

The committee recessed from 1201 to 1302.

The Chair: Thank you and good afternoon. We will be starting the afternoon session right away.

MARIANNE PARK

The Chair: The first person on the list is Marianne Park. Would you please take your seat. As you get ready, I'll just remind everybody that we have 15 minutes for each presentation. If you spend all the time presenting your case, then there won't be time for questioning. You can do whatever you please.

While we are here, there are two people in the back of the room who are available for anyone who needs assistance. If you need them, just indicate and they will be available for you. There is also translation taking place, and therefore everybody will be able to see what's taking place here, and to see you and your presentation on TV. This day will be shown next Saturday on TV, so be aware of that.

You have 15 minutes; you can start any time.

Ms. Marianne Park: Good afternoon, everyone. My name is Marianne Park. I have the distinction of being a woman with a disability. I'm a person with albinism and low vision. I'm medically or legally blind.

My background is such that I've worked in the advocacy field, particularly around the issue of violence against women, for over 18 years. I've been very active in self-advocacy and advocacy on a systemic level around the issue of disability. I also have the pleasure of sitting on the board for Disabled Women's Network, DAWN Ontario. However, today my representations in regard to Bill 118 are my own representation. So, although I am a single voice, please rest assured that I bring the voices of many to this table.

One huge barrier is—and I want to talk specifically, of course, about the bill; that's what we're here for, but just to give you a sampling of some barriers that those of us with disabilities face on a daily basis. I come from Woodstock, which is about 30 miles away from here. In order to get here for 1 o'clock—obviously I do not drive, and don't have access to a vehicle—I had to leave my home at quarter to nine this morning, take a city bus, go on a train, get here at 10 o'clock, take the bus out here and navigate sidewalks, which are not the most clear, all for this 15 minutes. That's how very important it is for me. Because of transportation, which is a huge barrier, particularly for those of us who live in a rural area or small community, I won't be able to get back to my home until 8 o'clock this evening.

That, I think, speaks to how very important I believe this work is that you all are doing, and the work that all of us with disabilities are doing in the advocacy field and talking about the barriers that we face and trying to translate those barriers into understandable bites for dominant culture.

On the whole, I think Bill 118 is a fabulous bill. The 20-year time frame: I would like to see it smaller. Of course I would. But I think that's a realistic time frame, most definitely. I agree most wholeheartedly with the recommendations in the brief that the Ontarians with Disabilities Act Committee has submitted. I know you're all very familiar with that brief, so I won't go into that issue, but there are a few issues that I wanted to specifically highlight.

The bill is quite general, and you know when a bill lacks clarity, when it comes to implementation, that can be very confusing and very troubling. I encourage a bit more clarity in the bill, with specific time frames, specific guidelines and also benchmarks. That's very important, because we cannot foresee what another government may do if there are not specific time frames in this bill once it is passed.

I think it's very important that it look at a cross-disability perspective and look at all types of barriers, particularly attitudinal barriers. Attitudinal barriers are some of the hardest, not necessarily to identify, but to remedy. I can give you an anecdotal example: I've had the pleasure of serving with an organization for the last four years. I still have difficulty with that organization in obtaining large-print material on a consistent basis. Why? Because the individuals whom I'm dealing with, although very kind and always very apologetic about it, have very little understanding about levelling the playing field and how it makes an individual feel to be excluded

in some ways, whether it be intentional or unintentional. So, attitudinal barriers and breaking those barriers down is very, very important.

One omission from the bill is the lack of a monitoring or complaint process, some type of tribunal for when individuals do not comply. That is very troubling. Indeed, we know that for individuals now we have the Ontario Human Rights Commission, but that's a very inadequate forum to resolve issues around equity in regard to disability and in regard to barriers that we face.

I applaud all parties who have endorsed the bill. That is just fabulous to see, that teamwork and that team effort in wanting to make Ontario a better place for all of us and be very inclusive.

You will notice that in the bill there are a lot of places where the expertise of people with disabilities is going to be utilized, and that's a good thing. For many years we have been ignored or not acknowledged or have been tokens in some ways. So it's very good that we're being acknowledged and that our expertise—because in a lot of ways we do know a lot around not only the issue of disability but the issue of barriers and accessibility—be utilized. However, in the text of the document it should contain some type of wording in regard to remuneration, such as per diems and expenses to be covered by individuals with disabilities and the agencies that service them that will be participating in these standards committees. That's very important. Just as it's important, when we're looking at that complaint process, that the tribunals regarding the complaint process be made up of people with disabilities primarily, and people with experience in the issue of disability and the experience of accessibility, not just in the experience of standard-making or the standard in that area.

One thing that is not in the bill but which I would like to see mandated, and that is certainly training: training for all regulated professionals operating here in the province of Ontario, whether that be lawyers, architects, members of the regulated health professions—so the 26 colleges there—social service workers, teachers, any regulated profession. That could indeed assist in levelling the playing field if these individuals, in their training, were mandated to have a strong understanding of the issue of accessibility and the issue of disability, and how those of us with disabilities can be disadvantaged and are indeed disadvantaged.

In fact, in section 1 of the bill, which basically is the purpose of the bill, it outlines and it also outlines the vision statement. In essence, that's what it is: the vision. That's one way in which I think it could be strengthened. Unfortunately, in that purpose, in no place is the systemic discrimination that those of us with disabilities face on a daily basis acknowledged. Ontario, although it's a good place to live, a good place to work and a good place to be a part of, for those of us with disabilities, whether it be from the issue of poverty to the issue of systemic discrimination that we experience, that's a reality, and that reality needs to be acknowledged.

I am very troubled by, in section 6, the words "open to the public," that phrase. An organization could be exempt

if indeed they say, “We’re not open to the public.” That “open to the public” is a very troubling phrase, so much so in fact that it used to be in the Human Rights Code, and in 1981 that was omitted. I would recommend that section 6 be amended to take out “to the public” phrase because that is a convenient phrase that was utilized years ago to exclude women from clubs, to exclude persons of colour and now could be utilized to exclude and marginalize further those of us with disabilities.

Finally, in addition, section 40, where there is a provision for an exemption, that some organization or group or sector could apply for an exemption to the act, I would recommend that this be deleted completely because you’re going to have a flood of people standing up and organizations saying, “We want an exemption,” because of the old chestnut that accessibility is too costly. “What are we supposed to do? How can we please everybody?”: the same old chestnuts that have been used in other areas. So I would recommend that indeed that section be deleted from the act.

Once again, I want to thank you for this opportunity to make the presentation. I’ll answer any questions that you may have. Thank you very much for listening.

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The Chair: Thank you very much for coming all the way to see us, Ms. Park.

There is about a minute and a half each available. I’ll start with Mr. Marchese, please.

Mr. Marchese: Thank you, Marianne. You covered a lot of ground, and while you praise the government for its initiative, you, along with many others, have raised issues that I think need to be dealt with. Otherwise, I’m not sure the bill will be as good as it can be.

You talked about a number of issues, including the time frame. I have some disagreement with you on that, and so do many other deputants, but I want to say that 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 is reasonably possible.” Do you really think 20 years is reasonable?

Ms. Park: I’m 46 years old. There has been and there still is discrimination faced by those of us with disabilities, but I remember a time when it was even more evident and apparent when we tried to access services and professions and other things. So, yes, as I said, I would love to see it quicker than 20 years. I would love to see that quicker. But the reality is, I know that, whether it be inclusion around disability, inclusion around gender, inclusion around race, things don’t happen overnight. I think it would be better to move a bit slower but certainly have benchmarks placed, that there’s an expectation that in five years you will be here, and in six years you will be there.

Mr. Marchese: All right. Thank you, Marianne.

I want to deal with another point you mentioned about no tribunal, because I think it’s an important point, and about the weakness of the current system, where you have to take a complaint to the Ontario Human Rights

Commission. If you don’t take it yourself, your point, your problem, your grievance will not be dealt with. We know that it might take anywhere from six months to three years. We also know it takes a strong person to be able to take an issue through the whole process. That’s a lot of grief for an individual to deal with. This bill doesn’t deal with that either. You can go to a tribunal where a company “fails to comply,” but it doesn’t allow you to say, “This matter isn’t being dealt with.” That’s where your point about needing a tribunal for people like you to be able to go to is, I think, important. I agree with you.

Ms. Wynne: Thank you, Marianne, for coming. The points that you raised around just getting here this morning really highlight the inconsistencies around the province too in terms of the ability of people to get around. I appreciate that.

I also appreciate your acceptance of the realities of implementing these changes. You understand, I know, that 20 years is the outside time frame, that there will be changes as we go along, as the standards development committees are set up. So I appreciate your approach.

I have a question about your concern with section 6. We’ve certainly heard the concern about exemptions—I think it’s section 40(1)(r)—and other delegations have raised that issue. But can you just clarify the issue of “to the public”? As I read section 6, “an accessibility standard may apply only to a person or organization that (a) provides goods, services or facilities to the public,” and that phrase is used in various places. My understanding of that is that it would mean it’s not applicable to private homes or private endeavours. Could you just elaborate your concern?

Ms. Park: My concern is that a club, for example, is not accessible and is not inclusive and has its policies, right? Say I apply to go to that club or to become a member of that club and I’m denied and they openly admit to me I’m denied because of their able-ist beliefs. I may complain, but they’ll say, “You see, you have no grounds for your complaint because we’re a private club. We’re not open to the public.”

Ms. Wynne: So where there are membership issues, you’re suggesting there are concerns.

Ms. Park: Yes, most definitely. You folks have probably seen the brief from the Advocacy Resource Centre for the Handicapped, ARCH. They also highlight that whole issue as well.

Ms. Wynne: Just quickly, do you know if DAWN is going to present a brief?

Ms. Park: No, I do not know.

The Chair: Thank you again for coming, and have a nice day.

ST. THOMAS ACCESS
AND AWARENESS COMMITTEE

The Chair: The next presentation is from Mr. Stan Taylor of the St. Thomas Access and Awareness Committee. Good afternoon.

Mr. Stan Taylor: Good afternoon, Mr. Chairman, honourable members of the committee, special guests, fellow presenters, ladies and gentlemen.

I am visually impaired, legally blind. I'm here representing the St. Thomas Access and Awareness Committee, which was established in the 1990s with a grant from the Thames Valley District Health Council. We are known as the thumbs-up committee because, be it a private business or a public building, if they meet our criteria, we put a thumbs-up decal on the door or window so the disabled know that they can shop in safety. I'm also proud to say that our committee is 90%-plus made up of the disabled community, and we get things done.

I've just finished two very frustrating years on the St. Thomas municipal ODA committee. I quickly realized the games that were going on there: a one-hour limit, rescheduling, cancellations, late starts, "We don't have a quorum, so we'll have an information meeting," "It's built to code," and, of course, the old phrase, "We have no money."

I would like to chat with you on three topics this afternoon: public transit, almost invisible, and crossroads.

There's good news and bad news about public transit in St. Thomas. The good news is that thanks to the gas tax, we were able to offer free rides to everyone on New Year's Eve, and they were able to buy a new 19-passenger bus. The bad news is that the decision-makers and planners in St. Thomas do not ride the buses.

We need a transportation committee enshrined in Bill 118.

St. Thomas Transit operates on the loop system: Wherever you get on, you have to complete the loop before you get off, which means that a 15-minute trip to our seniors' centre takes two buses and 40 minutes, and half the time I'm going the wrong way. It operates on a 7 to 7 timetable weekdays, with no Sunday or holiday service. But the planners say, "You know, those buses cost money."

Ladies and gentlemen, I did my own survey for the past couple of months, and when I ride the bus or paratransit in St. Thomas, I spend about \$50, on average, when I go to the drugstore, the grocery store, or that fresh, homemade candy store. We are the best customers that a city like St. Thomas or other community has as bus passengers, because we cannot go shopping out of town.

I'd like to say one word about our paratransit service: wonderful. They too, though, are restricted to a 7 to 7 schedule weekdays, and they cannot take scooters. I hope you've been noticing the ads for scooters that have been sprouting up over the holidays. Come spring and summer, scooters are going to plague our roads and sidewalks. Retrofitting paratransit vehicles to accommodate scooters is paramount.

Yes, we need a transportation committee with teeth.

Under the public transportation companies section of the current ODA, the committee agreed with me that taxis meet those qualifications. The fares are set by the city, the taxis are licensed by the city, and they do take the public. In St. Thomas, when the buses stop, you have

to call a cab. We have two companies operating in St. Thomas, but we have no accessible taxicabs. London, England, has accessible taxicabs that will take wheelchairs. Why not London, Ontario, or elsewhere?

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Topic 2, Almost invisible: At times, I think we get the idea that society doesn't know we exist. I don't know how many of you in your evening paper last night had a three- or four-page flyer about coming to Niagara Falls. I think there was one for \$99 for two people for two days with meals included—a wonderful opportunity. More than 20 ads in that flyer; not one said, "Come with us. Bring your wheelchair. We're accessible." When was the last time you saw a television ad with somebody getting a Big Mac from McDonald's using a scooter? Yes, the drive-in is open late—if you have a car. We are almost invisible in winter. Many of us, of course, use canes and scooters. For others on wheelchairs or scooters, they're their legs. It's not easy or safe on ice or snow. Without friends and neighbours, we are often shut in or shut out.

To break down some of these barriers, we don't only need laws; we need society to change their priorities, perceptions and attitudes. I think we are at a crossroads. No doubt, Bill 118 will be well-written and well-meaning, but we have to get the words off the paper.

If I could ask each of you on this committee a question, it would be: When you go home, is your riding office accessible? Is the washroom accessible? Before the ink dries on Bill 118, I ask you to ride your buses, ride your paratransit, talk to the drivers and passengers. That's how I found out that at least six medical and doctor offices in St. Thomas are not accessible.

At this point in my presentation, ladies and gentlemen, I must tell you that I didn't quite have the ending that I wanted. I thought, "I must go back and redo that ending." I've always been frustrated, in my two years in St. Thomas, about why we couldn't get things done and why we weren't getting answers and why it seemed to be game after game after game. I think the reason, ladies and gentlemen, is communication: I don't think the people at city hall in St. Thomas knew what we were talking about. So I think, as well as Bill 118, we must have pamphlets, papers, news stories, articles, magazines. We must get home the point on accessibility. How long did it take before people buckled up their seat belts in their cars? How long did it take before the "don't drink and drive" news and slogans started to hit home?

I think 20 years is—I would agree; I'd like it to be faster, but I think it's a reasonable time. But unless we lay the groundwork—I watched President Bush last night. At the end, someone said, "You know, if he doesn't get over 50% rating in the polls, he can't do any of those things." If we don't get 60% to 70% of the people in Ontario to say, "Yes, we think accessibility is a reasonable thing; we should do that," we're not going very far either.

I'm certain that the disabled will rally around Bill 118, and if we work together, we can build a better tomorrow, a more accessible tomorrow, by putting down a solid foundation today.

The Chair: Thank you, Mr. Taylor. There is a minute and a half each for questioning. I'll start with the Liberals.

Mr. Leal: Thank you, Mr. Taylor, for your presentation. As a former municipal councillor, I take great interest in municipal transit across the province of Ontario. My question to you, sir, is: Do you think through this process we should set up a standard for municipal transportation right across the province, have it one standard so that, whether you're in Cochrane or Kenora or Peterborough or Petrolia, there's a standard across the province to improve accessibility and have it uniform?

Mr. Taylor: I'm not sure I really get the point of that question.

Mr. Leal: A uniform standard for municipal transportation.

Mr. Taylor: Yes. I was riding the TTC in Toronto when I was seven and eight years old. I got to know that if you went west and you wanted to go east, you crossed the street and went the other way; the same with north and south. In St. Thomas, we have a very, very confusing system. Yes, we need uniform standards. One point I neglected to mention was, does accessibility only have to do with the vehicle, with the bus? Because St. Thomas Transit doesn't stop at the library; it stops a block away. It stops more than 100 feet from the hospital. At one of our shopping centres, you must walk through a parking lot across more than a football field to get to the big stores. So do accessibility standards have anything to do with accessibility when you get off the bus to where you're going?

Mr. Leal: My point about standardization has always been that you can work with the manufacturers of buses in Ontario and, by developing a standard, you can effectively drive down the cost to acquire that bus and, therefore, allow municipalities to acquire larger vehicle fleets to serve the disabled and other people within the community.

Mr. Taylor: I didn't mention it, but the new St. Thomas bus takes scooters, but it's only one of four buses and you must transfer. So what good is one bus that can take scooters, if you transfer? Where do you go then? You can't get on the next bus.

Mr. Jackson: Stan, thank you for your very clear and precise report and your suggestions. Let me just say at the outset that I'm disappointed to hear that the mayor and council in St. Thomas don't seem to be as enlightened as most of the municipalities in this province that have embraced their access advisory committees and are working with them very positively. I'm distressed to hear that.

I was checking with the Ministry of Citizenship about the filing of access plans. My understanding is that in the first year of the legislation, they had about 89% of municipalities reporting and that this year, they're down to 43%. It's just mind-boggling that we have a law and that municipalities are out there flagrantly disobeying the law. In your case, it's worse. They're pretending to have one and they're frustrating you.

My question to you is this: Do you not feel that this legislation should retain one or two of the provisions of the ODA that say that if a municipality doesn't file its application, there's a \$50,000 fine, and second, that the regulations have to be in place, as they had to be under the old bill, within five years? We're in the third and a half, almost fourth, year of the ODA, as you well know, and we still have no regulations for your committee. Should that not be put into the legislation, that the regulations that bind municipalities to their conduct with their access committees must be in place by December 31 of this year, for example?

My understanding is that the committees were struck at the Ontario accessibility council to set the regulations. That work was all suspended at the end of the election. We've been waiting 17 months for that. Perhaps we should put that in the legislation so you finally get those regulations that force your municipality to allow your committee to do its work.

Mr. Taylor: Absolutely. I think there should be a three-person authority here. The ministry should be the authority. The minutes of the access and awareness committee should go to the ministry and be monitored. They should be returned in quick order before the next committee meeting and there should be three structures: the ministry, the access and awareness committee of the municipality concerned, and then city hall. So if you can't work with them, you can work around them.

I'll just mention quickly that I was supposed to head a committee to review our disability report before it went in. I stopped it at page 16 when it reached my printer and I saw it was going to go to 32. I called the gentleman at city hall and said, "No, we haven't done much this year. A 12-page report. We don't have to tell the government what a definition is or what barriers are. We don't need any poetry in this. Shorten it." He sent it in regardless.

Mr. Marchese: Stan, just one question. You know that they're setting up, through this bill, various standards development committees. One of the problems I have and that some other deputants have is that there are no standards presented, i.e. no guidelines that are given to those standards development committees. Do you think the province should set up the guidelines before they go off and do their work, or do you think that each standards development committee should do their own?

Mr. Taylor: I think anything that the province can do to speed up the process would be welcomed. If we had standards or guides to go by, we might disagree with some of them, but yes, I think that would be a great idea.

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

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MULTIPLE SCLEROSIS
SOCIETY OF CANADA,
LONDON MIDDLESEX CHAPTER

The Chair: We'll move on to the next one, from the Multiple Sclerosis Society of Canada. Bonnie Maas,

please come forward. There are 15 minutes in total for your presentation and potential questions.

Also, if I can remind all the speakers to please moderate your pace so that all the people in attendance are able to understand and appreciate the representations equally. There are also two people at the back who can assist anyone who needs assistance. If you do need it, keep that in mind.

Ms. Bonnie Maas: Good afternoon. My name is Bonnie Maas, and I'm the social action director of the London Middlesex chapter of the Multiple Sclerosis Society of Canada. I am also the chair of the facilities subcommittee of the municipal accessibility advisory committee. I was diagnosed with MS in June 1997 and continued to work with workplace accommodations as a nurse case manager until August 2003. I would like to share with you the viewpoint of persons with MS concerning Bill 118.

We support Bill 118. I am very pleased to have an opportunity to participate in these hearings on behalf of persons with MS. I would like to thank the minister, the standing committee and Mr. Khalil Ramal for including London as one of the venues for the hearings.

When the Ontarians with Disabilities Act, 2001, was brought forward, members of the MS society pushed for its adoption. We acknowledged at the time that it was less than what we wanted, but at least it was a starting point. It would be a guide in protecting the interests and concerns of people with different disabilities, including people with MS.

Interjection.

The Chair: There is a little competition in the room. I can hear you very well. I guess some people are having difficulty, so if you can get closer. Don't worry.

Ms. Maas: This is the first time in my life somebody said my voice didn't carry, and I have people back there who can support it.

The McGuinty government has demonstrated unwavering commitment to making Ontario barrier-free since taking office. Minister Bountrogianni has shown her passion in this endeavour, as has her staff, many times over, in moving this legislation forward.

We also want to acknowledge the contributions made by ministers and MPPs of the previous Conservative government, the then Liberal opposition caucus, the NDP caucus and the work of literally thousands of activists, including the ODA committee led by David Lepofsky, in getting us to this point today.

This legislation is very important to us. It will enable persons with disabilities to fully participate, and rightfully so, in the same opportunities and activities that able-bodied persons enjoy as a regular activity of daily living. It will permit disabled and able-bodied persons to be on an equal playing field, both figuratively and literally. The ability for the disabled to achieve full economic, political and social citizenship is the ultimate objective.

Whether or not the above objective is being met is a very important assessment tool. It will measure the

effectiveness of the draft legislation. It will also be a tool of validity when considering ways to improve the legislation. Given the many barriers and obstacles that presently exist to full and equal participation by disabled persons in Ontario, this is going to be a challenging task.

This brief does not summarize Bill 118, nor does it provide a legal analysis. Such analysis is important, but it is also better handled by others. We want to highlight a different perspective. The essential concern to our members is very simple: Are the changes going to improve their lives by enabling their full participation as citizens? Our main concern is with the final outcomes. We do acknowledge that the road travelled to get there is equally important.

We must remain cognizant that we are at the beginning of a very complex, multi-year process in developing and implementing accessibility standards. Many challenges lie ahead, but there is no challenge that can't be conquered with persistence and dedication. We urge the members of the committee to adopt this perspective. If the actions that are proposed to you enhance equality for all persons by improving accessibility, then we are moving in the right direction.

Our brief is focused on what people with MS want from the legislation and expect the Ontario government to do. From our perspective, the following are the key deliverables.

Accessibility standards that facilitate the activities of daily living: This includes access to public transit, stores, restaurants, doctors' offices, hospitals, treatment clinics, schools, places of worship, shopping centres and the like. This list should not be considered exhaustive. We want to convey the importance of developing and implementing standards that will allow people with MS to fully participate in their communities. The key outcome is standards that will eliminate barriers to accessibility in the places that Ontarians depend on daily.

Disabled persons need to be involved in the development of these standards. Generic standards should be developed first and then applied to the sectors. This ensures consistencies across the sectors and across Ontario. An accessible washroom in a train station should have the same standards applied as an accessible washroom in a restaurant, convention hall or hotel room. If sectors develop their own standards, there is the potential of the transportation sector having different standards from the hospitality sector in relation to accessible washrooms.

Consistency is not only desirable but should be mandatory. For example, disabled persons should not be faced with surprises when travelling, whether it be for business or pleasure. Inconsistency can be very disturbing and stressful. Stress is known to have a potential effect on exacerbations of disease.

Benchmarks and timelines that result in steady progress: Barriers first need to be identified. A plan of action needs to be established, with time lines for implementation and conclusion. This plan then needs to be evaluated as to its success. If the objective of barrier removal has not been realized, then the plan needs to be

revised with a different action plan implemented. To ensure the plan is successful the first time, it's important to include persons with disabilities in the consultation process before action is taken. No one knows better how to remove a barrier than a person who has faced it on a regular basis.

A tracking process that provides publicly accessible monitoring: In the process of developing standards, public input, particularly that of the disabled population, needs to be included. The development and implementation of those standards also need to have public input, again including the disabled community. In our view, this is a critical requirement to maintain accountability and public confidence.

An enforcement process: This will ensure that those required to remove barriers do so. Penalties need to be specific and clearly defined. They also need to be enforced consistently, regardless of the sector or the size of the business.

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A simple and user-friendly complaints process: This will enable a member of the public to raise concerns about the implementation or enforcement of the act. This should be kept as simple as possible. For example, unless a business is able to prove undue hardship, they are given a particular time frame to become compliant. Otherwise, a hefty fine should be laid. An appeals tribunal would be far too time-consuming and onerous.

Specific recommendations: Based on these considerations, we have a number of specific recommendations we believe are important at this point to provide clarity, ensure continued forward momentum and achieve key objectives. They are as follows.

Section 1: "Purpose." We recommend that the purpose of the act be broadened and amended to read as follows:

"The purpose of this act is to remedy the exclusion and discrimination that persons with disabilities have experienced and continue to experience, and to benefit all Ontarians by enabling them to participate fully in a barrier-free society by"—and then continue on with 1(a) and 1(b). So this would just be something that would be added to the beginning of section 1.

Section 2: defining accessibility. Accessibility is a fundamental concept of the act. As currently drafted, the bill reserves to cabinet the right to define it by regulation. We believe that the work of the standards development committees will be simplified and improved if they work from the outset with a common definition. Therefore, we recommend that a definition of accessibility be added to section 2 of the bill, and that the reference to accessibility in "Regulations," clause 40(1)(q), be deleted.

To the public, section 6. Subsection 6(3) defines the potential reach for the application of an accessibility standard. In several places, it limits applicability of standards to circumstances where services etc. are offered to the public. Standards can cover companies and organizations involved in the design and manufacture of products for sale to the public. It shouldn't only apply to the companies that sell products to the public. This is

critical to ensure that the new construction of commercial and residential properties developed for resale to the public, including new residential homes and condominiums, are accessible.

Section 9: three-year stages. We recognize that the development and application of the accessibility standards will be a complex process. We are concerned that the bill may be overly generous in its time allotments. Paragraph 9(4)1 outlines a fixed "target date for the implementation of the measures, policies, practices and requirements that the committee identifies for implementation at the first stage, and the target date shall be no more than five years after the day the committee was established." We recommend that this be changed to three years.

Paragraph 9(4)2: "The standards development committee shall fix successive target dates for the implementation of the measures, policies, practices and requirements that the committee identifies for implementation at each of the following stages, and each target date shall be no more than five years after the previous target date." We recommend that this again be changed to three years.

Subsection 9(7): "Within five years after an accessibility standard is adopted by regulation or at such earlier time as the minister may specify, the standards development committee responsible for the industry, sector of the economy or class of persons or organizations to which the standard applies shall...." This is recommended to recur within three years after the adoption of accessibility standard.

Section 16: compliance. Under section 16, "A director may review an accessibility report filed under section 14 to determine whether it complies with the regulations and whether the person or organization who submitted the report has complied with all applicable accessibility standards."

We spoke earlier about the need for a tracking process. We call attention to this section because it highlights the need for some sort of regular review to enable evaluation of compliance. We urge the minister and her officials to build such a monitoring function into the legislation so that short-term, mid-term and long-term goals and the associated time frames are established. We would also request consideration that the term "may review" be changed to "will review."

Section 18: "Inspectors." Subsection 18 (1): "The minister may appoint inspectors for the purposes of this act." We request the minister to consider changing the words "may appoint" to "will appoint" inspectors. This ensures that inspectors are appointed at the appropriate time to ensure effective and timely compliance with accessibility standards.

Change is always a challenge and often results in fear of the unknown. That which is familiar is comfortable, but comfortable is not going to make Ontario barrier-free. We, as persons with disabilities, are ready to take hold of those challenges and wrestle with them as necessary until the challenges are defeated. We look forward to the

opportunity to be an active member and working with the government in creating a barrier-free Ontario.

Bill 118 creates historic change to the way Ontarians will do business, but more importantly, the way Ontarians will be able to fully participate in a life that those who are able-bodied take for granted on a daily basis. Although businesses will have initial revenue outlay, that revenue will be recouped several times over when the disabled can also access their services.

The Chair: Thank you.

Ms. Maas: We recommend these additional changes to Bill 118. Thank you for your consideration.

The Chair: Thank you very much for your presentation. I'm sure we all have heard your suggestions. Is there something in writing that you have left with us?

Ms. Maas: Yes.

The Chair: Thank you. We'll also accept those.

LORIN MacDONALD

The Chair: We'll move to the next presentation, from Lorin MacDonald. You can start any time you're ready. You have 15 minutes.

Ms. Lorin MacDonald: Thank you and good afternoon, Mr. Chair and members of the committee. I want to start off by complimenting you because I imagine you haven't gotten a whole lot of compliments and you certainly are worthy of them. The public hearings are a very gruelling schedule, and I commend your commitment to doing this, because it's tough to cover so many cities in such a short time.

There are three things I want to commend you on. The first thing is that the temperature in this room is so much more conducive to a meeting than it was in Toronto, where it was quite warm when I was there on Tuesday. So this is much nicer. All parties, thank you for voting on the second reading of this bill. Also, you've given ample notice to the stakeholders, both to give thoughtful consideration to the proposed bill, as well as to provide insightful feedback, both negative and positive, which you can only benefit from. Previous governments haven't allowed us that opportunity, and I think your government will see that it does definitely benefit you. Also, access to the public hearings for people with disabilities is to be commended. For myself, the real-time captioning was just tremendously helpful. As well, you have the sign language interpretation. So I appreciate that very much.

Who am I? I'm a law student at the University of Western Ontario. I'm also involved with various disability organizations, but I'm here today as an individual, as a person living with a disability in Ontario. That's what I want to cover.

I'm sure many of you are aware that in December 2004 the federal Office for Disability Issues released a report called *Advancing the Inclusion of Persons with Disabilities 2004*. I'm sure that many of you are aware of this, and I encourage you to review that report. I'm sure you will be just as stunned by the numbers as I was. I won't go into that, because I know you have those

resources available to you. I find it quite shocking in a country as rich in resources as ours, and certainly in a province like Ontario those numbers are rather inexcusable.

I endorse the ODA Committee brief that was submitted to the standing committee on January 26. The ODA Committee brief had a lot of fine points in it, so there's no point for me to reiterate any of what was said.

1350

My focus today, indeed my passion, is access to education for people with disabilities. As I mentioned, I was present on Tuesday at Queen's Park for the standing committee hearing. We appeared right after the presentation by the Toronto District School Board, and I sat there and was quite dismayed by the attitude: "It's going to take millions of dollars and the next 300 years to be accessible." Accessibility is not just for physical access. I think that point gets grabbed on to by so many organizations and businesses: "We have to build ramps; we have to build elevators; we have to be physically accessible." True, that's a very important point, but there are so many other things that can be done to improve accessibility that do not cost a lot of money and can be implemented right away.

For example, barriers in the school system can readily be addressed without requiring millions of dollars, and standards can address issues that do not cost much, if anything, to fix. For example, computers: We all admit that computers are certainly the way of the future, that technology is where it's going to be. So why not require that all future computers and software used in schools and the Web sites of all educational institutions be accessible to those who are blind, those who are deaf, those who have learning disabilities? That doesn't cost a lot. If you built that in when you first purchased such things, that's a very easy way to address some issues quickly.

I was also involved in the public hearings of the Rae review and I advise you to consider the work they have done. I know they met with disability organizations and stakeholders to learn what could be done for people with disabilities in terms of education. So don't reinvent the wheel. Take advantage of the resources your own government has already done. I believe the Rae review will be publishing a report very shortly, so that's a tremendous resource for you.

I heard a lot during the Rae review about how we have to bring our education up to global standards so that we can be competitive in the global marketplace. That's all well and good, but why not allow people with disabilities also to be competitive in a global marketplace? I think we get forgotten.

In terms of my education, I went to school for the first time in the 1980s. I've now gone back to school. So I've had the advantage of seeing how access has improved and how it's worsened over 20 years. In some ways it has improved, but in some ways, more detrimentally, it has worsened.

For example, I am now going to be saddled with OSAP debt, which I didn't have before under the old

vocational rehabilitation system, which was tremendous. Twenty years ago there was lots of money, but no access. Now I suggest there might be a little more access, but there certainly isn't any more money. When I was going back to school, I had to figure out, "How do I work OSAP?" Suddenly there was no more funding that was individualized to the student. The universities and colleges were given the money that was doled out, and that's not a good thing—it really isn't. I found myself being eligible for a bursary for students with disabilities, but, gee, you don't have any money to live on. What good is that? For my disability, the bursary for students with disabilities doesn't begin to cover what my access needs are. I have to go with my hand out to private individuals and request funding, and I don't like to do that.

I suggest to you, what is the cost to this government if you do not provide access to students with disabilities? Where do the people with disabilities land when they can't get jobs, when they are underemployed, when they are told they need more education but the education is not accessible to them? They land on your doorstep, on ODSP's doorstep, on Ontario Works, and how can that benefit this province? It can't.

I find also in the education institutions that attitudes really haven't improved a whole lot over 20 years, and that's very disappointing. There's a very paternalistic attitude that pervades the education system: "We will do what we feel is right for you. Deaf people need this. Blind people need this. If you're in a wheelchair, you need that."

I sit before you as a deaf person. I don't look like a deaf person, so I've been told. If anybody would tell me what a deaf person looks like, I'd be happy to buy the costume. The point is that disabilities operate on a continuum. What one person who is blind might need, the next person who is blind may need something different. What I need as a deaf person is very different than my colleague Gary Malkowski might need. We're still deaf, we just have different needs, and unfortunately those needs aren't addressed in the universities and colleges. If you don't fit the peg they've got for you, they'll keep hammering you until you do.

I think this province prides itself on individuals who have a tremendous diversity. It can only benefit this province. So those are things I wanted to mention.

I encourage all the parties to vote for the bill on third reading, following the necessary amendments you may have heard during the course of your public hearings. I believe it was said by David Lepofsky—I'm not certain of this—that this is a legacy bill, and I truly believe that. It's a legacy for this government. It's a legacy for the people who have fought long and hard to make a strong and effective ODA for this province. It's a legacy for the people who are still fighting.

What a tremendous thing it would be if people could come to Ontario and be able to go to any school they want without fear of not getting what they need. I didn't have that luxury. I wanted to go to York University for

its law school—I shouldn't say this in London—because York is fully accessible for students who have hearing loss. They are well experienced in it. However, as a student, I can't live in Toronto, I can't afford to live there with what OSAP provides, so I've remained in London. It's a fabulous city, a tremendous city, but I'm not getting the full accommodation I need in London at law school.

I shouldn't have to make those kinds of hard choices. I should be able to get the education I want anywhere I want. I will become a lawyer in spite of the government and I will do the best I can. I'm hoping that I'm at least paving the way for students who come after me so that they have that freedom to go wherever they want, because that's what being an Ontarian is all about, isn't it?

The Chair: Ms. MacDonald, you have used up all your 15 minutes so there is no time for questioning, but thanks very much for your—there is 30 seconds if there is someone who wants to pose a question. Mr. Jackson should be the first one.

Mr. Jackson: I'm going to request that the committee get a copy of the report from the Rae commission and any kind of detail, or in fact ask Mr. Rae to come and speak to us briefly.

The Chair: OK, that's fair. Mr. Parsons, a quick one, please.

Mr. Parsons: An extremely good presentation. I understand things better when I get exact, specific examples. I'm wondering if at some time you could send this committee—you have an invisible disability. That's one of your challenges. Could you give us some details of the barriers you've faced, actual items, in post-secondary education? I would find that very useful.

Mr. Marchese: Lorin, I think there is a serious weakness in the bill and the weakness has been pointed out by ARCH. They say: "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 standard development.... 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." Don't you think this is a serious weakness of the bill?

1400

Ms. MacDonald: I think that any weaknesses that are identified are probably in the ODA Committee brief. I'm sorry I haven't had a chance to review it fully. I just had a moot court last week in law school, so I've been really stretched, but I wanted to be present before you today. I'm hoping that the Rae review will address a lot of those issues in terms of education. Now, as far as Bill 118, I think the ODA Committee has probably addressed some of those. Certainly, my colleagues around the province can do a better job than I. So forgive me for not having more to say.

The Chair: Thank you again for your presentation.

COMMUNITY LIVING ESSEX COUNTY

The Chair: We'll move on to the next presentation, Community Living Essex County, Ms. Lisa Raffoul. I hope I pronounced that properly.

Ms. Lisa Raffoul: You did fine.

The Chair: Thank you.

Ms. Raffoul: I have some handouts.

The Chair: The clerk will get it from you. Just leave them there. Please proceed.

Ms. Raffoul: Good afternoon, honourable committee, members, guests and fellow speakers. My name is Lisa Raffoul and I'm a parent of an 11-year-old boy who has multiple disabilities, meaning that he doesn't speak, he doesn't talk, he doesn't walk. He's dependent on his family and those around him for everything that he does.

I've had extensive involvement over the last seven or eight years in community planning committees. I'm in contact with many families and I feel confident that I can speak on behalf of not only my own personal situation but the families that I represent.

Families welcome Bill 118 and they think it's a good bill. We endorse the recommendations made by the ODA Committee and commend David Lepofsky, the chair, for his tireless dedication and leadership in this process. We also agree with some of the recommendations and suggestions by Community Living Ontario.

You will receive a lot of information and specific suggestions over the course of these consultations. What I'd like to do today is appeal to you and let you know what accessibility means to families. It's a situation that a family will encounter that—

The Chair: Could you move just slightly away from the microphone, so you can be heard much better? The level is good, but you're just too close.

Ms. Raffoul: OK. We come into a situation that is completely unplanned for. It's a situation that will cause phenomenal stress. It impacts each and every family member. Families quickly become overwhelmed, exhausted. They feel a loss of balance. Relationships are in jeopardy. It's a situation that can only be felt if you're in that situation or have experienced something similar.

I often say that families are given a responsibility and yet the rest of the world hasn't been given that same responsibility to share. Whether you leave the hospital with a young infant or leave the doctor's office with your son or daughter with a diagnosis that is confusing, a diagnosis that you know nothing about, you have to go home and you have to live your life. There are lots of supports and services, lots of programs, lots of medical treatments, and they help, but who is there to help us live our typical lives?

There are many things that families who don't have sons or daughters with disabilities take for granted: going to parks; enrolling in swimming lessons; going on vacations; many Ontarians love to go to beaches; going to the mall. If you have a son or daughter who uses a wheelchair and needs to use the washroom, for those of us who have sons or daughters who are not able to go

independently, where do we change our sons or daughters? Family washrooms are one of the biggest things that people mention. Where do we go? Is it dignified to change our son or daughter on the floor?

It's heartbreaking to know that you can go to a playground and two of your children are able to partake and have fun, but your other child sits in a wheelchair because there is nothing for him or her to do.

The Ontarians with Disabilities Act, we hope, will set the foundation. Attitude is the number one barrier that families will say they face. Too often we hear things like, "We can't." "We don't know how to do that." "The money isn't there." "We don't have staff who will support your son or daughter in our program." "We are in the business of education, not social services."

I want to commend the speaker who went before me. I looked over at my mom, who is here with me, and I said, "She's talking about a lot of the things that I want to talk about."

Absolutely, attitude will take a long time. It's something that is not going to happen overnight, but I think it's something that is worth the effort.

One of the things that I also want to talk about with regard to children is the misinterpretation of treatment. Clinical models, specialized treatments and therapies are extremely important, but they're not the basis of our lives. Those kinds of things are necessary sometimes to maintain life, to sustain life, to offer more comfort physically, but they are not our entire lives. Children need to know and families need to know that there's a life beyond treatment. I caution you, when you work with your partners as you develop this act, to be very careful about treatment. Yesterday evening in President Bush's state of the union address, as I was going through my notes to decide what I was going to talk about today, I heard him say in the other room where the TV was playing, "We guarantee that we will offer the utmost medical treatment for citizens with disabilities." Extremely important, yes, but we need a society that is welcoming, that embraces diversity, that says, "We will try. We know it may be difficult but we will do what it takes to make it happen."

There are many specific things I believe that the ODA Committee has offered to you. I think you will find them very helpful.

Let's see if there is anything else that I wanted to say.

Education: We've talked about community awareness and educating our municipalities: Municipalities have been asked to ensure that their communities become more accessible. That's extremely important. We also need to invest in education at the post-secondary level for our future professionals: professionals in health care, professionals who will become our teachers, and believe it or not, health care professionals who are there to support us. I had somebody call me at home, a nurse who was supporting my son at school, and she was concerned because he was laughing too hard. I asked her, "Is there a problem with his laughing?" Because of his physical appearance to her, and knowing that he had some health

concerns, she was so concerned and focused on what could be wrong with him that she was concerned about his laughing. When I asked her, “Is there a medical concern for somebody laughing?” she didn’t know how to respond to me. I said, “He’s feeling good. He’s probably enjoying himself.” These are the kinds of things that families face. There’s a lot of focus on what’s wrong with our children.

I had another example as I was telling you that and it’s slipped my mind right now.

I caution you as you work toward this, because you will get input on how important specialized treatment is, and it is important. But I think what’s more important is that we use the expertise that we find in our specialized treatment and in our treatment centres and in our medical and health care professionals, that we utilize that expertise and ask them, “How can you support us in enabling our sons and daughters into the community?” We need standards that will lay the foundation for enabling people to participate fully, that will be consistent and accountable and that will be evaluated.

I believe that Ontario will become fully accessible and I commend you on this effort.

1410

The Chair: Thank you. We have one minute each, and Mr. Marchese is first.

Mr. Marchese: I congratulate all the parents who have children with disabilities because it’s a tremendous burden that you have on your own, and it’s a wonder how some of you survive it. You do find yourself alone often, I am certain of it. That’s when we often call out to government, “Where are you?” because we need you. And when governments say, “We don’t have any money,” that must be the worst thing. We as a society have to live with that. And the fact that we can’t find the extra money to deal with those problems that are personal to you, I think that’s what makes society inhuman.

Anyway, I wanted to congratulate you for the work that you do as a parent and say that the points you made about issues of education and attitude have been raised consistently by everyone. So we have to put some money—I think you’re saying that too—to educate in order to be able to change people’s attitudes toward children and adults with disabilities. If we don’t do that, I suspect our attitudes of discrimination to people with disabilities will continue for a long, long time. You’re saying to put some money into education, are you not?

Ms. Raffoul: Put some money into—I don’t think there’s a person around us, not a person in this room, probably not too many people—I suppose we’d find a handful of people in our province who don’t believe in enabling and including people with disabilities no matter what age. But people often don’t know how. Teachers who are trained at the faculties of education are offered information on specific disabilities, sometimes suggestions for behaviour modification, but they’re not really educated on how to. There are very practical steps that can be taken that don’t cost a lot of money, and that’s where I think we need to invest our time.

Ms. Wynne: Thank you very much for coming today. That’s very helpful, educating in specific ways to include, because I think that’s a really important point. Last week at a round table in my riding, somebody raised the issue of not spending a lot of resources on educating to the exclusion of making the changes and getting the standards implemented. One of the things I’m struggling with is how we’re going to, as a society—and this is for all of us—balance those. Because we can do that education piece, and I heard you say that the post-secondary is an important place to do that, but I also think that, as with the smoking bylaws—somebody raised that this morning—the laws and the actual practice is part of what educates. So in terms of those attitudinal barriers, have you got a comment on how we balance those things? Or do we just do as much as we can in parallel ways?

Ms. Raffoul: In my thoughts I’ve struggled with that as well. What comes first: the law or the attitude change? I think we’re on our way just through this very process. We’re talking about it. I think we will begin to develop community awareness campaigns. I think we will start to educate our future professionals. Again, I don’t have a clear-cut answer because I don’t think the answer is before us, but I think the important thing is that we’re starting.

Public awareness campaigns take a lot of effort. We did a public awareness campaign called the Ring of Friendship. It was designed to highlight the benefits of friendship and inclusion for all students. Out of a possibility of 100 schools in our community, Windsor-Essex county, three schools participated. However, the highlight was that our local shopping mall, where probably everybody in the community goes at least once a week, offered to display the magnificent artwork of the children. One of the reasons I really wanted it displayed there was so that the teachers and the principals of the schools who didn’t participate could see the work that their students were doing and feel a little bit in their heart, “Why didn’t we participate in this?”

Mr. Arnott: Thank you very much for your presentation. I want to say, I agree with much of what Mr. Marchese said by way of his introduction. I hope that doesn’t unsettle him too much to hear that.

I also want to inform you that Mr. Jackson, my colleague in the Legislature, a couple of days ago moved a motion and asked this committee to allow David Lepofsky to come back to this committee again when the House resumes sitting, before it completes its work on this bill, so that we can have a more detailed presentation from him because of his level of expertise and experience. It’s something that we need more than just 15 minutes of, which so far has been the time that’s allocated to him. That’s hopefully going to be forthcoming if the members of the committee in the majority agree with it, and hopefully that will happen.

I want to pick up on something you said in response to Mr. Marchese, because almost everyone in Ontario knows either a friend or a family member or someone very close to them who has a disability. Yet, we still have

this attitudinal problem, where people don't understand the full capabilities of people who have a disability. Why do you think that is?

Ms. Raffoul: I agree with you. You know, there is a difference between integration and inclusion. I can take my son for a walk, and he's in the community, but he's not really interacting. I think we need to be cognizant of that. There is a responsibility, I believe, on the part of parents and family members to reach out. Oftentimes, that's very difficult, because as much as you fear our son or daughter, we fear the rejection.

And we don't necessarily know how. I have a story. My son goes to regular school. He's included in the classroom, but on the weekend, when all the kids on the street—and there are many kids between the ages of seven and 10 on our street—are all playing a game of tag or hide-and-seek on the block, my son is sitting in his wheelchair next to me while I water the flowers. Something's wrong with that. And then I have to think, what am I doing wrong? Am I not reaching out?

I don't know why we haven't embraced it better. I do feel there is a responsibility on the family's part. I think that the community also doesn't know what to say, oftentimes. When my son was very young, neighbours invited us to go to the beach with them. How am I going to go to the beach with a wheelchair? I had to turn down their offer, and by turning down that offer, I missed out and my son missed out on a chance to be involved with his friends on the street.

So it's difficult, and it will take a lot of time, but again, hallelujah when I heard that this was happening, a few years ago when I heard about the ODA and the development of it. It's a start, and I think that we are on our way. I'm hopeful. I think we have to be hopeful and think positively, because working together is what we will do.

Like the speaker before me, I encourage collaboration with your partners. There are provinces out east, I believe, who have developed not necessarily legislation but some models for inclusion, and your resources in your ODA Committee, Community Living Ontario, Canadian Association for Community Living, your families and your fellow government.

I encourage you and I commend you. We are on our way.

The Chair: Thanks very much for your presentation.

BONNIE QUESNEL

STEVE BALCOM

The Chair: We'll move to the next presentation, which is from Bonnie Quesnel. As you get ready to make your presentation, I just want to remind everyone that there are two people at the back of the room who can be of assistance if anyone needs assistance. Also, I would ask that all of you moderate your pace when you make your presentation, so that all the people in attendance are able to understand and appreciate the presentations

equally. You have 15 minutes in total to talk to us and allow us to ask you some questions. You can start any time you're ready.

1420

Ms. Bonnie Quesnel: The gentleman on my left is Steve Balcom and he's here to make sure I just do it right.

Good afternoon. Thank you for this opportunity to discuss Bill 118. We need to talk. As you know, we've been waiting a long time for strong, effective legislation that removes barriers faced by people with disabilities in Ontario. We are eager to see results.

Since multi-tasking is a way of life now, I recommend that during the activation of your new bill other constructive activity can take place simultaneously, based on information your party has already collected. In November 2000, the ODA consultation tour report was a product of the Honourable Steve Peters, consulting people in cities throughout Ontario. Out of the 79 barriers listed at the conclusion of the report, I recommend that you select four or five initiatives and achieve positive, measurable results. I have selected four examples:

(1) Deficiencies in the Ontario building code: The code is within your government's jurisdiction. If you equip yourself with the features of universal design, you can make a remarkable difference in the lives of people with disabilities.

(2) Lack of funding for attendant care: Once again, this is within your government's jurisdiction. Right now, your colleagues in the Ministry of Health are making sweeping changes with speed. You could influence the change process to address the need for attendant care. On the positive side, the provision of attendant care in the home is much less expensive than institutional care. It is a sad state, as reported recently in the *Globe and Mail*, that some young adults are stuck in homes for the aged while they wait for an opportunity to receive support care in the community. If there is a will, there is a way.

(3) Buildings with one or more steps at the front entrance: Can you imagine how much difference this would make in the lives of people with disabilities if this barrier were removed? It would open the door to new businesses, offices and services and move people one big step forward toward achieving their full citizenship rights. However, I understand that in our city, if someone wants to put in a ramp to their building, they have to pay a minimum \$75 fee to the municipality to ensure that the ramp meets the specifications of the building code. I recommend that this fee be waived in the interest of progressive change. If the building owner is footing the bill for a ramp, the government can at least cover the cost of an inspection to meet these specifications.

(4) Last but not least, the Ontario Legislature's public gallery remains largely inaccessible to people using wheelchairs. On this item, you can lead by example. Once again, it is within your power and jurisdiction to correct this embarrassment to the democratic process. Your predecessors wouldn't do it. Now it's your opportunity to show us that you walk the talk.

I believe these changes are ambitious and possible.

Now the other task before you is the refinement and implementation of Bill 118. You plan on creating standards development committees. How many committees will there be? How many people will be on each committee? Will all the committees be in Toronto? I believe it is imperative to clearly establish a date as to when these committees will be ready to run. There seems to be an initial emphasis on long-term goals, but short-term goals are important to us now.

Upon proposal of a standard, there will be a time for public discussion and then possibly, with changes, it will return to the minister. At this point, there should be a specified response time. My concern is with timing. Will positive, measurable results be evident in, say, two years? If every standard took five years to reach its goal, it could take a century to reach the goal of a barrier-free Ontario, and I'm getting too old.

It is good that with every standard established there is a compliance time specified. It would also be good to offer incentives, tax write-offs and simplify processes for businesses or services to comply with the standard.

Then the bill creates an Accessibility Standards Advisory Council—another level, only at this level there is the possibility that its members will be remunerated for their services. This is the first time money is mentioned in the bill. By omission, does this mean the standards development committees will offer their services for free?

We already have the municipal accessibility advisory committees in place and working with the city to make plans and improvements. Right now, this committee can advise, but it is up to the city what they're going to do with this advice. The committee has no authority. If the committee's role was strengthened with some authority, they could be a catalyst for more immediate positive changes in accessibility in our communities.

These are just some of the possibilities for the bill and for the government to do it right. It is important to remember that at the end of the day government has the power to develop and pass regulations that would give the bill strength and effectiveness. Regulations are necessary to have concrete knowledge of what is required, not merely suggested.

Throughout the bill the word "may" is prevalent. Instead, the word "shall" would indicate a firmer resolve for action.

As it says in the last line of the 11 principles for an effective ODA, "It must have real force and effect." With respect to timing, setting long-range goals is fine, but we'll be looking for positive results sooner. During the next two years, and prior to the next election, we will be watching for results. We believe this is possible. The wait is over. Now is the time for action. Opportunity is knocking on your door. What will the answer be?

The Chair: Thank you very much. There is about a minute and a half left, so we'll give 30 seconds to each party and we'll start with Mr Ramal.

Mr. Ramal: I just want to thank Bonnie for coming today to give us her recommendations. I know, Bonnie,

that you've been very active for God knows how many years. I want to assure you that this bill is going to speak to your needs, and hopefully will meet your needs and everybody's needs in this province because, as the minister has said, and we keep saying it every single time, we cannot afford not to have this bill pass and not to have the disabled community included in building the province of Ontario.

Mr. Jackson: Bonnie, it's good to see you again. I've had many years of listening to your concerns. You were very articulate this time. I did want to suggest, however, one minor adjustment. The Legislative Assembly Act and the legislative precinct were covered under the old legislation. You said that this new government can make the change; they can't. The legislative precinct is unique. It's like Vatican City in Rome. Just to tell you this, it's an all-party committee of the Leg Assembly that decides its budget and how to fix the building to make it accessible. What my legislation did was, it forced the Speaker to do an audit of the entire building, to publish a report, to table it with all parties, and then it's up to the three parties to agree to spend the money. So it's not in the government's bill because it's already in the act. It's just a matter of the three parties agreeing that if we need \$1 million or \$500,000 to make Queen's Park fully accessible, we have to have the political will to do it. But the requirement is currently in the act.

1430

Mr. Marchese: Two quick comments, Bonnie, in 30 seconds: One, in second reading debate I was very critical of the bill because I didn't think it was as historic as some people say, including many Liberal members. I did want to hear people, and part of what I'm hearing is that they're recommending a lot of changes. We will be introducing a lot of amendments when we do clause-by-clause, and we hope they'll accept them.

My question to you is on the issue of remuneration. Do you think people who sit on those committees should be paid something? Yes or no?

Mr. Steve Balcom: Yes.

Mr. Marchese: Thank you.

The Chair: Thank you for your presentation.

SELF-HELP ALLIANCE

The Chair: We'll move on to the next one, and it's Mr. Paul Reeve. As Mr. Reeve takes a seat, just a reminder that you have 15 minutes. When you make your presentation, moderate your pace so that all the people in attendance are able to understand and appreciate the presentations equally. Of course, we are discussing Bill 118. We already have received second reading in the House, and before third reading we are listening to Ontarians to hear what they are saying on this bill and try to make the best possible bill. You can start, sir.

Mr. Paul Reeve: Thank you. Good afternoon. I appreciate the opportunity to speak to you. I'm here on behalf of the Self-Help Alliance, which is a partnership of four psychiatric consumer organizations in Waterloo

region and Dufferin and Wellington counties. We have about 600 members.

We think the province of Ontario has a long way to go in helping people with mental health challenges to realize their goal of full participation in our society. We are supportive of Bill 118 and commend all the parties for voting for this bill. There are many barriers still to overcome, and we'd like to see Bill 118 strengthened in the following areas.

The first barrier we see is the definition of "disability" itself. Stigma and prejudice are the most significant barriers faced by our members. The definition of disability in the proposed Bill 118 needs to be changed. The proposed definitions of "mental impairment" or "mental disorder" come from a medical model in which people with mental health issues are seen as broken and needing to be fixed. In its present form, this definition serves to perpetuate stigma and becomes a barrier itself. The bill needs to be inclusive and include a definition such as "a loss of mental functions, condition or experience that affects a person's thinking processes, emotional states, perceptions of reality, and judgments that result in altered behaviour." The definition in the bill needs to acknowledge people's social context and personal characteristics. Think of the many people with mental health issues living on the streets of our cities and what it will take to include them.

The second barrier is one of inadequate income. There are long-standing systems barriers that exist and need to be addressed by this bill. To fully participate in society, people must have enough income to adequately meet their needs. People's lives are most affected by their housing and having enough nutritious food to eat. People need sufficient income to experience a quality of life that allows them to participate in their community both socially as well as economically. Many people with mental health issues receive their income through the Ontario disability support program. The current income does not allow many of them to afford decent housing and adequate food, let alone participate actively in their community. There was a period of over 10 years when there was no cost-of-living adjustment to their income. This meant loss of decent housing to many, and a significant deterioration in their quality of life. This poverty adds insult to the injury of their disability. This is a huge barrier to participating in their community and not being further stigmatized as a consequence of having a disability.

Bill 118 needs to address this type of systemic discrimination and put regulations in place to ensure an adequate basic level of income and ensure a cost-of-living increase.

There are circumstances that tie the earlier issue of the definition of disability with income issues. There are a wide range of interventions that can benefit people in their recovery and healing. Supports such as counselling, psychotherapy, attendant care and interventions such as acupuncture have proven to be very beneficial to people with mental health issues. Many of these costly supports

are not covered by medical services and OHIP, and consequently are not available to the many people with mental health issues who rely on the Ontario disability support program for their income.

Bill 118 needs to ensure that effective services are available to all people within the province and that income not be a barrier.

The third barrier is that of unemployment. Unemployment rates among people with significant mental health issues are conservatively estimated at 75%. The barriers that prevent employment relate to stigma and a lack of understanding related to accommodations in the workplace. Some of these accommodations include flexible work schedules, on-the-job supports, and covering the huge medication costs that people couldn't possibly afford through their employment. There are many people willing and able to work who, if they had a job, couldn't afford their medications, and they need that support through ODSP over some other mechanism.

The mandating of workplace accommodations will go far in reducing these unemployment numbers. Bill 118 needs to specifically require all employers to establish barrier-free workplaces and appropriate accommodations where needed.

I have an example related to work. A fellow, John, experienced a severe emotional shutdown and was trying to get back to work after being off for about one year. Both the employer and the union were weary of reinstating him, in spite of written policies that were in place. Here is a person eager to return to work, and many months after having a physician, a psychiatrist and a therapist giving approval for his return, he awaits the employer's approval. He faces a difficult decision as to whether to pursue an appeal through the Ontario Human Rights Commission and risk greater discrimination and barriers from the union and employer. Also, it takes a lot of energy to take on this appeals burden, and a lot of people don't have that kind of emotional energy.

There is a systemic barrier issue working here as well. Fighting Ontario human rights violations have to be done one at a time. There needs to be some mechanism that will transfer individual decisions to a systems level so that people don't have to continue to fight the same issues over and over again. I would hope Bill 118 could accomplish this.

There are other areas where we think Bill 118 could improve.

The need for enforceable accessibility standards: Bill 118 lacks the checks and balances that will ensure that changes take place outside of the sole direction of the political process. People with mental health issues have been promised many positive reforms over the past nearly 20 years. In the 1980s, we had the Graham report; in the early 1990s, Putting People First; in the 1990s, Making It Happen; and, a couple of years ago, the provincial implementation task force. All of this with little result in an improved quality of life for people with mental health problems.

To ensure that the rights of people with disabilities are protected, Bill 118 needs to ensure this process is set up

at arm's length from too great a political influence. As an example, I sit on a municipal accessibility advisory committee. The city claims to be progressive in the area of disabilities accommodation, and they are esteemed in the province as being leaders in this area. They do a lot of good work. One of their statements indicated they embraced employment equity. I was very impressed, and when I asked them what activities they were engaged in, they came up empty. Their response to this was, rather than taking action toward changing employment practices, to drop the wording "employment equity" from their statements. If the process remains completely under the political influence, it is easy to imagine that little will be accomplished and the system will get bogged down in debates over semantics and limitations on accommodation and accessibility requirements. Bill 118 should have the power to force all governments, businesses and services to act. Set a timetable to implement different phases of the bill and set standards that are concrete and enforceable.

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Another need is for accountability. We need a system that will permit Ontarians to assess the effectiveness of the legislation in an open, publicly accountable and transparent process. We need a mechanism in our system that will screen existing and proposed legislation with a view to identifying any barriers prior to implementation. We need some mechanism to review new legislation from the perspective of various disability groups, and Bill 118 should ensure this happens.

I conclude by saying that the province of Ontario signed, along with the other provinces and the federal government, the In Unison accord back in 1998. The vision of that accord reads: "Persons with disabilities participate as full citizens in all aspects of Canadian society. The full participation of persons with disabilities requires the commitment of all segments of society. The realization of the vision will allow adults with disabilities to maximize their independence and enhance their well-being through access to required supports and the elimination of barriers that prevent their full participation."

The province has an opportunity to take an even greater leadership role, and we hope you will act boldly by strengthening the proposed legislation in the ways suggested.

The Chair: Thank you, Mr. Reeve. We have three minutes left, and we will start with Mr. Arnott.

Mr. Arnott: Thank you very much, Mr. Reeve, for your presentation. I hope that your 600-plus members will be informed of the quality of your presentation, because you've done an excellent job of presenting your views.

You mentioned, of course, that this bill has an implementation timetable of about 20 years. Quite a few of the deputants have made the point that 20 years is way too long, yet you said that there should be a timetable implementing different phases of Bill 118 within a 20-year period. I think that's what the government would suggest is their intention. Do you feel 20 years is too long to wait for the full implementation?

Mr. Reeve: I maybe don't understand all the intricacies of it. I'm told it's a relatively realistic timetable, although I think many of our members are quite frustrated by the sound of that number—20 years—especially, as I said, in light of the fact that we've been waiting over 20 years and have been told how many times that things will improve. They haven't.

Mr. Arnott: On one hand, we think, "Well, 20 years; that gives everybody lots of time." But then you take your age, add 20 years to it—and I'll be 61 in 20 years, which I find hard to believe; I'll be thinking about retirement—

Interjections.

Mr. Arnott: That's a long way off.

Mr. Reeve: And some are slightly older.

Interjections.

Mr. Marchese: Mr. Reeve, I want to tell you that on the issue of inadequate income, this bill won't deal with the fact that many of you are suffering with the inadequacy of what is given to you. They might not tell you, but I'm telling you, this bill won't touch that.

The third barrier of unemployment: This bill won't deal with that either. Employment equity tried to deal with that when we introduced it, but this bill won't do it.

The issue of accessibility: To get to the job place might help, but the discrimination that people with mental illness and other disabilities face will continue, sadly.

On the third point, the Human Rights Commission is there. It's better than nothing, but people do face an incredible hurdle to get there and defend themselves against a problem. This bill also has similar problems. There is no advocacy here. There is no advocate who is going to defend you, when you face a problem with someone at an institutional or non-institutional level, to enable you to get what you think is rightfully yours. So there is a weakness in this bill around the whole issue of individuals not having the right to be able to make an appeal when they feel discriminated against. What do you think?

Mr. Reeve: I concur completely. We were told we only had 15 minutes, so that's why I put these points in. We will be writing more and sending it in.

I've been told as well that this bill won't address income and it won't address unemployment, yet those are the barriers. Those are huge barriers. Can the provincial legislation address them in a bold fashion, look at that vision and implement it?

Mr. Fonseca: Thank you, Mr. Reeve, for your presentation. In many caucus meetings we had when we came to government and were grappling with this \$5.8-billion deficit that was left to us, I can tell you that one of the things that everybody said was that ODSP does have to be increased. We increased it by 3%. It wasn't enough; it's never enough. We need more. It's the direction that we are moving, but after 10 long years there was something done.

I wanted to ask you around the definition for "disability" in terms of what you propose. I know you've said that mental impairment or mental disorder is something

that you feel does not address the mental health aspect of it. Can you share with us what you would propose?

Mr. Reeve: I think that many of us have experienced a lot of what some people label as mental illness and others as just mental health problems. There's a huge percentage of people who come to that experience, for instance, from a history of trauma. It's not about a chemical disorder, brain chemistry or whatever. That often isn't recognized, and the majority of people are treated from that medical perspective and not from a broader perspective. Quite frankly, it's not that effective for many people.

The Chair: Thank you very much for your presentation. We are within the 15 minutes, more or less. Thanks very much again.

COMMUNITY LIVING LONDON

The Chair: The next presentation is from Community Living London, if someone is here. Thank you, sir. Please have a seat and whenever you're ready, you can start. We have some material that you have given to us already. Thank you.

Mr. Jim Hewett: Good afternoon. My name is Jim Hewett, by the way. I'm past president of Community Living London. I'm joined today by Barry Bates and a number of the New Vision Advocates. Barry is a past board member. We appreciate the opportunity to speak to you today.

Community Living London is an organization that has provided services and supports to individuals with intellectual disabilities for over 50 years. Community Living London supports inclusion in all aspects of life. We believe that the right to be fully included in the community, to live, go to school, work, play and be active in retirement belongs to everyone.

We are encouraged by this government's efforts through Bill 118 to strengthen the Accessibility for Ontarians with Disabilities Act and welcome the opportunity to have input in the public meeting process.

The definition of "access" and what is covered under the definition of "services" is critical to addressing the issues uniquely specific to individuals with intellectual disabilities. As an organization that is committed to advocating on behalf of individuals with intellectual disabilities, we believe it is vital that there is an identified process for an appeal. You've already heard that.

We would like to call your attention to some particular barriers to achieving a fully accessible community for persons with intellectual disabilities.

Individuals with intellectual disabilities have cognitive limitations which prevent many of them from being able to independently access their community. There are particular barriers to inclusion and participation that are not immediately visible to the general public, namely, economic, cultural and transportation barriers. We need to address the systemic exclusion and discrimination that persons with disabilities currently and have historically faced in Ontario. The bill needs to focus on attitudinal, communication and financial barriers that currently exist

as walls to inclusion. We urge this government to make a proactive commitment to address all barriers fully.

Transportation is a major barrier to persons with intellectual disabilities. While the council and the commission, especially in the city of London, may support extended specialized services such as paratransit to persons with intellectual disabilities on a humanitarian level, the realities of working within an existing budget will take precedence. Accommodating the needs of persons with intellectual disabilities is not enshrined in law and this population continues to remain vulnerable to changes in practice resulting from budget constraints.

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Additionally, the cost of bus fare is prohibitive for many on fixed incomes of \$958 a month. For example, in the city of London there's been a 51% increase in fares for individuals who have only received a 3% increase in their monthly benefits in the last 11 years. We are currently advocating with the city to subsidize the cost of bus passes for people in receipt of ODSP and, to date, have been unsuccessful. We urge you to consider supporting the municipality by making money available, perhaps a portion of the gas tax rebate, in order that they may find the funds within their budget to provide this subsidy.

Accessibility is broader than physical access. It includes access to opportunities: opportunities to work, to recreate, to freely move about one's community and to interact with others. If people with intellectual disabilities are to fully access the leisure and recreation services provided, additional steps are required to facilitate their participation. In most instances, this will be the provision of additional support staff that will assist the person with a disability to integrate into a regular activity or, in some instances, to co-ordinate special activities for people with disabilities.

The achievement of this goal will require additional dedicated resources, both from the city of London's budget and perhaps the provincial budget. Clearly, these funding issues need to be clarified and resolved if these barriers to inclusion are to be successfully addressed.

Accessible affordable housing: The availability of comfortable—

The Chair: I'm sorry. Could I ask you to slow down slightly, please, so people understand?

Mr. Hewett: OK. Sorry. The availability of comfortable housing for people with disabilities continues to be a major barrier to full participation in the community. Increasingly, people with disabilities are required to spend more and more of their ODSP disability allowance on shelter, leaving them very little discretionary money for other necessities of life. Additional subsidy would enable many to access existing housing available in the private sector.

Perhaps the greatest challenge facing people with intellectual disabilities, as well as those with mental health disabilities and physical disabilities, is the lack of employment opportunities. People with intellectual disabilities have many skills that they can bring to the labour market. We urge the province to continue to ex-

plore ways to make a variety of employment opportunities available to people with intellectual disabilities.

In long-term care, barriers exist to long-term-care services for people with intellectual disabilities and Alzheimer disease/dementia. We urge the government to include in the terms of reference for the standards development committees the development of strategies and actions for the provision of services through long-term-care facilities.

In closing, there will no doubt in the future be countless visible demonstrations of meeting accessibility guidelines: wider aisles, pathways in parks, accessible playground equipment, free parking signs for the disabled etc. Let's look forward to being able to applaud the invisible measures to address barriers to access: subsidized bus passes for ODSP recipients, increases in ODSP benefits, reduced clawbacks on wages earned by individuals receiving ODSP, accessible affordable housing, more opportunities for employment and funding for staff supports to facilitate the inclusion of individuals with disabilities in our community recreation and leisure programs.

I'd like to turn the microphone now over to Barry. Barry, can you tell us a little bit about how ODSP affects you right now?

Mr. Barry Bates: Presently, as a person when I work out in the community, in spite of the fact that I hold down three jobs, I'm still penalized by 75% simply because I work at a job, say, outside of our part. On top of that, when it comes to bus passes, I have to give up one thing or another just to get a bus pass or afford one each month. On top of that, when I go out with friends and that, I either have to give up one night of doing laundry or other things just to go out with them, simply because I can't spread my costs out just to save one night for laundry and another night to go out with them, per se.

I would like to see education stressed about the invisible disabilities that we incur, plus the discrimination that often goes with them.

The Chair: Thank you. There is about half a minute each. I'll start with Mr. Marchese.

Mr. Marchese: I thank you both. You have raised some issues that were raised by the previous deputant, and they are as critical as the issues that are raised in Bill 118. In fact, they interconnect, and yet they don't, in a way. This bill doesn't deal with the other essential things that you're talking about, which are just as important: the whole issue of income support, housing, employment, and then you include long-term care in there as well in terms of other problems that people with disabilities face. It's a shame that we couldn't have a bill that directly connects to these other issues, that we'll have to appeal to another minister or another ministry to be able to deal with all of these things separately. I find that sad. But they're important, and I thank you for bringing them forth again.

Mr. Hewett: To speak on that, our organization has been meeting with both the Ministry of Community and Social Services and the Ministry of Health and Long-Term Care, specifically dealing with Alzheimer's and

dementia. There seem to be silos created within the ministries such that funds cannot be transferred back and forth between these ministries to address the needs. We have addressed it here in the city with one house that we have, but certainly the need is much, much greater than that. When these ministries choose not to speak to each other or not to have funding flow back and forth to meet the needs of the community, we get stuck in the middle.

Mr. Ramal: Thank you, Jim. I'm a little bit biased about Community Living London because I worked for them for a while, and I know their needs and how the residents and clients are dealing with facing, especially, physical barriers and attitudinal barriers and so forth. Of course, the bill won't be talking about all your recommendations and your concerns, but it'll talk about a big chunk of them. Hopefully, by implementing this bill, by passing this bill, we'll speak to the majority of your concerns. Thank you very much again for coming.

Mr. Jackson: First of all, Barry, thank you for coming today and for presenting your concerns. How have you found getting employment? I know it's not always easy, but for you to have three jobs, you must have some pretty good employers who have accommodated you and made arrangements so that you could work there. Are there problems you have encountered over the years? I'm sure you've had few, but right now you're doing fairly well with these three employers?

Mr. Bates: Yes. In fact, I can't say enough about the employers that I work with right now. I thank them a whole lot.

Mr. Jackson: Do you want to say who they are?

Mr. Bates: They're A&P, a grocery store here in London; they're located in Byron. Another is London Honda. They sell cars and that; all I do is make sure I keep the place clean. And our part: I do Union Gas for them and just make sure the job is done properly, and other sorts of jobs that need to be done.

Mr. Jackson: Thank you, Barry. Jim, a quick question: Alzheimer's and dementia is something of a concern to me, having developed the first strategy. Are you trying to provide core services and keep them in a group home setting, as opposed to putting them in a long-term? I just wanted a clarification on that. I'll talk to you later about it, because I am very interested in pursuing it.

The Chair: We are out of time; a short answer, please.

Mr. Hewett: Yes, we are. We are trying to keep them in the community in a home situation as long as possible, until it becomes necessary to either move into long-term care or palliative care.

Mr. Jackson: Now I understand.

The Chair: Thank you very much, both of you, for coming. Have a nice day.

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PATRICK MURPHY

The Chair: The next presentation is from Patrick Murphy. Is Mr. Murphy here? You have 15 minutes—

Mr. Patrick Murphy: Ten minutes?

The Chair: Fifteen. You can speak for a total of 15 minutes or leave some time for questioning. It's your choice. You can start any time you or the lady is ready. We already have your material, so thank you.

Mr. Murphy: That's a start, anyway. First of all, let me thank you, gentlemen, for coming and holding these hearings. How else can ordinary members of the Legislature gain any insight into what has only relatively recently been "coming out of the closet," so to speak.

Interjection.

Mr. Murphy: Oh, ladies and gentlemen, yes.

The Chair: That's OK.

Mr. Murphy: We've got to be all-inclusive, eh?

Well, we have certainly come a long way from as little as two generations ago, when the handicapped were often hidden, largely out of shame, or institutionalized. Today there are gay rights, women's rights and various other rights that currently gain much more press and other media attention and are in vogue. Disability rights somehow have not gained the spotlight except when a Terry Fox or a Rick Hansen or even a Christopher Reeve comes along, and that is only because they have done or are doing something extraordinary. A disability is common, ordinary, not glamorous and not paid attention to, and to my mind people are too caught up in their own difficulties and do not want to be reminded of their own vulnerability and therefore refuse to pay much attention to it. As you know, it would not take very much for any of us to end up blind, deaf, minus a hand or leg, or even in a wheelchair. These disabilities are imposed, and unlike other rights issues, it's not a matter of choice. There may be little choice or there may be a hard choice, but with us, there's no choice. And we need help to adapt to a world that still expects perfection.

This allows me to introduce myself. My name is Patrick Murphy. I'm 54 years old and have been married for over 10 years to my wife, Anne, who is in a wheelchair and lives with a progressive, genetic nerve-muscle disorder called Friedreich's ataxia. In 1971, my life was radically altered in a motor vehicle accident, which left me with double vision, poor fine motor coordination and poor organizational skills, and therefore greatly changed my career outlook. But I managed, and then in 1994 fell in love with and married Anne.

Experience: Through Anne, her family and friends, I learned much about the disabled community. You see, Anne has two siblings in wheelchairs; she had three, but one died. We lived nearly eight years in an apartment building for and occupied by wheelchair-bound individuals.

While in London, I was involved with London's accessibility advisory committee and am now on Stratford's municipal advisory committee. I am a past president of the London and district chapter of Muscular Dystrophy Canada. I was a member of the Brain Injury Association for London and district and now attend their meetings in Stratford, where we currently live. When we lived here in London, I also frequently attended the Cornerstone Clubhouse, a drop-in centre for people with

brain injuries. While here, I was also on the advisory board for two worthwhile organizations aiding people with disabilities. They are: ATN, and that is Accommodation, Training and Networking, and they provide computer access for a wide variety of disabled individuals; and the second advisory board that I served on is Independent Living London, and it serves many handicapped individuals with many programs. I'm proud to say I was recently honoured at having been named to the year 2005 Mayor's New Years Honours List for outstanding contributions to people with disabilities in the city of London.

As you can see, I have some experience with people with disabilities, and I can tell you that it has become very difficult for people with disabilities to retain their self-respect, firstly because many have lost so much, often dramatically in an accident, or while watching their peers increase in strength while they deteriorate; secondly, and far worse, is the insidious negation of personhood of often sick people by healthy bureaucratic penny-pinchers. That is reprehensible. I recognize the need for fiscal responsibility in a tight economy, but there has to be some sort of monies allocated to sensitivity training of front-line workers to empathize and to talk with, and not to, people who receive pension money. It is not only getting the money or service to the individual but also how that person receives it. Or as a friend and fellow board member Steve Balcolm used to say—and the quote is now a favourite of my wife, Anne—"it's not aptitude but attitude." In other words, it's not how smart you deliver the service, but simply how you deal with the people. Give people dignity. The handicapped are put down enough by others in society without being demeaned by government agencies as well.

Another way to give the handicapped dignity is to support their independence by supporting and even expanding the direct funding program. DF also saves the government money by putting that same money in the hands of responsible handicapped individuals who manage that money themselves, thus giving them some sort of control and dignity over their lives.

I'm also concerned with the introduction by the Ontario government of a regional system of local health integration networks. Please listen to the concerns as expressed by the independent living centres, especially with regard to their expressed concerns over the security of self-directed attendant services and the manner in which that service is delivered.

That brings up the first thing that I like about Bill 118: You have shown an openness to involve the handicapped in the composition of standards and development committees. I think you need both a handicapped person and you also need people representing the handicapped on that committee. Please look at all their suggestions; they've got so many, and they're very good.

I agree with the ODA Committee's recommendations. They recognized that Bill 118 commits Ontario to becoming fully accessible to people with disabilities; it sets timelines and goals; it applies both to the public and

private sectors; it asks to make barrier removal and prevention mandatory once those accessibility standards are enacted; Bill 118 requires that accessibility standards be developed; and Bill 118 provides for an effective enforcement mechanism.

I would urge you to word the bill very strongly so that it is not left up to the government of the day to interpret, and the ODA Committee goes into ways in which that can be done. A chain is only as strong as its weakest link.

I'm glad to see that all parties unanimously passed second reading, and I hope that it can be achieved on third and final reading. Thank you for your attention.

The Chair: Thank you, Mr. Murphy. We have one minute each, and I'll start with Ms. Wynne.

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Ms. Wynne: Thank you very much. I just want to ask you, Patrick, about the LHIN process. I have a paper, and the copy I have says it's a confidential draft. It was given to me by one of my constituents, a proposal for the creation of an independent living provincial network. Is that the document you're talking about?

Mr. Murphy: No. I believe that the government is—LHIN?

Ms. Wynne: Right. I have a backgrounder from the independent living and attendant services on LHIN. So that's what you're talking about?

Mr. Murphy: Yes, that's what I'm talking about. We listened to that.

Ms. Wynne: It might be a good idea, then, Mr. Chair, if I made this available to the committee, because I don't think everybody has it. So I will do that.

Mr. Murphy: Yes, please.

Ms. Wynne: OK.

Mr. Jackson: Thank you very much, Patrick. You're concerned, as David Lepofsky is, that there should be some way of monitoring this legislation, of reporting on its progress at specific times, not waiting 20 years and at the end of the 20 years we'll look over our shoulders and say, "I think we did a great job."

Mr. Murphy: Yes, but also to set up some standards throughout that so it's not just left to the government of the day, where they have to account for what changes they're going to make, not just so that it's open for them to make changes depending on how they feel.

Mr. Jackson: Do you also agree with Mr. Lepofsky who has said that it should not only be done by sectors, but should be done by ministries, so that we can see if this ministry, which provides mental health services, is doing its job? Should it be hospitals, to see that this hospital is doing its job, or school boards, and not just sectors out there generally?

Mr. Murphy: Right. That's very good.

Mr. Marchese: Thank you for coming, Patrick. I just want to agree with you on the whole idea around having a strong advocate. I don't think we're going to get one. I hope people continue to lobby the Liberal members to introduce something that gives you a voice, because this bill doesn't give you a voice. This bill says we're going to develop standards development committees, access-

ibility committees and all that, but there is nothing in the bill that says that where something isn't working or you are an aggrieved person, you have someone who can defend you. There is no strong advocacy built into this bill. I think there should be, and that's what you're saying.

Mr. Murphy: That would be good, yes, very much.

The Chair: Thank you very much for your presentation.

Mr. Murphy: Do I have a few—

The Chair: Yes, you can have another minute if you need it.

Mr. Murphy: Also, for people on disability, if you intend to include them in the process and on committees, it is important for them to get some sort of remuneration, and also for agencies being represented there, because they often are on such a tight budget that it's very difficult for them to expand.

The Chair: That's your suggestion. That's part of your presentation. Comments on this? I still have a little flexibility.

Mr. Jackson: Just to share anecdotally with the committee on the issue that's been raised by Patrick Murphy, the first person I recommended to go on to the Ontario Accessibility Advisory Committee was on ODSP. The first thing my bureaucrats said to me was, "Cam, the minute you pay him or her, we have to claw everything back." I was right back to square one again, saying, "How unfair this is." I just wanted to put that on the record because it demonstrates what several people have told us. That's a partial impediment to being able to compensate them to participate, because of the clawback provision.

Mr. Murphy: Right.

Mr. Leal: A question for Patrick: I want to follow up. You talked about the LHINs and the creation of new LHINs. There's been a public process in Ontario to advertise for people to be directors of the LHINs. You see it as very important that the directors for the various LHINs across Ontario also have representatives from the disabled community because the LHINs, as I understand them, are going to develop and handle a system within an area to provide complete care. Obviously you would agree it's important that that director reflect all of society, including the disabled community.

Mr. Murphy: Yes.

Mr. Ramal: My question is for Mr. Jackson, because he was a minister of the crown back then when he authored Bill 125. I'm talking about the clawback. Why didn't you change it back then to accommodate the rest of the—

Mr. Jackson: Actually, I did. I'm glad you asked the question. I did change it.

The Chair: OK, we've had question and answer and I think we both made our points. Thank you very much for your presentation and have a nice day.

Mr. Jackson: It's just a double standard. We were helping people.

LONDON AND DISTRICT
LABOUR COUNCIL

The Chair: Can we move on to the next presentation? It's from the London and District Labour Council. Is Mr. Wilson here? Please take a seat and start the presentation as quickly as you can. There will be 15 minutes for you to make your presentation. You can start right now, please.

Mr. Joe Wilson: My name is Joe Wilson. I am president of the London and District Labour Council, which represents over 30 affiliated unions and approximately 27,000 unionized workers in London and surrounding area. The council maintains active contact with many local community groups and social partners.

Acting under a charter granted by the Canadian Labour Congress and in concert with the Ontario Federation of Labour, the London and District Labour Council includes in its bylaws the following purposes: "To advance the economic and social welfare of workers; to secure legislation which will safeguard and promote the rights of workers, and the security and welfare of all people." It is in the spirit of these purposes that I am making this submission. It draws on the Ontario Federation of Labour submission to this committee and is meant to support the rights and welfare of all workers, unionized and non-unionized, and all those who are striving for access to the workplace.

We feel that the introduction of Bill 118 is a progressive, positive and long-overdue recognition of the rights and needs of Ontarians with disabilities. We applaud the government for bringing this legislation forward. We also fully support the recommendation passed at the January 20, 2005, meeting of the OFL executive council that: "The OFL continue to work with the disabilities community to ensure that any legislation positively addresses the accessibility needs of all Ontarians."

Organized labour and indeed all parties responding to the proposed legislation must work in partnership with the pioneering leadership role which has been taken by organizations representing Ontarians with disabilities. However, we agree with the OFL that Bill 118 needs significant amendments if it is to properly carry out its stated purpose.

This submission will briefly address four areas:

(1) The AODA's foundation needs to be a clear and strong recognition of the fundamental rights of Ontarians with disabilities.

(2) Unions need to be formally involved in applicable contexts and applications of the act.

(3) There need to be stricter and more transparent enforcement procedures.

(4) The timelines need to be significantly reduced.

Note that these and similar recommendations are developed in some detail in the OFL submission.

Specific recommendations:

(1) The AODA's foundation needs to be a clear and strong recognition of the fundamental rights of Ontarians

with disabilities. The London and District Labour Council strongly feels that the purpose of the legislation should not be to "benefit all Ontarians" but rather to recognize and enforce the rights of all Ontarians. This position has been affirmed by the OFL and has been developed in detail by ARCH: A Legal Resource Centre for Persons with Disabilities. It is an essential distinction. A benefit would imply something discretionary that might be given to a group of citizens. It leads to terms like "may" in the legislation, introduces vagueness and lack of accountability, and allows for exclusions and lengthy timelines.

1520

Organized labour affirms the rights of Ontarians with disabilities to access to the workplace, to specific supports for the return to work for Ontarians with disabilities, and to specific and necessary supports and accommodations for them once in the workplace. The legislation must establish reasonable, but also timely, accountable and enforceable procedures to ensure that the rights of Ontarians with disabilities are affirmed and enforced in the workplace, as in every part of our society. This is an essential amendment for the AODA.

(2) Unions need to be formally involved in workplace contexts and applications of the act. An essential procedure to ensure that the recommended rights purpose of the AODA is achieved is to require every union and employer to bargain accessibility plans. In non-unionized workplaces, employers would be required to produce and post accessibility plans. This proposal is developed in detail in the OFL submission. This bargaining process should begin immediately.

The London and District Labour Council affirms that unions are uniquely placed to have a central role in this process. We are clearly and firmly committed to achieving the workplace rights of all citizens, and this very much includes Ontarians with disabilities. To quote an OFL release on its AODA submission:

"The labour movement in this province has a long involvement of identifying workplace issues and developing remedies often arrived at through negotiations with management. Of particular interest for accessibility issues, the labour movement has extensive experience in dealing with issues of 'return to work' and 'modified work' and developing workplace accommodations which are often needed by returning workers who have been injured in the past. The labour movement also has long experience with the range of human rights issues which impact on members in the workplace."

The OFL release goes on to state that labour should be centrally involved in negotiating and implementing accessibility standards, should be represented on standards development committees and that labour and community representatives on standards development committees should be supported by the legislation in having any necessary expert, and may I add financial, assistance provided.

(3) There need to be stricter and more transparent enforcement procedures. Again, this theme is fully

developed in the OFL submission. Quite simply, if the AODA is a rights bill, as we assert it is and should be, it needs real enforcement. It needs transparency, clarity and demonstrable accountability.

Bill 118 contains troubling generalities and vagueness. As one example, it does not clearly specify who might be the “representatives of persons with disabilities,” and does not require that there be effective representation by persons with disabilities on the committees it would establish. The bill would place final decisions on such significant issues as defining “accessibility” or “services” with the cabinet, rather than detailing them in the legislation, or placing the decisions with a more accessible and transparent body.

The Pay Equity Act of 1987, passed by a previous Liberal government, by the way, is an effective and appropriate model. It is based on rights and demonstrates that transparency, clarity and demonstrable accountability can be built into legislation. It clearly affirms that effective enforcement is necessary and achievable.

(4) The timelines need to be significantly reduced. Ontarians with disabilities have waited for far too long for this legislation. There will indeed be real challenges in implementing this bill, including recommendations like workplace accessibility plans. However, this long wait and these real challenges should not lead to extended timelines such as the suggested January 2025 date. Rights need to be protected immediately. Procedures need to be implemented in a truly timely fashion. Extenuated timelines, especially those which would bridge several governments, can lead to immobilization and mummification of the whole process. They could easily compromise the good intentions of the AODA.

This is one place where organized labour, especially in areas such as the recommended workplace accessibility plans, would be of immense assistance. We are very aware that good intentions and purposes need to be enacted and enforced. We know that though it may be tempting to rely on or hope for the goodwill of all involved parties, this is hopelessly naive. We are sure that the disabilities community has heard quite enough of empty good intentions, and is ready for substantial, real progress. The London and District Labour Council shares this view, and knows that processes like collective bargaining, effective legislation and consistent enforcement are needed. Quite simply, organized labour is committed to sound, progressive change, and we have a lot of experience in accomplishing it.

In conclusion, the London and District Labour Council affirms the basic rights of Ontarians with disabilities. We join with the OFL in supporting the AODA but assert that the AODA should be more than just a promising beginning. The standing committee on social policy should recommend to the McGuinty government the significant amendments needed to make it a true landmark in progressive legislation. Organized labour is ready to use its commitment to social justice and its energy and expertise in collective bargaining and workplace enforcement to help make Ontario truly a place which

embraces and honours the rights, needs and dignity of Ontarians with disabilities.

The Chair: Thank you, Mr. Wilson. There is one minute for each party. We'll start with Mr. Jackson.

Mr. Jackson: Thank you very much, Mr. Wilson. You're about the fourth group from organized labour, and I appreciate it. Since the first brief, I've been thinking about this concept of bargaining accessibility rights for you—at first, I had difficulty with that, only because if we're going to make it a right in Ontario, why do we need to bargain it? If you could help to clarify for me, essentially I think you are really saying that you want to be able to monitor the duty to accommodate, and then when there is a grievance from an employee who doesn't feel they're being accommodated, either an existing employee who becomes handicapped during the course of their employment or a new hire, that you want to be able to grieve that. Am I getting that correctly? I know I'm bringing it down to a very pedestrian level, but I know the concept has merit, because people have been saying to us, “There's no enforcement mechanism.” Well, organized labour has the instruments to protect their workers; there's no question about that. Help me to understand how to navigate through that to make that into a workable system that we can bring into this bill.

Mr. Wilson: I hope it would not have to be triggered by grievances. The committees, if properly established, would bring to the negotiating table identified barriers. The negotiation is not about rights. You're quite right: You can't negotiate rights; they're there. It's a matter of trying to negotiate the process and the response. There would be complexities. It would not be easy in the slightest. But with a mechanism like this, a forum where labour and management can sit down, identify barriers and be aided in that identification by workers and the disabled community and others, and then try to find accommodations—that's not easy, but it certainly can be done. It's been done in many, many workplaces. With the process in place and with the support and goodwill of management and labour, it certainly can be achieved.

Mr. Marchese: Thank you, Joe. I want to comment on two things. One is the purpose clause, because like you, I find it very curious that Bountrogianni would talk about, if this bill were to be passed, it would help remove barriers for persons with disabilities. Yet, nowhere in the language of the purpose clause do we find that. You don't hear any of the Liberal members speaking to this—I've never heard them once talk about this yet—but I'm puzzled by it. That language should be included in the purpose clause, and it's not. I'm interested in hearing someone give me an explanation.

Secondly, on the whole issue of unions being able to bargain accessibility plans, I think it would be a wonderful thing, in my view, to include it as yet another way of making sure that these things happen in the workplace, at least where it's unionized. I don't see any trouble with that, and I think this could be accommodated in the legislation. I suggest, Joe, that I'm probably the only one supporting this, and that all the Liberal-minded friends

that labour might have won't speak to it and won't comment on this. I don't think they'll include it, in my sense, but I offer that to you, Joe.

1530

Mr. Wilson: Thank you.

The Chair: I'll allow Mr. Ramal to answer the questions, I guess.

Mr. Ramal: Thank you, Joe. It's good to see you again. I listened to you speak and I read it again to confirm some issues you're talking about. We listened to this concern over and over in many submissions submitted to us from ARCH and the ODA Committee about some technicalities and some wording that went in the bill. Hopefully, it will be addressed in the future and will eliminate your concern and other people's concern.

In general, as my colleague Mr. Marchese said, do you think the bill is talking, overall, about all the people with disabilities, including labour, and why we have to specify certain sections not to be inclusive, and if this bill passed, would answer your concern?

Mr. Wilson: I heard many presenters before me talk about how absolutely essential it is to have access to the workplace to have economic independence, and for that to happen, the workplace issues that we're talking about are absolutely critical. If the bill can, for example, recognize the strength of the collective bargaining process, it means that real, enforceable in-the-workplace approaches and accommodations are accomplished. That's where real progress can occur, not just talking about it—"Wouldn't it be nice if?"—the plan, the enforcement, the follow-through. Organized labour feels strongly that this is extremely achievable. It's a matter of will, good legislation and good follow-up and enforcement.

Mr. Ramal: You don't think accessibility should be accessibility anywhere and everywhere?

Mr. Wilson: Very much so. We tried to keep our comments focused mostly on the workplace, but certainly we'd like to see it generalized.

The Chair: Thank you, Mr. Wilson, for your presentation.

AVRIL RINN

The Chair: We'll move on to the next presentation, Avril Rinn. Good afternoon, Ms. Rinn. You can start any time you're ready. You have 15 minutes. We thank you for coming.

Ms. Avril Rinn: My name is Avril Rinn. I'm here representing myself and the agency I work for. I am, first of all, a person with a disability. I was born with congenital cataracts, so I'm legally blind. I've worked for the past 14 years for an agency called Accommodation, Training and Networking—we say ATN, just to make it shorter—here in London.

I want to start by saying that I've heard a lot of really compelling stories today. I'm probably going to keep mine fairly short because there isn't a point on my page that someone else hasn't already made.

First of all, I'd like to really thank you for the opportunity to be here today. It's really empowering. Even if

nothing changed—of course, things will—I think we'd all feel really empowered just for the opportunity to actually be here and feel that we're getting listened to by the government. Sometimes as a person with a disability you don't feel very in control of your life and you don't feel like you have a lot of power. Being able to have a chance to sit here and have people listen to me while I get my 15 minutes in the spotlight is really exciting.

Having said that, I think it was the person from CLL, who actually went through all the processes he'd been through, and he named all the different reports he had contributed to and the events that he'd been part of. I've done a lot of that too over the last 14 years, and it's a little bit discouraging because the issues seem to be pretty well known—everybody is saying the same thing—but they're still the same issues, so that's my first point.

There are a lot of good things that are happening and that Ontario has in place right now, like the assistive devices program and like ODSP's employment support program. I don't know what it's like in other parts of the province, but here in London we get a lot of support. People with disabilities get a lot of support from ODSP employment support, so they're a good thing that's happening.

As I was reading through the bill, I was struck that a lot of the things I had to say are things—and I've heard this said by members of the committee before—that the bill probably isn't going to address. I'm hoping that maybe the bill can be amended or in some future time there can be other kinds of legislation to make some of those things part of processes.

I was looking over how the bill was titled, and it says, An Act respecting the development, implementation and enforcement of standards relating to accessibility, and the first thing I thought was, what does "accessibility" mean? Well, it means different things to everybody who's in the room today. Somebody in a wheelchair wants all-level access and automatic doors. I'd like to have big signs. Somebody else just wants to be able to have a subsidized bus pass so they can go to work. Accessibility is a million different things to a million different people. Much of the time, law isn't what makes things accessible, attitude is, the attitudes of the people around you. I realize you can't legislate attitude, but that's really important.

At the organization I work for, ATN, we serve about 500 clients a year. We do pre-employment skills training for people with disabilities, and employment is our main focus, with quality of life for a lot of our clients being our secondary focus, and the recognition that everybody deserves—again, I think the person from CLL mentioned that a lot of people can go out and pick up a schedule of what's happening at the local community centre and go to that, but if you have a physical or visual or hearing disability, you can't attend all of those courses, but they're still really important to your quality of life.

It's a hard thing, because there's not a financial reason why you would do it; there's more of a human reason why those things are important. Some of the problems we

see at ATN on a daily basis, in terms of employment and training, are students graduating from the high school system who, quite honestly, cannot read, who have either just been pushed along and ignored or their disability was put aside and they were just sort of warehoused in the school system. What's really disturbing about that is that for kids who don't have disabilities, you start in grade 9: What courses do you want to take? What kind of career path do you want? For students with disabilities, it's not like that. It very seldom happens that somebody's looking at what's going to happen to them after school. It seems to come as a big shock to everybody that they're graduating, and there needs to be something for them after that. We'd really like to see a process where that's made more of a priority.

A lot of the older adults we've seen, whether they are people who've always had disabilities in their lives or people who have just recently gotten disabilities, are people who are despairing about what's going to happen to them and what their future is going to be like. They can live on ODSP and they probably aren't going to starve to death, but they're not going to have much quality in their life and not much hope for a future for themselves.

Among that group, there are people who can't get involved in education and training opportunities because there's no funding for them. There's no funding for things like interpreters, for accessible materials, for accommodating whatever their disability is to the course. For people with more severe disabilities, as I alluded to before, their options are very limited in terms of the kinds of things they can get involved in; often, it will have to do with things like, if the agency they're associated with has an affiliation with a certain bowling alley or some kind of program, they can go to that, but they don't have a lot of individual choices because of their physical or intellectual limitations, because there's not transportation available, for a lot of reasons just like that.

You know that funding mechanisms exist, but they're not very well advertised. They're hard to find, they're administered by all different agencies, and the amount of paperwork you go through is just incredible. It would be really nice if that stuff could somehow be legislated into making it easier to access those things, a kind of one-stop-shopping approach to different things.

I guess the reason we see stuff like this as problems is because it all contributes very significantly to the very high unemployment rate among people with disabilities. I think many more people with disabilities could work if there were a few more supports available to them. You can also make a case for stuff like this being really bad for people's physical and mental health. If you don't have any mental or physical stimulation and not a lot of hope for your future, you're probably going to have medical problems.

1540

Bill 118, or legislation like it, can help, I think, by being a starting point for inclusion and equal access, something that hopefully can be alive and can evolve,

where things can be added or changed when there need to be changes.

I have a real interest in kids, because as a young person, I saw myself falling into a lot of these categories in terms of not having a lot of hope for my future, not seeing what would happen to me after university and stuff like that. I had a lot of mentors in my life who helped me. I'm a fairly determined person. Unless you are those things, unless you have those mentors and unless you are hugely determined, you're maybe not going to get what you need and then you're not going to be able to succeed.

The last thing I would like to say is that I would really like something like Bill 118 to recognize that it isn't just one agency or one bill or one group that's going to make something like this successful. For a lot of these problems to be alleviated, there needs to be a collaborative, concerted effort by a number of different things—income support, housing, education, health—when you think about people with disabilities getting into the workforce.

I've often used the phrase, "You're only as disabled as your society makes you." That's a bit of a negative statement, but sometimes it's really true. If society already believes that you don't have a future, that there's no hope for you, if there are already beliefs about what your abilities are, then yes, you're probably not going to succeed.

Just as a way to end, I want to illustrate some of the points I've made. When I first said I wanted to make a presentation before the committee, I sent an e-mail, and in my e-mail, I asked that this process be held in a central location because I'd be coming on the bus. I was horrified—not that there's anything wrong with this facility; it's a lovely hotel, but it's just not in a very nice location if you're coming from downtown or far away. The person I talked to was lovely and accommodating. She was quite horrified and said, "But we had a checklist. The hotel had to have automatic doors and accessible washrooms"—she was kind of going on, and I let her. But I thought, that's not just what it's about. There's more to access than that.

I sincerely believe that legislating some of these things is really going to help people with disabilities and I hope that the legislation can reflect many of the things we've heard today. Thank you.

The Chair: Thank you, Ms. Rinn. It was the clerk you spoke to, the lady on my right here. Anyway, thank you for your presentation. There is one minute available for each party to ask questions, and I will start with Mr. Marchese.

Mr. Marchese: Thank you for sharing the stories, Avril, because we learn so much about the complexities people face when they have a certain disability. The last comment was equally useful.

You also raised the whole issue of Bill 118 hopefully addressing some problems, but that there are so many other inter-related problems that need to be dealt with to complete the wholeness of a person with a disability. Housing, income support, employment support, edu-

cation—all of these are so connected. All I can say is that you and the rest of us will need to continue to lobby the Liberal government, in this instance, to make sure that those issues are going to be dealt with in the next couple of years.

Mr. Fonseca: Avril, thank you so much for your deposition. Listening to so many who have come forward and shared their stories with us, it's daunting to hear about the number of barriers that exist out there. When we hear about the lip on a bathtub—I know that Mr. Ramal actually spoke to the management here at this hotel because questions have come up around barriers that exist, even in this hotel, which was newly built in the last three years. They said that within their policies and best practices at the Sheraton, they invest a percentage, actually have a percentage built in, to be at the best of standards they've been given. I believe this hotel chain is American and it's coming through the Americans with Disabilities Act.

Listening to what you've shared with us has been incredible, and that's why we have to move as quickly as possible with this bill and get it enacted, so that we have those standards, so that we have those timelines, so that we can bring everybody—even those who feel they're doing a good job, but it's still not getting us to where we want to get to.

I was looking at today's menu here at the restaurant and the lettering was actually small for me, and I've got 20/20 vision. So I can only imagine that as a barrier to someone like yourself. Thank you very much.

Mr. Jackson: Avril, thank you for your presentation. It was refreshing and it was uplifting, so I want to thank you for that.

As I listened to you carefully, I was getting a sense that underneath your message was a concern that even if we get employers sensitized to the needs of the disabled and ready to accommodate, there's still an even more important front-end role for government to ensure that we give persons the tools with which to operate and to draw out of a basket of services: housing, skills, education, supportive devices, aids to communication—you know the checklist better than I do. When you listen carefully to your brief, I guess you really are trying to convey to us that unless we insist that the education system make some changes—student loans, a system of bursaries—and unless we get technical training dollars, whether from the federal or provincial government, coordinated for the disabled, unless we get those things right, we're actually asking the private sector to get ready for a group of workers who don't have the supports to do the job they know they're capable of. I'd like you to respond to that. Did I listen to you carefully enough to get that that's an important part of your message, that by focusing too much on the private sector, which has to be focused on, we may be taking our focus away from the responsibility of government to fund these programs properly?

Ms. Rinn: It's absolutely crucial that all the systems are working together. Yes, that's exactly what I was

saying. Even if a person with, say, a physical disability gets a job, if they don't have an accessible apartment, if they can't get attendant care, they're going to have all kinds of trouble actually being able to get to the job, not because they can't do the job but because they're not able to do the job.

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

DUNCAN BRUCE SINCLAIR

The Chair: The next presentation is from Duncan Bruce Sinclair. Mr. Sinclair, please start any time you're ready. You know you have 15 minutes. Thank you for coming.

Mr. Duncan Bruce Sinclair: Thank you, Mr. Chairman and members. I must admit, I have been moved by a number of the presentations today. There have been some great presentations. In fact, so many good points have been made today, many of them repetitive of what I was going to say, that I trashed my formal notes and I'll try to keep my comments fairly brief.

I must say, I am impressed with the group up here. Not only have you been very attentive, as I've watched all these presentations, which I know is tough, I've noticed that very few of you have even taken bathroom breaks. For those of us in wheelchairs, we don't usually do that on purpose; it's usually because we can't get in the toilet.

Thanks for the introduction. My name is Bruce Sinclair. I actually was born and raised in London, so it's fun to come back here for this presentation. I came back for two reasons. I travelled about six hours yesterday to come here for this presentation and also to take my son out to dinner last night—he's at the university—to make sure he's actually still attending. I think he convinced me of that.

Yesterday was another great example. You've talked about how you enjoy some stories, so I will give you a couple of things that impact us. I'm presenting from a slightly different bent. I'm an employer, an executive. I've had great opportunities living in Ontario. I was educated here at undergraduate and graduate school. I had the opportunity of moving up through corporations. I was the founder and president of Dell Computer in Canada. I launched it in Europe and ran it across Europe. I'm currently president and CEO of WaveRider Communications, which was recognized last year as the fifth-fastest growing company in Canada. I have had a wonderful career spanning the last 20-plus years. I've had the chance of working in America and in Europe, and have benefited personally very well from that. Unlike many of the people whom I think this bill will support, it's not a financial issue for me. It's just one of accessibility and of treating the disabled community as equal citizens.

1550

Every day is a challenge. Yesterday I flew in from a vacation. I left my wife on a golf course in Florida and

landed in Toronto. I went to the car rental and, sure enough, they'd forgotten to put hand controls in the car, so I sat outside for two hours and waited for them. They did manage to put one together, which was impressive, because they usually can't do that when they screw up. That never happens in America.

I got to the hotel here last night at 7 o'clock. I had dinner arranged with my son at 7:30 at a local restaurant. They gave me my room and I said, "Gee, I didn't know you had any accessible rooms upstairs." They said, "Oh no, you don't have an accessible room." I didn't have an accessible room. I'd booked one, but they'd given that away. So at this hotel last night at 7 o'clock, I'm getting more frustrated, having travelled for about seven hours. They said, "Sorry. We've upgraded you to a suite." I said, "That's great, but I would like to be able to go to the bathroom." I'm not as good as some of you who have hung in here all day.

I couldn't get a room here, so after dealing with a rather obnoxious person at the front desk, I finally convinced them to at least find me one. They assured me that the brand new Travelodge a few doors down the road would be just as good as this hotel. It's not nearly as nice a hotel, but it was a hotel with an accessible room. I got to the room and I could get in the bathroom door, but it wasn't an accessible shower. There were no bars on it. I did, by the way, manage to have a shower, so you can talk to me afterwards if you want, but I did leave about four inches of water in the bathroom when I left.

I try to make light of these stories, because I'm one of the few lucky ones who is a little more tenacious, a little stronger and more able-bodied, in many ways, than other people in my situation, because I'll make do.

I talk about how lucky I've been with my career. I personally have paid over a million dollars in taxes in the last 10 years since I had my accident, because I've been lucky with my career and with good work opportunities.

My principal residence now is in Thornbury, Ontario—the other side of Collingwood, for those of you who know it. There are about 30 shops in town. There are four that I can get into. There are about 10 restaurants in the local community. Two of them have accessible toilets; five of them I can't even physically get into.

A year ago, they tore up the main street in lovely downtown Thornbury. I love the town, and I was so excited that they tore up the town and were putting in very fancy new sidewalks and nice lamps to make it very trendy. They didn't even make the shops accessible as a result of that. In fact, there are more steps now, so there are fewer shops I can get into, post-reconstruction of the sidewalk, than before.

Mr. Jackson, you said you were surprised earlier to find the lack of co-operation in St. Thomas. There may be co-operation in some of these communities because they're not doing anything. I mean, nothing is happening. They're going backwards, not forward.

I share my examples because I travel a lot to other countries and to other places. Ontario has the distinction, certainly in North America, of being comparable to Quebec and Mexico. Those are the only two other places

I've travelled to that I can say are equally bad. We are like a Third World country compared to many of the jurisdictions that I've travelled to: The United States, Australia, England and Germany are far ahead of Ontario. I don't think people realize that, because we tend to look at how it's affecting our own communities, what's going on in our own communities. We are way behind these communities. I can travel to any of those places and I don't have to worry about hotels. I don't have to worry about car rentals. I don't have to worry about where I'm going.

Two weeks ago, I had two fellows in interviewing for board of directors positions. We finished the day of interviews—this is in Toronto—and went to two restaurants. Neither of them had accessible toilets. I ended up peeing in the parking lot, and then we went in and had the director interviews over dinner in a restaurant in Toronto.

Two or three months ago, our company was awarded the Touche Ross Fast 50 award for the fastest-growing companies. I was supposed to give a few comments at the dinner. I got down to the new restaurant in downtown Toronto and couldn't get in. There were two steps at the front door. I turned around, went back to my car and drove the two and a half hours back to my home. That is an example of what it takes to do business in Ontario.

When I moved my office to the building that I'm in, on Consumers Road in Toronto, they didn't have an accessible bathroom in the building, where I could close the door. I said, "Well, we're definitely not moving in until you build me one." They were going to build me an executive suite. I'm the president and CEO and they'd build me a fancy office. I said, "No, I want a bathroom. If I want to hire people and if people in the building want to work there, I don't want this to be an exclusive building,"—and they did. Now people come from a couple of buildings around to go to the bathroom in my building.

The fact that we have building codes that are not being followed or that are not addressing this today is an embarrassment. When we talk about the time frame, 20 years is ridiculous. For us to consider that we're going to implement something over a 20-year period when we are so far behind the rest of the developed world is embarrassing; the fact that we don't want to put teeth in this legislation so that people would be accountable for it. You mentioned the ADA, the Americans with Disabilities Act, earlier. I spend a lot of time in America. I've worked in America quite a bit. One of the reasons they have been so successful with theirs is because of the teeth in the legislation. It works.

You don't have to give education if a business is going to be closed down because it wasn't accessible. If a hotel could be closed because they didn't meet the requirements, those staff get trained by that hotel on how to support people with disabilities. I wouldn't emphasize education at all, because education will help when people are forced to make their places accessible and society is forced to be accessible. Thank you very much.

The Chair: Thank you, Mr. Sinclair. We still have two minutes or so, so I will allow about a minute each. We'll start with Mr. Ramal from the Liberals.

Mr. Ramal: Thank you very much for coming. This presentation was different from all the presentations we listened to, and inspiring. Hopefully, this bill will eliminate your concerns and make you happier about Ontario. Hopefully, Ontario will meet the standards that every one of us is looking forward to seeing in the future. Hopefully, by passing this bill, we can achieve our goal and your goal.

The Chair: Mr. Parsons, a quick one, within a minute.

Mr. Parsons: I appreciate the presentation. I spent a day in a wheelchair in my community just to experience it and I was shocked at the number of buildings that I thought were accessible but that weren't. The thing that really shocked me, though, was I'd go into a coffee shop or a store in the chair and I was invisible. The clerks didn't see me. I just didn't seem to exist any more. Have you any comment on that?

Mr. Sinclair: Again, I think I'm lucky. I'm big, I'm loud.

Mr. Parsons: Intimidating.

Mr. Sinclair: I will make my presence known. But clearly that is an issue.

I might add just one quick comment. I'm on an honorary board of the Canadian Paraplegic Association. I have seen what they've submitted. I'm actually on an honorary board with John Tory. He's a good friend. I'm supposed to be at a function in two weeks with Rick Hansen. We try to raise money for the CPA. I definitely support the feedback they've given. I think they could be more aggressive on the timing.

Mr. Jackson: Duncan, thank you very much. Would you be willing to sit on one of the standards committees?

Mr. Sinclair: I would be prepared to consider it and provide some input for it. I'd have to understand the time commitments.

Mr. Jackson: Thank you very much. Your presentation was compelling.

Mr. Marchese: Thank you, Duncan, for speaking to many issues, including the timelines. You heard a couple of people—the majority think that 20 years is just silly and some thought that it might be reasonable. I don't think it's reasonable. I think we can do it in half that time. I don't think the Liberals have any support for keeping that 20-year deadline, so I hope that will die.

On the whole issue of monitoring enforcement and so on, one of the things people have told us about is that there is no effective monitoring system to look at its implementation. The minister is not even required to publish an annual report on the progress of the standards development or enforcement. There is no mandatory evaluation process. And there is no provision for the maintenance of a publicly accessible database that could be compiled for the reports filed under the AODA. Do you think that's a problem?

Mr. Sinclair: Clearly, there have to be aggressive, measurable milestones and a feedback mechanism that can measure that. Whether the specifics of what you've addressed—there are people smarter than me at addressing the legislative side of it. Again, one of the key

differences between here and other jurisdictions is that when there are real teeth in it, when there are penalties, when there is a real price to pay, people get educated, people learn, and that feedback will happen if those mechanisms are in place.

Mr. Marchese: Except, on the whole issue, there is a fine but there are three problems with it: (1) There is no requirement to hire inspectors; (2) there is no requirement to have a director do a review of accessibility reports; they might do it but there's no requirement that they do that; and (3) there is no mechanism to know who the heck is going to be doing the administration for the penalties. So while that is there, it appears there is going to be an enforcement, but we don't think it's going to happen.

Mr. Sinclair: Clearly, there has to be something stronger put in to make sure it happens. There was some good work done before that didn't get followed up on and implemented. Hopefully, this time it will.

The Chair: Thank you very much, Mr. Sinclair, for your presentation. We thank you for coming here. Hopefully, you enjoyed the day in London.

Mr. Sinclair: It was good.

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LONDON PROPERTY MANAGEMENT ASSOCIATION

The Chair: The next presentation is from London Property Management Association, Kim Walker and Paul Cappa.

Mr. Jackson: Mr. Chairman, I just have a brief motion I'd like to read into the record:

I move that the standing committee on social policy invite the chair and members of the Accessibility Advisory Council of Ontario to be given sufficient time to provide a detailed technical briefing to the social policy committee on the progress to date on their work to prepare sectoral accessibility standards and regulations, as mandated in section 19 of Bill 125, the Ontarians with Disabilities Act, 2001, to occur when the Legislature reconvenes and before clause-by-clause consideration of Bill 118.

My motion would suggest that we reserve this for debate when the committee reconvenes. So I'd like to table that, if that is received unanimously for that purpose by the committee.

The Chair: OK. Like the prior motion, we'll accept it and we will deal with it in our first meeting.

I think we can move on to the next presentation. Ms. Walker and Mr. Cappa, thank you and please proceed.

Ms. Kim Walker: Good afternoon, Mr. Chair and fellow committee members. My name is Kim Walker and I am the president of the London Property Management Association—LPMA for short. I'm also a property manager with Medallion Corp. in London. I'm accompanied today by Paul Cappa, vice-president of LPMA.

LPMA is a non-profit association of large and small owners/operators and managers—

The Chair: Ms. Walker, could I ask you to moderate your pace so that all the people in attendance are able to understand and appreciate your presentation equally? You want them to appreciate it, so keep that in mind, please.

Ms. Walker: I'm very sorry. I have ADHD and part of my disability is that I speak rather quickly.

The Chair: Alas, I do the same thing.

Ms. Walker: Thank you. LPMA is a non-profit association of large and small owners/operators and managers of residential rental properties. Our organization has represented the interests of the rental housing industry in London and area since 1967. We have approximately 400 members, the majority of whom own fewer than 30 rental units. Bill 118 will have a direct effect on our landlord members, and we appreciate the opportunity to be here today to share our concerns with this committee.

We understand that the purpose of Bill 118 is to establish accessibility standards for persons and organizations in both the public and private sector. As providers of rental housing, our industry would be included under this legislation.

Let me start by saying that LPMA supports accessibility initiatives designed to reduce physical barriers for the disabled.

This bill introduces yet another piece of provincial regulation to the rental housing industry. The industry is already highly regulated. We are affected by many different pieces of provincial legislation, including the Building Code Act, the fire code, the Tenant Protection Act and the Ontario Human Rights Code, to name a few.

Upon reviewing this bill, our initial observation is that it describes in general terms a process but does not include the terms of reference for the standards that are contemplated. This creates some uncertainty for our members. Specifically, we are concerned that the government may use this legislation to download their responsibility for accommodating people with disabilities, whether mental or physical, to the private sector, without regard to cost or consequence. Our members are also concerned that this bill will be used to require landlords to retrofit their buildings so that they resemble institutions rather than residences. Hopefully, our members' concerns will be alleviated through this process here today and the end product will be reasonable and something we can all live with.

Our industry is subject to the policies and regulations of all three levels of government. In the past, we have observed various arms of government working in isolation when bringing about legislative reforms, despite assurances to the contrary. Little thought is given to the big picture and the impact and interplay between competing jurisdictions and regulations.

It is important and critical at this juncture, before this legislation is adopted, that there be a full assessment of the impact on the different policy objectives of the government. This will help to remove uncertainty.

Reducing the barriers to accessibility is a laudable goal but, in reading this statute, it is unclear specifically

what standards are anticipated. No one can argue with reasonable and predictable standards which are developed through consultation and consensus.

Standards and measures must be reasonable in both their application and expectation, predictable and guarded from political interference. As with any business, landlords need and want certainty that will allow them to operate their businesses without being subject to arbitrary standards that are inconsistent in their application or unclear in their objective.

Reasonable standards should allow landlords sufficient time to plan and implement measures that eliminate barriers. While we support standards that would apply equally across the industry as a whole, we ask that you recognize that ours is a very diverse industry. The standards should recognize that there are degrees of disabilities; likewise, there should be recognition in their application that the scale and range of rental housing operations varies widely. Also, the level of sophistication of property owners varies greatly.

We note that the bill has a 20-year full implementation timeline. LPMA supports reasonable timelines which allow our industry to plan and implement changes that eliminate barriers.

I'd like to highlight for you some of our specific concerns with this bill as it presently is drafted.

LPMA is concerned about the abstract and vague concepts within this legislation and how it will subsequently affect our industry. We are concerned about the role of the standards development committees and the enforcement provisions of the bill.

The bill contains a general, and previously acknowledged, laudable goal, but it does not provide any specific parameters, guidelines or particulars of what will ultimately be reflected in the accessibility standards. There's no direction given by the legislation to the standards development committees regarding the substance, parameters and criteria to consider for developing the specific standards.

Will the terms of reference referred to in section 8 of the bill for the development of the standards be promulgated by elected government, government staff, special interest groups or the public at large? There's no minimum or maximum guideline, no reference to cost or benefit, no reference to pre-existing standards or regulations. The terms of reference are critical to the development of the standards and ought to be incorporated into the statute.

In our view, too much discretion is being given to unelected individuals to develop standards that could have significant financial and administrative consequences for private sector landlords. Unelected representatives are not accountable to the public. This legislation has far-reaching implications and should not be left to regulations; it should be the subject of public scrutiny and debate.

If standards development is to be left to committees, and the terms of reference are omitted from the statute, there should at a minimum be some reference to reasonable and specific limiting criteria. With this in mind, we

urge the government to amend the bill to include specific criteria which the standards development committees shall have regard to in developing standards. This will ultimately assist the committees to determine reasonable standards and measures that will be attainable.

For example, the committees should be required to consider the feasibility of the standard or measure from a technical, physical, practical and financial perspective. The bill presently requires the standards development committees to have regard to these criteria only when determining the time frame for implementation, not for developing the standard itself. In this respect the bill is flawed.

By introducing reasonable criteria, the standards will ultimately be workable and not inflexible. For example, if a rental unit requires some form of alteration, there may be technical or physical limitations which would make it impossible to achieve compliance.

The bill should also ensure that, prior to a standard coming into force, that there be support mechanisms and programs implemented by the government to give force and effect to the standard. For example, an elderly tenant suffering from dementia with no surviving relatives may require care that is beyond the scope of a landlord-tenant relationship. If the standard requires the landlord to notify some public agency, then that agency must be empowered to intervene and be prepared to do so once the standard is adopted.

LPMA is also concerned with the broad definitions of “disability” and “barriers,” which appear to be open-ended. For example, the definition of “attitudinal barrier” is unclear as it presently appears in the bill. It’s critical that all of the definitions in this bill be comprehensible and fair to all.

The relative success of standards development falls to the representatives that will form these committees. In theory, the commitment could last anywhere from five to 20 years. We’re hopeful that the government will seek out expertise and balanced representation from all sectors that are impacted by this bill. It’s also critical that members be compensated because of the significant amount of work that will be required to put the practical substance into the legislation.

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LPMA strongly urges that there be representation from the private rental housing sector, specifically a senior professional with expertise in property management, design and construction.

The bill does not address the process by which the standards will initially be designed. We cannot assume that committee members will agree on every component of each standard. What is unclear from the bill is how the committees will obtain public input in the initial stages when developing the standards.

In our view, it would be advisable to publish a discussion paper and allow public input before any standards are drafted. In order to do so, the legislation should be amended to articulate the guiding principles and criteria that will form the backbone for the standards. In

the absence of this process, the public is effectively excluded.

LPMA has concerns about some of the bill’s enforcement provisions. We are concerned about the bill’s potential conflict with the Tenant Protection Act and the Human Rights Code. It would be unfair and prejudicial for a landlord to have to respond to proceedings in front of all three tribunals regarding potentially the same thing.

The requirement for an annual compliance report is administratively burdensome for both the owner and the public body that is expected to review the same. Many small rental property owners do not have the educational or language skills required to prepare an accessibility report. The requirement to provide a report may drive many of them out of the industry. We urge you to re-examine this requirement.

In conclusion, LPMA supports in principle the concept of accessibility standards. A clearly defined set of reasonable and practical standards will be a benefit to society as a whole. We believe the bill, as drafted, should be amended to clearly articulate the criteria and substance of the standards so that there will be an opportunity for public scrutiny and debate.

Thank you very much for the opportunity to speak to you today.

The Chair: Thank you. There is time for questions: one minute each. We’ll start with Mr Marchese.

Mr. Marchese: Kim, two things. I want to make them brief. On page 3—there’s no paging, but it’s 3—“Our members are also concerned that this bill will be used to require landlords to retrofit their buildings so that they resemble ‘institutions’ rather than ‘residences.’” You’re saying that if we have washrooms that are accessible to people with disabilities, that might resemble an institution rather than a residence?

Ms. Walker: I’m going to defer to Paul Cappa to answer that.

Mr. Paul Cappa: We’re not really sure what it means, because the central issue that we have with the legislation is that there’s not enough detail there. If the requirement is that every unit in a 200-unit apartment building be handicapped-accessible rather than a certain—

Mr. Marchese: A couple of units, yes.

Mr. Cappa: —yes, a couple of units: I don’t know; is that reasonable?

Mr. Marchese: I just found the language curious. “So that they resemble ‘institutions’ rather than ‘residences’”: I didn’t like it. That’s what I wanted to say.

I want to ask you both: If you had a disability, either one of you or both of you, would you be presenting this report?

Mr. Cappa: Well, I can tell you that there are a number of small landlords—

Mr. Marchese: If you had a disability, would you be presenting this report?

Mr. Cappa: I don’t know if I can answer that because it would depend on my capacity as a director of this association.

Ms. Walker: If I had a disability and I was a landlord, then yes, I would be presenting this report today.

Mr. Parsons: I know the best thing for tenants is to get a healthy rental market, but I'm a little disturbed by your presentation. You say that "the government may use this legislation to download their responsibility for accommodating people with disabilities, whether physical or mental." People in Ontario have the right to accommodation. People with disabilities aren't asking for something special. They're not asking for a favour. They're not asking for something above what the rest of the community has. Your tenant without disability has a right to a washroom and that it be accessible. A person with a disability has a right to a washroom and that it be accessible. It's a basic human thing.

You're focusing on the physical disabilities, but I would suggest to you that if you're developmentally handicapped or if you have a mental health issue, you're going to have trouble renting a place. Far too many individuals are judged to not be a good tenant before they've ever been given a try. The decision is made that you're not going to let them in, and I'm afraid that offends me.

What we're asking for, what Ontario has stood for, is equity for individuals. What I'm hearing is, we don't want to take the barriers down. You're talking about some of the standards and whether they should be implemented. The stance of this government is not if they'll be implemented but when they will be implemented. I really, passionately believe that they're not second-class citizens. This makes it sound like you're doing them a favour by letting them have an apartment. Any reaction?

Mr. Cappa: I'm sorry if you take that from the paper, because clearly that wasn't the intention. There are a couple of points we want to draw, and those are that in this industry there are a number of regulations that already affect us, whether it's the fire code or the building code. We accept that there will be additional accessibility standards. We just want to ensure that there is consistency between those standards. You have to appreciate that not only is there provincial jurisdiction but there's also municipal jurisdiction. We don't want to be caught in the crossfire; we just want to make sure there is consistency. I don't think that's unreasonable.

Mr. Parsons: I also will reinforce the other part: the invisible disabilities. I hear consistently from individuals who have trouble renting if they have mental health issues.

Mr. Cappa: Can I—

The Chair: Yes, quickly, and we'll end it.

Mr. Cappa: I can tell you that, for instance, here in London there are a number of landlords that are in co-operative arrangements with public agencies to provide accommodation for those people who have mental handicaps. All I can say is, I'd hate to see something come down the pipe that's going to interfere with those existing arrangements.

The Chair: Thank you again for your presentation.

ONTARIANS WITH DISABILITIES ACT COMMITTEE, LONDON

The Chair: We'll move on to the next presentation, which is the Ontarians with Disabilities Act Committee, London: Andrew Tankus. As you take your seat, you can start whenever you're ready. You have 15 minutes for your presentation.

Mr. Andrew Tankus: Thank you, Mr. Chairman and committee members. I believe Bill 118 should be implemented to strengthen the original Ontarians with Disabilities Act of 2001.

First, I would like to give you a brief history about myself before I explain why. In 1977, at the age of nine, I had a golf-ball-sized brain tumour removed from the back of my head. Medical technology being what it was back then, they had to remove a third of my brain along with it to save my life. While on chemotherapy and radiation therapy, I was told by my doctors that there would be side-effects from these treatments, but what and when they would be they did not know. I was told this because at first they only gave me a 3% chance of survival.

The first of these effects occurred six years later in 1984, when I was told that I was brain-damaged as a result of the surgery and radiation treatment. It was recommended that I not continue going to school. The second occurred in 1990, when a second tumour was removed from my brain. It was discovered that this tumour was caused by the treatment that saved my life back in 1977.

In 1991, against the suggestion of my parents and the staff of a local vocational institute, I enrolled in Fanshawe College. I graduated in 1993.

I have tried to live my life as normally as possible, including jumping out of a plane at 10,000 feet and driving a car into a brick wall as part of a movie stunt, just because I wanted to. But the most difficult barrier I have been forced to face is having been discriminated against because of my disability. For example, someone calls you on the phone whom you have never met, someone who wants you to be a volunteer for their campaign. Based on the conversation you have with this person, you create a mental image of what this person should look like. What would happen when you meet this person for the first time and they did not look anything like what you expected, like the image you had in your head?

In my case, there have been many times when I have spoken to a prospective employer on the phone about an advertised job to arrange an interview. When I would arrive, before the interview would even begin, I would be told, "I can't hire you." When I asked why, the answer I got nine times out of 10 was, "If I hire you it'll make me look bad for employing someone who looks like you, especially if you make a mistake." I had made an attempt to take some of these employers to court for the infringement of my rights and was told not to bother by every lawyer I consulted.

In 2002, I was diagnosed as having complex partial seizures. While it is just a mild form of epilepsy, I am not allowed to work or drive because, as of yet, my medication is not working to properly control these seizures. These seizures are being caused by the growth of scar tissue at the site of the removal of the second tumour. That was the third side effect. Two days ago, though, my neurologist informed me that I might have to have surgery to remove the part of my brain that's causing those seizures, but he also said that that operation itself may cause seizures in a different part of my brain.

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In 2003, when my savings ran out, I went to the local Ontario Works office to apply for financial assistance. It was here that I experienced, for the first time, what I call discrimination at the government level. I explained that I had a letter from my doctor explaining why I could not work. The intake worker just got up and walked away. This happened twice. Finally, I demanded to speak to a supervisor, and it was only because of this that I was able to get into the program. The same year, I became an active member at Cornerstone Clubhouse, which is a part of the Dale Brain Injury Services here in London. I also became a member of the London region ODA.

The organization that I represent here today is that of the unseen, or those of us who have what you could call an invisible disability. It's easy to identify with barriers for people with visible disabilities, such as a wheelchair or a walker, but it's not so easy to identify with barriers for people who have an unseen disability, like me. I'm articulate, I can walk, I used to drive, and so forth.

Yes, Bill 118 must be enacted to make the Ontario disability act of 2001 stronger, so that the disability community of Ontario can be included in the day-to-day events of life, as most of us want to be. But part of the plan to transform Ontario into a truly accessible province must also include the increase of payments to those of us who rely on government for financial support in a realistic way. My rent right now, for example, is more than 52% of my monthly cheque. I have been told by my local ODSP office that I should move. I should not be paying more than \$416 a month in rent. In the city of London, you cannot find an apartment, specifically a bachelor apartment, for less than \$400.

Lastly, I just want to say that I think it was in pretty poor taste that in preparation for their presentation today, the London and District Labour Council, in conjunction with the Ontario Federation of Labour, held a meeting in a mostly inaccessible location on January 26, in a building that was mostly inaccessible for people with disabilities. Thank you.

The Chair: Thanks very much. We have two minutes for each party to ask questions. I'll start with Mr. Jackson, please.

Mr. Jackson: Andrew, thank you for your presentation today and your personal story of survival. This is quite extraordinary. Your cancer is fully in remission, I take it?

Mr. Tankus: One, yes; the other one, they're not sure yet.

Mr. Jackson: Not sure yet, eh? Andrew, you're familiar with Mr. Lepofsky's 168-page report to this committee. We've asked for additional time for the committee to analyze his brief and give him more time. I'm sure you're the first one to say that it's a little unfair that he was given the same amount of time that you were given to present his wealth of knowledge to the committee. Does your access committee fully support the recommendations in his report?

Mr. Tankus: In the brief amount of time that I had to read the amendments for Bill 118, the one thing I would change is that I would broaden the scope of the word "disability" to both visible and invisible disabilities, so that it is more widely understood.

Mr. Jackson: In conclusion, I want to say that I had occasion, when I was minister, to tour Dale Brain Injury Services and your Cornerstone Clubhouse program. I just want to let you know that I know a bit of what you speak and certainly concur with the concerns you raise. I'm pleased that you're connected to that important service.

The Chair: Mr. Marchese?

Mr. Marchese: Thank you, Andrew. I congratulate you for the strength of the personality that you exemplify in the face of so many problems that you have faced and continue to face.

One of the issues you speak to that I want to repeat is the whole need for an advocate. When you say that on two occasions, once they saw you, they told you what they told you, "I can't hire you," it's dreadful. Then when you go to a lawyer who says, "Don't bother," it speaks to the need to have an advocate. That even lawyers are telling you, "Don't bother taking this through the legal process," or even saying, "Take this to the Ontario Human Rights Commission as a way of seeking redress" is unbelievable.

I think this bill needs to have an advocate built into it, so that when people face problems, they can go to someone who can do the work for them. So you don't have to, on your own, decide, "Do I have the resources? Do I have the strength? Do I have the money? Do I have the time?" and so on. Do you not agree that we need an advocate?

Mr. Tankus: If I may respond to that, this past summer, last year, here in London we had a symposium that Marie Bountrogianni attended, the first time that a citizenship minister attended. I raised the question that had the Ontario Human Rights Commission, which covers this to begin with, been strong enough, we wouldn't need the ODA at all.

The Chair: Ms. Wynne?

Ms. Wynne: Thanks, Andrew. I'm not familiar with the Cornerstone Clubhouse. Can you just tell me what that organization does?

Mr. Tankus: Cornerstone Clubhouse is a clubhouse for adults where they can come and spend their day. It's a work-ordered situation. They have survived mild to severe brain injuries and regain some of their skills, some

of their dignity. They regain their skills, learn new skills. They can even get transitional employment if they are capable of it. There are different areas in the place where they can work: the kitchen; there are administrative skills. There are only six staff members. There are over 100 members, but the whole building is run by the members.

Ms. Wynne: So it's a program that speaks to some of the issues that I think Avril Rinn was talking about, the issues of helping people to develop skills for citizenship, basically, not even necessarily for employment but for feeling like they're part of and being part of the community.

Mr. Tankus: It's a combination of that, but it's more like members helping members learn more about themselves and learn about what they can do. It's not so much what they can't do; it's more of what they can do.

Ms. Wynne: The payoff to society, then, is that those people feel more able to take part.

Mr. Tankus: To increase their own skills.

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

1630

AUTISM SOCIETY ONTARIO

The Chair: The next presentation is from Autism Society Ontario. Patricia Gallin, you've got 15 minutes. Keep in mind that we all want to enjoy your presentation. Please proceed.

Ms. Patricia Gallin: Thank you very much for the opportunity to be here. As other speakers have said, it's wonderful to have this opportunity. My name is Patricia Gallin. I'm the president of the local chapter of Autism Society Ontario—the London and district chapter—but more importantly, I'm the parent of a 19-year-old son with Asperger's syndrome, which is on the autism spectrum.

First, I'd like to tell you a little bit about the Autism Society. I'll also refer to it as ASO. We seek to provide information and education. We support research and we advocate for programs and services for the autism community. Our vision is acceptance and opportunities for all individuals with autism spectrum disorders.

A little bit about autism spectrum disorders, if it's new to people: It's diagnostically called pervasive developmental disorders, also known as PDD; that might be familiar to you. It includes autism, Asperger's syndrome, PDD-NOS, Rett's and childhood disintegrative disorder. Generally, the popular term used the most is ASD, and that's what I'll use.

Why is ASD important to Ontarians? Autism spectrum disorders are not rare any more. It's estimated that between 20,000 and 70,000 people in Ontario today have some form of ASD. It's one of the most common developmental disabilities, with prevalence as high as 1 in 165 people, and unfortunately the number being diagnosed continues to increase dramatically.

ASD, as other people have said, is one of those hidden disabilities. There's not really a physical distinction with people who have it. All people with ASD have great difficulties with social interaction and communication skills, and—this is a really key fact—within autism spectrum disorder there's a wide range of ability levels among people, but about one-third are non-verbal. The communication challenges of the whole population can range from mild to severe, and there's oftentimes cognitive impairment. They need a voice, and we have to be their voice.

Regardless of the functioning level of people with autism spectrum disorder, they face significant attitudinal barriers to participating in life in Ontario. Things that other people take for granted remain elusive to many people with ASD, such as appropriate education, employment, leisure activities or supported or independent housing.

It is the view of Autism Society Ontario that much of the current legislation does not adequately address the needs of people with ASD. How will the ODA make a meaningful difference in the lives of people with ASD? Overwhelmingly, the ODA addresses barriers in terms of physical barriers, but there's little emphasis on the types of attitudinal barriers and policy barriers that constrict the lives of people with ASD. The ODA has to be more than what is seen by the general public. It needs to be broader. 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, we believe: housing, day programs, the ODSP and education.

Currently, there's a waiting list for many years to access residential services across the province of Ontario. Fortunately, people aren't being institutionalized the way they were in the past, but many adults remain in crisis at their family homes for years. The majority of people with ASD are unable to live independently.

There are examples of Ontario excellence in residential supports for adults with ASD. Woodview Manor in Hamilton; Kerry's Place Autism Services across the province in some regions of Ontario; certain placements with Community Living Ontario. Some families are creatively supporting their adults with individualized funding. In our area, there are the St. Francis Advocates and L'Arche in London. But there clearly needs to be a range of housing and residential service options for adults with ASD, based on the wide range of functioning level that you find, so that they can participate in the community.

The second area is day programs. Right now, after 21, students are obligated to leave school and many people with ASD cannot function in full- or part-time employment. They need day programs to participate and have a meaningful life. Oftentimes they are stuck at home, they're socially isolated, they have limited financial support and limited availability of trained people who can help them participate in the community, and limited access to activities that fit with the skills they have to participate. Government policy must not fail to provide

adequate funding for community support agencies. Unfortunately, many provide services only for clients who are receiving residential services, and there's such a long waiting list for that. So people can't get residential service or day service.

The policies of some community agencies unfortunately may discriminate against people with severe autism. Those who require higher levels of assistance or with behavioural problems are often barred from attending programs. In London, there are few programs and those available are not offered for a long enough time period. Also, oftentimes parents have to pay for the program or you have to pay for the support person to help the individual in the program. People with ASD oftentimes just don't fit with existing programs.

Programs are also being denied to the higher functioning people with ASD, the people with Asperger's syndrome, because today there seems to be a real intellectual disability focus, and the folks with Asperger's syndrome, although they have a pervasive developmental disorder, are cognitively very highly functioning and they're not being allowed to participate in things like special services at home and getting the support they need to be successful, and these folks can be very successful. There is definitely a need for a new support agency in this community that can provide comprehensive services to adults with ASD.

The third area is the ODSP. The level of financial support received through ODSP has not changed substantially in 10 years, and this has increased financial hardship for persons dependent on this funding and has created barriers to participation in community activities for people with ASD. Also, the policy of decreasing ODSP payments as earned income increases really penalizes people with ASD who want to work, but who are unable to work full time or at jobs that provide adequately for their needs.

The ODA could recommend guidelines and procedures for ODSP that would make it more meaningful for adults with ASD. The ODA could work to alleviate these problems by helping companies understand about invisible disabilities and helping people with ASD understand their own rights in terms of employment, helping with job interviews and assistance in job coaching, especially with the high-functioning individuals who have real social challenges. That's the one barrier they have. There is one really good example in the Toronto area called Mission Possible, which specializes in helping people with ASD in this area.

The fourth and last area is education. The Education Act guarantees special education students the right to free and appropriate education, yet many are not receiving the appropriate services and programs. ASO's submission to the Ontario Human Rights Commission on education in October 2003 identified four major barriers to appropriate special education. They were: The appeal process presents a significant barrier to appropriate special education programs and services; the lack of knowledge of the disability and the lack of specific training on how

to work with and teach students with ASD is another barrier; the funding formula discriminates against students with ASD; and the last one is enforced short- and long-term absence from school for many students with ASD, creating a real barrier to education because of behaviours that are not within the individual's control.

ASO recommends four key solutions to these barriers. The Ministry of Education and school boards must operate under the statutes, regulations and codes that are meant to protect Ontarians with disabilities. In the event of non-compliance, parents must have a meaningful recourse to a remedy, a timely and just process that will ensure the students' progression through the system. The legislation and subsequent regulations of the Education Act must adhere to the principles of accessibility for disabled students, and boards should be offering full ranges of placement options and ongoing and continuous assessment should be happening, along with other specialized programs.

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Finally, the Ministry of Education must fund special education to a level such that school boards can provide students with ASD with the services and supports they require in order to have equal access to education. To remove barriers for students with ASD within the education system, the ODA must make the removal of barriers mandatory. This must apply not only to barriers that limit physical access, but limited access to appropriate education because of attitudinal barriers, communication barriers, accommodation policies and funding policies of both the government and school boards must be addressed.

The Chair: Thank you very much. We have one minute each, and we'll start out with Mr. Marchese.

Mr. Marchese: Thank you, Patricia, for your presentation. We've heard a number of other presentations that speak to the same problem. Autism is a disability and it doesn't fit in here; it's not there. How do you create a bill that speaks to issues of disabilities and then excludes certain things? The way to possibly build it in is to create an education standards development committee that would have the broad scope of looking at all those problems, in which case you would then identify what the problems are and how to fund and support them. My suspicion is that they won't do that, and they have no interest in doing that. I haven't heard one member talk to this yet. They might, but I haven't heard one member speak to this problem.

At the moment, people with autism face problems of housing, income support, day programs and education problems, including funding around finding the support before age 6 and finding the needed support that we hoped this government was going to give for after age 6. So we've got a problem. I hope they will include a standards development committee on education that will reach people with autism.

Mr. Ramal: It's nice to see you again. I know that, as Mr. Marchese spoke about, we've been listening to the same issue over and over. I understand it's a very

complex issue and I know this bill doesn't speak about it. It mainly speaks about mobility, and also that the standard has not been developed yet in order to define which area we can be concerned with and focus on. I know you're concerned, and I've been talking to a few colleagues and people who have been advocating on behalf of autistic people in this province and, hopefully, we'll find a solution to it and both sides will be happy.

The Chair: Ms. Wynne, just quickly, though, before I go to Mr. Jackson.

Ms. Wynne: I just wanted to note that there's a real interaction between this discussion and the special education discussion that goes on within the boards. One of the things that interests me is the relationship between the special education plans that the boards have in place and any standards that would come out of this exercise. I understand Mr. Marchese's question about the education sector, but education is certainly part of this exercise. So I think we have to work with you to figure out the relationship between those two areas.

Ms. Gallin: We'd love to work with you.

Mr. Jackson: Patricia, thank you for being here. Is it safe to say that you're trying to convey to us that you're not as concerned about setting these provincial standards; you're more concerned about the fact that the government today in Ontario acknowledges that your child suffers from a disability if he or she has autism, if it's an infant or up until they turn age 6, and that therefore they have certain rights in this province that would be protected under an ODA or an AODA, that they would get services—we know them as intensive behavioural intervention. I think it's disconcerting that this is one of the rare cases where a disability seems to stop at a certain age. I've never experienced before, in my years of public service, that all of a sudden, magically, at an age your handicap evaporates. So perhaps you might share with the committee if you have a concern with the fact that now you've got a minister saying that a child has a bona fide disability and therefore should receive support, but then at this age either they (a) no longer have a disability, or (b) programs are no longer relevant. That's the part I'm struggling with, in the way autism is not being dealt with fairly in this bill.

Ms. Gallin: We feel that autism should be dealt with based on need, not based on age. It's the need of the individual. IBI benefits 25% of the population that has ASD. There are a lot of other people. It's a spectrum disorder. It affects a broad number of people. So it should be based on the need of the individual.

The Chair: Thank you, Mr. Jackson.

Mr. Parsons: On a point of order, Mr. Chair: To correct the record, Mr. Jackson stated that this policy was set by our government. I believe it was in fact set by his government, which limited services at age 6.

The Chair: Thank you, but it's not—

Mr. Jackson: On a point of order, Mr. Chair.

The Chair: Well, OK. These are not points of order, but I will allow you the same time as Mr. Parsons had.

Mr. Jackson: As all cases were evolving, we didn't promise that this service would be available. It was the Liberals who broke their promise to the autistic families in this province, and that's the issue here.

The Chair: I appreciate that we were—

Mr. Marchese: They're both wrong.

The Chair: Both points are out of order. But I do appreciate that you want to clarify or clear the record, and that's fine. We did it. Can we move on to the next presentation, please?

KATHY LEWIS

BRUCE RITCHIE

The Chair: The next one will be Kathy Lewis and Bruce Ritchie, I believe. Welcome. You can start your presentation any time. Please proceed, Ms. Lewis.

Ms. Kathy Lewis: Good afternoon. You have two handouts from us. We'll be starting with this one.

The Chair: Yes. They are being given to us right now.

Ms. Lewis: My name is Kathy Lewis. I'm a member of the London accessibility advisory committee and of the Ontarians with Disabilities Act Committee. But I'm here today as an individual and as a parent to speak to you about how Bill 118 can address the very serious issue of fetal alcohol spectrum disorder. I'm just going to very quickly go through my recommendations that address the bill and then I'm going to turn it over to Bruce Ritchie, who's really the expert on FASD here. I've just highlighted my recommendations to you for the bill.

First of all, under "Interpretation" in the bill, your definitions of disabilities are kind of mixed. Some of them are specific and some are very general. We recommend that fetal alcohol spectrum disorder be named specifically under the definition of "disabilities."

The second thing I'd like to look at is under "Accessibility Standards" in part III of the bill, under "Classes." We recommend that fetal alcohol spectrum disorder be assigned a specific class designation. Under contents of standards, because of the vast and unique numbers of barriers that face individuals with fetal alcohol spectrum disorder, we contend that specific measures, policies and practices for the removal of this cross-section of barriers must be set down to remove and prevent barriers to those with FASD. Therefore, our recommendation is that specific measures, policies and practices be set down to remove and prevent barriers to those with fetal alcohol spectrum disorder.

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Under "Standards Development Process," the heading "Consultation with ministries": All areas such as health care, education, income supports, youth, community and social services, housing and justice must work co-operatively to prevent fetal alcohol spectrum disorder from developing initially, as well as identifying, removing and preventing barriers to those already affected.

Therefore, we recommend that all relevant ministries pledge to work co-operatively toward the goals as outlined by ourselves and the Canadian Paediatric Society.

Under subsection 8(4), "Composition of standards development committee," we recommend:

That an expert in the field of fetal alcohol spectrum disorder be invited by the minister to participate as a member of a standards development committee; and

That special consideration be given to an invitation to an additional fetal alcohol spectrum disorder expert from the aboriginal community.

I'll turn our discussion over to Bruce Ritchie.

Mr. Bruce Ritchie: Actually, I have the task of condensing 103,000 documents and letters in the FASlink archives and the issues of more than 400,000 people who use our services annually into a 10-minute presentation. I don't know if we can do that, but we're going to try.

The Chair: OK. Thank you.

Mr. Ritchie: I would like to congratulate Mr. Parsons on Sandy's Law being implemented. Thank God it's there. Your work has been fantastic. I'm delighted to see that.

An individual's place and success in society is almost entirely determined by neurological functioning. A neurologically injured child is unable to meet the expectations of parents, family, peers, school and career, and can endure a lifetime of failures. The largest cause of neurological damage in children is prenatal exposure to alcohol. These children grow up to become adults. Often the neurological damage goes undiagnosed but not unpunished.

Fetal alcohol spectrum disorders are caused when a pregnant woman consumes alcohol. It is 100% preventable. The Statistics Canada Canadian community health survey in 2000-01 found that roughly 20%—over 19%—of girls ages 12 to 34 consumed five or more drinks on each occasion, 12 or more times a year. In addition, another 32% of girls ages 15 to 34 consumed five or more drinks on each occasion, one to 11 times per year. Five drinks for a 100-pound girl causes a 0.25 blood-alcohol level. That's three times the legal limit; 0.30 usually gets somebody into the intensive care unit. Most girls are two to three months pregnant before they find out, and it is likely that at least 20% of the children in this province are exposed prenatally to multiple binges of alcohol. Even low levels of consumption, as low as one drink per week, have been shown to be adversely related to child behaviour. There is no known safe level of alcohol consumption during pregnancy.

If you will turn to page 3 of the presentation, I'm not going to go over that in any kind of detail, but I would like you to refer to it after, when you have a few minutes. There are 66 items there that are the results of prenatal alcohol exposure, that they can include. They vary depending on the birth mother's age, health, somewhat on genetics, nutritional standards, the amount she was drinking, what the peak blood-alcohols were at what time when what part of the baby was developing.

If you turn over to page 4, you'll find a chart showing the effects of alcohol as a teratogen on the baby. Those are the various aspects of the child that are developing throughout pregnancy. The very dark line in your copy shows where the most danger occurs to the various things such as the brain, etc. Really, the brain is developing from the third week, from just after the second week right through to birth. Alcohol can affect a child even when it's being nursed, after it's been born.

The lower picture on that page, of course, is of two brains, one from a normal six-week-old baby and the other from an FAS child, who obviously passed away.

FASD is grossly under-reported. The Canadian Paediatric Society states, "Fetal alcohol syndrome is a common yet under-recognized condition resulting from maternal consumption of alcohol during pregnancy."

The only problem in this province is that Ontario medical schools do not provide FASD diagnostic training to undergraduate physicians in this province. This results in the denial of screening and diagnostic services to thousands of children with FAS-related disabilities. It's grossly under-recognized because the doctors don't know how to diagnose it and they're not being taught by medical schools—unless they specialize in addictions, and then the diagnoses can be taught.

The girls get knocked up and the boys get locked up. They are followers, easily misled, with little or no appreciation of consequences. Without intervention, many ride the justice system merry-go-round or become homeless street people. A great many of our street people are FASD. They are required to compete in society but have been denied the tools to do so.

Of FAE individuals, 95% will have mental health problems; 60% will have disrupted school experience; 60% will experience trouble with the law; 55% will be confined in prison, a drug or alcohol treatment centre or a mental institution; 52% will exhibit inappropriate sexual behaviour; more than 50% of males and 70% of females will have alcohol and drug problems themselves; 82% will not be able to live independently; and 70% will have problems with employment.

Essentially we have 20% of our children being exposed to high levels of alcohol. When I look at the statistics for a major board of education, the Lambton-Kent District School Board, which is pretty typical, 21% of our students are identified and receiving services from the special-needs department.

The Canadian centre on children's research says that 20% of Canadian children have a serious mental health problem. This 20% number keeps on coming up magically, and it seems to correspond with the volume of alcohol that's being consumed during pregnancy.

Getting to youth in care: Today, a very large percentage of the children in CASs have been prenatally exposed to alcohol and it is a problem to try and get them adopted. We do need a system of open adoption in this province instead of closed adoptions. I have mentioned to others that some agencies have been known to threaten termination of a foster contract if the foster parents go to

a non-agency doctor and obtain a diagnosis of FASD. You see, without a diagnosis, they don't have to disclose that the child has FASD. That's criminal, in my opinion.

Our children have disabilities, but their biggest handicaps are the battles we have to continue to fight to get the services they need.

I would like to see the grade 10 literacy test scrapped completely, or at least our FASD children given an exemption, because our FASD children very often have difficulty passing it. Essentially what happens then is that you are setting up a 25% failure rate and a 25% dropout rate after grade 10, fodder for the justice system, a new slave class and increased stress on the social support systems in this country. It is access denial of the worst type, denial of access to a decent future, because these kids can't even get into apprenticeship programs later on to learn to be mechanics. They may not be able to write a great essay, but they may be able to strip an engine and put it back together better than you or I can. Why would you require that they do this? It makes as much sense as asking somebody who's a quadriplegic to do the pole vault to pass high school. It's just plain stupid.

Homelessness: Poor impulse control, failure to predict consequences and inability to plan or manage money means they don't pay the rent or utilities and they get turfed out on to the street and are homeless. It leads to evictions.

It costs \$120,000 a year to house a young offender and \$82,000 for an adult offender. Some 60% to 80% of our prisoners are FASD and fully diagnosable.

1700

I'm going to jump over to one little comment I make a little further on—I'm not sure it's in your copies—but a single adult, disabled, in Ontario gets \$11,160 a year maximum. If they are living with their parents, it's cut by 24%. That's criminal. But let's really get something straight here: If they live in poverty-stricken isolation on ODSP, the government will give them between \$8,500 and \$11,000 a year. If they throw a brick through a store window, the government will spend \$82,000 a year to jail them and provide shelter, food, clothing, recreation, education, medical services, companionship, and the certainty that they will be taken care of. Frankly, as a parent and taxpayer, I find that logic appalling, degrading and disgusting, and I hope you do too.

My final comment is that where services are lacking, omitted or not available, our children, whatever their ages, die: frozen in a snowbank, through suicide, through drug overdosing and complications, by being on the street.

That's it.

The Chair: Thank you. One minute each, please.

Mr. Parsons: It's a difficult topic. Our son died a year ago Saturday from FAS. As the brain is malformed intellectually, the blood vessels within it are malformed. He left us.

FAS individuals die young, whether it be from defects or suicide, or we lock them up. We struggle to find a cure for cancer, for heart disease, and we have the cure for

FAS: Don't drink while you're pregnant. It's as simple as that.

I don't have a question. I want to applaud you. I absolutely applaud you for what you're doing. Twenty years ago, FAS wasn't known. These were "bad" kids. Now we know that we have to change, to accept the way they are and to work with them. The more publicity, the better. I just thank you. If there's anything I can ever do to help, I would be delighted.

Mr. Ritchie: Thank you so much.

The Chair: Mr. Jackson, any comments?

Mr. Jackson: Mr. Chairman, I have known Bruce for a while, and I would like to yield my minute for him to add some more for the record.

The Chair: OK. Let me allow Mr. Marchese; then he can finish—

Mr. Jackson: No, I'm giving him my minute.

The Chair: I realize that. That's fine. I thought maybe he would want to summarize after the questions, in case there is some—

Mr. Jackson: No, I'm pleased to give Bruce another minute.

Mr. Ritchie: Thank you. I appreciate that.

In the justice system, we spend \$12 billion annually. The alcohol industry contributes \$3.2 billion annually. Half of the justice budget is related to alcohol issues, whether it's FAS or car accidents or whatever. But it's more than half of the justice budget alone. That's \$6 billion, and the alcohol industry is only contributing \$3.2 billion.

Well, you know, if you want to play, you gotta pay, so maybe they should be paying the full shot and that money should be coming back to the people they are affecting, quite frankly, because none of the money is coming to the grassroots, none of the money is actually getting to the people who are dealing with this face to face on a day-to-day basis. We need your help.

Mr. Marchese: I just want to congratulate the both of you for giving us this information. I learned it while we were dealing with Ernie's bill. It's incredible how much of this behaviour we do not understand in the educational system. I learned through that committee process that doctors don't know how to identify it, generally speaking. Special-education teachers certainly don't know how to identify it, and regular teachers don't. I learned that those kids who have fetal alcohol spectrum disorder can't explain why they do what they do. So if that's the case, what do we do?

All I want to say is that this issue doesn't fall into this bill, but it could if we found a way to build it in, and I hope we find a way to do that.

Mr. Ritchie: It honestly does fall into the bill, because you can make FASD a listed disability in there, along with diabetes—

Mr. Marchese: It's the same with autism; it doesn't fit. I hope it does. But it can; I agree with you.

Mr. Ritchie: Well, then let's hope in heaven's name you will actually do it.

The Chair: We thank you very much for your presentation. We'll move on to the next one, but thanks again.

BUSINESS AND PROFESSIONAL WOMEN'S CLUBS OF ONTARIO

The Chair: The next presentation is the Business and Professional Women's Clubs of Ontario, Sheila Crook, president. You can start at any time, please.

Ms. Sheila Crook: Thank you very much. I'm Sheila Crook, the president of BPW Ontario. Joining me today is Doris Hall, past president of BPW Ontario. That's the Business and Professional Women's Clubs of Ontario. We are one of eight provincial organizations belonging to BPW Canada. BPW Canada is a non-profit, non-sectarian, apolitical organization incorporated in June 1930. It is also a member of the International Federation of Business and Professional Women's Clubs, representing clubs in over 100 countries around the world. For 75 years, BPW has worked to improve the status of working women in Canada.

Our mandate is to improve the economic, employment and social conditions for women. We stimulate interest in federal, provincial and municipal affairs, encourage women to participate in the business of government at all levels, and assist young girls and women to acquire education and prepare for employment.

Members in the 26 BPW Ontario clubs meet annually to discuss and debate resolutions affecting the economic, employment and social conditions for working women. The policy statement and resolutions presented in this brief are taken directly from resolutions passed at previous provincial conferences, and they are referenced in appendix A.

Across the past few decades, BPW Ontario has presented to previous provincial governments on a range of policy topics, including assisting Ontarians with disabilities. The purpose of this brief is to respond to the current debate on Bill 118 and to offer recommendations to remove barriers for disabled women and for women caring for disabled dependants.

Our policy statement indicates that women who are disabled and/or who care for disabled dependants need full access to work, child care, shelters in violent family situations, and to attend appointments, shop and generally be granted the freedom to move in a barrier-free society. Government buildings, public premises, companies and organizations need to be accessible to the disabled. Legislation must ensure that these existing barriers are removed in order to achieve full accessibility to all public places. Regulations with strict time frames for compliance and appropriate deterrents for those who do not comply need to be enforced.

The definition of disability provided by the International Classification of Functioning of the World Health Organization is "the relationship between body structure and functions, daily activity and social participation, while recognizing environmental factors." For

disabled women and women with disabled dependants to be full participants in all aspects of society, all barriers to environments that hinder their daily ability to access necessities need to be removed.

In 2001, there were 3.4 million Canadians with some level of disability. These disabilities include the use of supportive aids such as wheelchairs, hand or arm supports, hearing aids or Braille devices to meet their daily living requirements. And this is a classification and a status that any one of us could find ourselves in in a split second. In Ontario, there are approximately 1.4 million disabled adults. Of these, 56% are female and 43% are male. Of the 67,000 disabled children in Ontario, 73% of their families who report coping with severe disabilities experience an adverse effect on their employment.

Persons with disabilities face economic hardships in their daily lives, with most living under the poverty line. Women coping with disabilities are more adversely affected, as they typically earn less than men and often work in part-time employment with limited or no disability/health care benefits. Such women are more likely to live with an increased burden, especially if they are a single parent and have a dependent child or family member with a disability, or of course if they themselves are disabled. Women carry a disproportionate burden associated with being a lone parent. In 2001, women were the lone parent in 1,072,000 families, compared to a total 1,280,000 single-parent families. So many more women are the lone parent in single-parent families.

Doris will continue.

1710

Ms. Doris Hall: Women and poverty: In 2002, Statistics Canada reported that out of 18 million wage earners, only 382,000 were women who worked full-time, compared to 526,000 full-time male wage earners. Average earnings for women in 2002 were 65.2% of men's income.

Education, training and work: For women to be able to sustain themselves, they must be able to access their workplace, education and community programs. Most of these environments are within the scope of the public domain. The ability to enter and exit a building and to manoeuvre and access classrooms, libraries and technology can enhance a person's ability to progress in life. To improve their economic status, women with disabilities and women caring for disabled children need to have access to post-secondary education. Colleges, universities, adult learning centres, government programs and private institutions need to be fully accessible.

Goods, services and housing: Since 1975, the Ontario building code has made a difference in building construction, requiring that buildings have a minimum standard of disabled accessibility as stated in regulation 403/97, part 3, section 3.8, barrier-free design. For buildings that are currently standing, providers of goods, services and facilities for the public should ensure that their product and facilities are fully accessible to persons with disabilities. Legislation is needed to ensure that detailed plans are implemented to remove existing

barriers within legislated timetables. In addition, prompt and effective processes need to be put in place to enforce the legislation.

To assist businesses in removing barriers, tax incentives could be provided as a reward to meeting the requirements within established timelines. Tax incentives could also be provided to persons with disabilities who have had to use private dollars to renovate their homes or apartments. Municipal, provincial and national governments need to work together to provide social housing for low-income individuals. Any building being newly built or retrofitted should require a number of units designated for disabled living quarters.

Shelters for disabled women: When women make the decision to leave their home due to an abusive situation, they need to know that a shelter can accommodate their needs. Adequate funding for emergency shelters is necessary so that upgrading these facilities can accommodate persons with disabilities. A minimum of one shelter in a designated area, based upon population, should be equipped to handle any women with disabilities or their children with disabilities. Access to health care, attendant support and/or equipment must also be available to support women with disabilities or their disabled children when they are admitted to a shelter. Second-stage housing that is affordable and safe with appropriate accommodations for disabled women and their children also needs to be available once they leave the shelter.

Recommendations that we are making to Bill 118:

Bill 118 supplies a deadline to develop standards to achieve accessibility for Ontarians by January 1, 2025. It would seem that 20 years is an excessive amount of time to implement these changes. As each day passes, many Ontarians continue to struggle with access to goods and services that the rest of us take for granted. We encourage the government of Ontario to consider moving the completion date to within the next 10 years.

Provide tax incentives to encourage businesses to change or retrofit their places to accommodate disabled patrons or clients.

Make the Accessibility for Ontarians with Disabilities Act supersede all other legislation and regulations which conflict with it or provide lesser protection and entitlement to those with disabilities.

Streamline the process so that the legislation currently proposed will call on the standards development committee to report to the minister and associated ministries as to the accessibility standard. The minister can then propose the necessary legislation to implement what is necessary to prevent barriers in society, provide times for compliance, and enforce stiff fines for those who will not adhere to an inspectors' orders.

The Accessibility Directorate of Ontario should hold the power to enforce, inspect, report and make recommendations to the minister under the Accessibility for Ontarians with Disabilities Act. The Accessibility Standards Advisory Council defined in the current bill should be comprised of various individuals from across all parts of the province, including industry, sectors of the

economy or organizations. Disabled representatives should report to the directorate.

Ms. Crook: In closing, removing the barriers for the 1.4 million people in Ontario with disabilities is an important step for the province of Ontario. The NDP made a concerted effort in 1996 to implement the Ontarians with Disabilities Act. The Conservatives tried again in 1998. All parties supported a resolution that received unanimous passage on November 23, 1999, and yet, four years later, we still do not have this act.

Bill 118 will put the province on the right track to ensure that appropriate time frames, fines, enforcement and management can ensure environments that will accommodate and assist the disabled. We need to move faster and use the knowledge and technology available to assist and establish solid legislation that will ensure that governments, companies, public buildings and organizations are fully accessible. To wait another 20 years will certainly cause another generation to miss out on what they deserve.

We urge the government to take the necessary steps to create a society that truly supports and engages disabled individuals for full participation in all aspects of society. Only strong determination and resolve will make the difference.

The Chair: Thank you for your presentation. There is no time for questions.

We will be moving to the next presentation, which is from Jan Schneider. Is Jan Schneider present?

If they are not in the room, we will go to the next one, which is the Canadian Hearing Society of London. Is anyone here?

Mr. Jackson: If I could just clarify for the deputants who were just before us from the Business and Professional Women's Club—I'm going to give them a copy of Bill 125, the Ontarians with Disabilities Act. It has somehow escaped their research, but we have had an act in the province for four years. I will give them a copy, and I'm sure they'll share that with their members. I just wanted to help them correct the record.

The Chair: The record has been put in order; thank you.

CANADIAN HEARING SOCIETY, LONDON

The Chair: Now we can move to the next presentation. Please proceed whenever you're ready. There's 15 minutes.

Ms. Marilyn Reid: I'm Marilyn Reid from the Canadian Hearing Society. Sandra Adams is my colleague at the Canadian Hearing Society and will be co-presenting with me.

It has been a long day, I know, for all of you. I want to thank you; I know you've heard a lot of comments from a lot of people, so we'll try to keep our comments fairly to the point. We appreciate your interest and your commitment to this process. I've been here for part of the day, and I just realized that you guys have been sitting there all day and you still have another hour and a half to go.

We really do appreciate your commitment to this whole process.

CHS, the Canadian Hearing Society, is pleased that the government is moving forward with Bill 118. CHS is also a member of the Ontarians with Disabilities Act Committee, and I'm sure you've heard that name more than once today. As such, we do support that committee's submission regarding Bill 118 and the issues and concerns that are raised in their submission. I know that you've heard these concerns a number of times today. I just want to mention a couple of key points again to emphasize the importance of some of these issues.

We have concerns regarding the time frame—I know people have spoken of this many times today; the need for an effective enforcement mechanism; the need for quality assurance in the development of accommodation measures and standards—and we will be talking a little bit about that; the need to have funding to develop systems to monitor and enforce the legislation. I think these are some real key points that the ODA Committee submission addresses, and we certainly wanted to emphasize that.

1720

In terms of the submission we've submitted to you today and our presentation and comments today, basically we're going to focus on a couple of key issues that really relate very specifically to deaf, deafened and hard-of-hearing individuals. Just to put our comments in perspective, it is important to note that one in four Canadian adults report having a hearing loss. We're talking about a quarter of the population being affected, so certainly a very significant number of people who are impacted.

One of the issues we wanted to raise today was around the fact that Bill 118 really emphasizes access a lot in terms of building design and transportation. We wanted to point out, as did one of the earlier presenters today, Lorin MacDonald, that for deaf, deafened and hard-of-hearing consumers, access means a lot more than just building design, and often their needs are not identified or addressed.

Interestingly, earlier today when I was here, a gentleman asked the question, "How many of your offices are accessible?" I noticed a number of you nodding your heads, going "Yeah, yeah," yet I wonder how many of them are fully accessible: Do you all have TTY? Do you have FM systems for hard-of-hearing clients or volume-control phones if somebody needs to use your phone? I'm pleased to hear those affirmative answers. That's very encouraging, and I hope that is representative of all, but I think it also points out that a lot of times we forget to look at what the big picture of access means. For people with a hearing loss, access means provision of other accommodations, such as FM systems, visual announcement systems, visual smoke detectors, access to TTYs, amplified phones and visual alerting systems.

For example, you're holding your meeting at this site and I'm sure, given the nature of what this meeting is all about, that every effort was made to ensure that this was

a really accessible location. Yet when I look around, I haven't seen any visual smoke detectors. That's one of those little things that oftentimes gets overlooked. You are to be congratulated, though, for ensuring that communication is very accessible at this meeting, as I know Lorin pointed out earlier: having the real-time captioning and the sign-language interpreters. It's fabulous that the meeting is accessible.

One of the things we need to look at, though, is these access providers and looking at the standards and qualifications of these access providers. It's not only the interpreters and the real-time captioners but also interveners and computer note-takers. We need to ensure that consumers can be assured of a quality level of access. As such, there are not now standards in place for all those access providers. That is something this bill needs to look at having in place: the standards for all those access providers. Just as we have strict guidelines and standards around building a ramp, we also need to have those strict guidelines around people who are providing access.

I don't know if you are aware of another problem in terms of access providers, that is, the lack thereof. There are simply not enough interpreters or captioners to go around. We have no real-time captioners here in London. I notice that you've arranged to have the real-time captioning done remotely from Toronto. That's fabulous, and isn't technology wonderful that we can do that? But there is a real lack of people out there to provide these access services. That's not only right now, but my concern is that with the passing of Bill 118 there is going to be increased demand. If we're not able to meet that demand, then there are still barriers in place. So that's another issue that we feel Bill 118 really needs to look at: how we can expand that pool of individuals who provide that access.

At this point, I'm going to hand it over to Sandra, who is going to talk about some other issues.

Ms. Sandra Adams (Interpretation): Just before I make some comments and suggestions that I would like to bring here, I want to say thank you for the three interpreters and the real-time captioning that you have in place. I really appreciate that.

Thanks to the accessibility advisory committee here in London, we now have TTY at the front desk of city hall for deaf, deafened and hard-of-hearing people to use, so we really appreciate that step that's been taken.

Deaf, deafened and hard-of-hearing people have an invisible disability. You can't see by looking at us that we have the disability. We tend to be forgotten, or people are just not recognizing us as deaf people.

I'll give you a story as an example. Perhaps you remember August 2003, when we had the power outage across the province. There were many deaf people who didn't know what was going on. We are always the last to know what the problem is, because we have no notification system. In apartment buildings, condominiums and other kinds of residences, to access the building, you push a speaker phone and talk to the person and then get let in, but for us, we have no way of doing that,

whether we live there or are identifying ourselves as a visitor. There are not very many buildings that have a visual access code capability.

One thing I will say is that the Via Rail station in London, having been rebuilt, has a TTY phone booth. I'd like to see that happening in lots of other places, everywhere I go.

Also, I don't know if you're aware that most property managers and service providers in Ontario buildings tend not to be particularly sensitive to meeting the needs of deaf, deafened and hard-of-hearing people. Also, there is not enough provision of access, meaning technology, in public places, in office buildings and businesses and clinics. There's just not enough visual access. If you notice here, the committee members said yes to being accessible, but there are lots and lots of people out there who don't know what access means.

Accessibility is most important for safety reasons, for the ability to live independently and to include me as a citizen of Ontario. It's also important to include visual technical devices, in that we can alert deaf people to a variety of things that are going on: text e-mail pagers, public announcements in public places, TTYs, amplified phones or FM systems, visual fire and smoke alarms, so that we're visually alerted.

I also suggest that Bill 118 needs some improvements in that it needs to have stronger and clearer information to meet the needs of each disability group, in particular deaf, deafened and hard-of-hearing people.

The more education we provide, the more exposure the public gets. We need a stronger mention of education so that we are out there educating the public. The more the public becomes aware, the more the barriers of language, communication and attitude will be broken down.

To wrap up, I'd say that we at the Canadian Hearing Society support Bill 118. We do have some concerns, however. We would like to see it improved and strengthened. Thank you for your time.

The Chair: There are three minutes left, so we'll start with Mr. Jackson.

Mr. Jackson: Thank you very much for being here. We've had several presentations from the Canadian Hearing Society, and in particular Gary Malkowski. Where would you have us begin investing more money to assist the deaf community? What would your first priority be for us as politicians to recommend in this legislation?

Ms. Reid: That's a good question. I don't know that I've really thought. I guess we see such vast needs, I haven't even thought about where we'd prioritize them. It's hard to look at all of those needs and say, "This one over that one."

Mr. Jackson: I think that's part of the problem. I don't want to get into the debate about the 20 years. If anybody understands the enormity of the work ahead of us—that's why I try not to comment about the 20 years. However, if we have to road map our future for 20 years, then what do we want to see happen in the first five years? That's how I would look at that.

1730

I'm one of those MPPs, as has Mr. Parsons, who has spent the time to look at this, and we've got the modifications. I've had meetings with my constituents. I realize the difficulty for them to get access to supports, even for them to come to visit me and to speak. Now I go into their homes so I can at least give them more time to have access to their interpreter instead of wasting it on a bus trying to get to my office. It's little things like that.

You're right. You have an enormous amount ahead of you. Where would you help us set the priorities, in which programs, which supports? I will just put on the record, if you haven't seen it from the other day, Tuesday, the issue around Bill 4 and the regulations that were never implemented around Bill 4. We've undertaken to table those for you. Could you maybe try that question again?

Ms. Reid: I would just say that I think it's not fair for me to answer that question. I think it's a matter of consulting with consumers around what they feel. It's a bigger issue than I can answer in just a couple of minutes right here when you're looking at a game plan for a 20-year plan.

Mr. Marchese: Thank you both for your presentation. You've heard other presentations around autism and fetal alcohol syndrome, where they tend not to fit neatly into the accessibility/disability considerations, which you say Bill 118 places far too much emphasis on. I know you don't mean that negatively, but the point is that it places emphasis on that and not enough on other areas of disabilities. I think that's what you're saying, and I agree with that. We need to find a way, before this bill gets passed, of how we do that, otherwise many who are deaf and hard-of-hearing will be shut out again, and others too, who presented their area of disability that needs to be addressed. I hope we'll find a way to do that, otherwise they'll be shut out. That would be unfair.

Mr. Parsons: I appreciated the presentation. My wife is hearing-impaired, and the phrase that drives me crazy, when she doesn't hear something and says, "Pardon me?" is when people say, "Oh, never mind." "Oh, never mind" just makes me insane.

Parents in Ontario, in fact in Canada, have a choice of sending their children to one of the provincial schools or to a community school, but for post-secondary there isn't that choice within Canada, literally. Are there any suggestions? Is there a need for post-secondary programs devoted more to deaf, deafened and hearing-impaired individuals?

Ms. Adams (Interpretation): I'll start and perhaps Marilyn will add. Yes, it would be better if we had more options. It's very difficult for deaf people to get a job as it is. In today's market, with all the technology out there, that's a very important first step. Maybe you could add to that, Marilyn.

Ms. Reid: As Sandra can attest, she went to school in the States so she could attend specialized programs that were very specifically designed and accessible for people who are deaf. As somebody spoke to earlier, I think that's one of the problems with the fading out of the VRS

program. Now there are new obstacles to being able to access education programs that are most appropriate for an individual's needs.

The Chair: Thank you very much for your presentation.

Before we move to the next one, is Jan Schneider present? No.

JAMES HUNSBERGER

BRAD ULLNER

The Chair: We'll go to the next presentation, which is James Hunsberger. Sir, have a seat. You'll have 15 minutes. Whenever you're ready, you can start. When you start, please introduce yourselves for the record.

Mr. James Hunsberger: Thank you. I'm impressed with your tolerance and patience today listening to everybody. It's been a long day. I think you do a fantastic job.

The Chair: Thank you.

Mr. Hunsberger: I would like to introduce Brad Ullner and myself, James Hunsberger. Brad is the vice-chairman of the Grand River Accessibility Advisory Committee. I'm also a member of that committee. I'm also a board member of the Independent Living Centre in the Waterloo region. I'm a lifelong advocate for persons with disabilities. I'm proud of being 60 years of age, living with cerebral palsy for that length of time. I think I have a little bit of experience in dealing with disability.

I'm grateful for an opportunity to present to you, and I want to strongly affirm and support the efforts of the Ontario disability committee—I think David Lepofsky has just been a fantastic advocate—and your efforts to try to push this legislation on.

I want to speak from the heart about a few issues and concerns that are really dear to me. London, by the way, is a very special place for me. I actually worked in London for over 20 years. I know, coming down here today, I thought about the parallel transportation system that the city has. I went back more than 30 years ago. I remember walking into the London Transit Commission in 1972. I sat down with the general manager and we began to talk about a parallel transportation system. He leaned back in his chair and said, "I don't want to talk about that. It would be cheaper for us to buy a white Cadillac for every disabled person in London than to provide a parallel transportation system." I'm telling you this little story because the pulse behind the movement of disability rights legislation is the heartbeat of people with disabilities. I hope this legislation really takes that seriously. There's a need to detail meaningful ways, including financial remuneration, to engage and sustain people with disabilities' participation in the AODA.

When I read the act, I see that there is some involvement. I can see that there's invited involvement on the standards development committees. There's also the opportunity to provide input after standards are made

public. And of course, like Brad and I, we can become involved on the accessibility advisory committees.

But I think we have to go further to involve people. I've heard time and time again today the need to have advocacy built into this somehow. What better way than to encourage efforts in support of resources for locally based consumer and advocacy groups?

1740

I must be somewhat candid. I was here this morning for a bit. I heard the corporation of Kitchener make its presentation and I heard some very salient milestones that Kitchener arrived at, but I didn't hear anything about the grassroots, behind-the-scenes efforts that allowed Kitchener and Waterloo to take some of those progressive steps in 2000, 2001 and 2002. Let me tell you, both Brad and I were a vital part of that movement.

Two, I think we should enhance some interest and concern relating to the implementation and enforcement of the AODA through a formal complaints process. Three, I would like to see some furthering of participation through an independent review mechanism engaging people with disabilities to kind of watchdog compliance to the AODA and its accessibility standards.

I'd like to move on to my next point. I heard about the 20-year time frame this morning and this afternoon, and I think we have to take seriously the need to tighten the management of these time frames for standard development committees.

I have to get a bit of water here. I'm getting just a bit dry. Brad, is there something you might want to say here?

Mr. Brad Ullner: Actually, I've been really impressed in listening to the presentations through much of the day today. I think you're getting the opportunity to really get a grasp of (a) the diverse needs, but (b) also the very common sorts of barriers that we with disabilities all face, regardless of what our disability is. I spent some time a few years ago researching disability policies in different countries for a master's degree in political science and didn't find any magic country to recommend that everyone with disabilities move to, but I'm very thankful you are continuing to address these issues so that Ontario will move further along the spectrum toward equality for people with disabilities.

Mr. Hunsberger: I'd like to pick up on the time frame again. Let's look at the 20 years as the starting gate, and let's encourage and allow industries and sectors to develop quicker, if possible. Develop terms of reference outlining the length of appointments and reimbursement. Ensure that activity related to monitoring, evaluating and maintaining a database be instigated from the very beginning of the act's implementation. I think this is really crucial to the act. Instigating tightly managed timelines may allow for standards development and implementation to happen more quickly, say by 2020 instead of 2025, and more concentrated efforts should be directed toward the implementation of a working database, strong enforcement and a sound monitoring system toward the latter part of the 20-year time frame. I

know that monitoring is going to be very key, so maybe we can kick-start the standards development.

My next point is really important, I think: providing a rationale for the purpose of Bill 118, and making it viewed as legislation with a purpose to benefit all Canadians. Let's come through with a rationale for that. I think we have to be upfront and look at the AODA as a strong and responsible means to end once and for all systemic discrimination against persons with disabilities in Ontario. If that's in the act, you're going to have buy-ins by stakeholders ready to embrace that. In addition, they would see the AODA as a very timely and proactive bill which addresses the impact aging will have on each and every person residing in Ontario.

Aging is something we can't get away from. Disability is a challenge. Putting aging and disability together is something we have to learn to live with, and we're all in the same boat. I was born with a disability. For you, it might just take a few more years.

My next point is getting more into the service dog or the service animal concern. The AODA must take into account current and relevant Ontario laws such as the Blind Persons' Rights Act and the coverage of service animals in the Ontario Human Rights Code by defining and including service animals in its legislation. Service animals presently assist people who have a whole range of disabilities, including hearing impairments, mobility impairments, psychiatric disabilities and, in my case, issues relating to aging with a congenital disability.

At present, I carry documentation which states that I and Lady Cléo, number 2554, are graduates of Special Skills Dogs of Canada, a project of the Lions Foundation of Canada, and entitled to all privileges extended by the law to dog guide owners. However, I recommend that Bill 118 should provide the means for removing any barriers with respect to the use of service animals. I understand that working out these details will take some time and that the enactment of the AODA should not be delayed for this purpose. I therefore suggest that provisions be added to the AODA that, within one year, a definition will be made to include the use of service animals.

I would like to just add something else here. This act is entering into an area where the territory is changing day by day. It's a very dynamic area. Just the other day, as a board member, it was brought to my attention that a consumer trying to arrange attendant care services in their own home was impacted by the existing Employment Standards Act, part VII, section 18(1). It makes it very difficult for a person to turn to their next door neighbour, attending care work, to be put to bed at night. Say the person goes to bed at 10 o'clock, and if that person wants their next door neighbour to help them up in the morning, say at 8 o'clock, the neighbour can't do that, because the act requires that there be 11 consecutive hours of non-working between days. I realize that in the manufacturing industry, this has important legal implications, but when you take the same law and apply it to somebody trying to be innovative with their services in the neighbourhood, it works against them. So

it's a very complex area. Thank you for allowing me to be myself. I'm open to questions.

The Chair: Thank you very much. You have gone over your time, so there won't be time for questions.

1750

THOMAS NOBLE

The Chair: We will move on to the next presentation, from Thomas Noble. Good afternoon. You can start any time you wish.

Mr. Thomas Noble: My name is Thomas Noble. I live in Windsor, Ontario.

More than two million adults with disabilities need assistance with aids and devices; only two thirds of those have their needs met. That's the number one thing I wish to say.

The Chair: Move closer to the microphone, sir. Thanks very much.

Mr. Noble: There's something wrong here. There's something very wrong here, because people like myself need these devices, and we cannot access these devices.

My second thing is that WCB should be taking care of chronic pain syndrome, to help workers get on with their goals without depression, anxiety and suicide. I know what it's like. For 27 years I've been on workers' compensation and not on my own. I don't want to be on it, but it's happened in my life. They've just turned down my claim after 27 years, and I think that's very discriminatory.

In the US, where they have been forced to respond to demands for almost 50 years, there are hard numbers that prove that access pays off.

Thank you. Thomas Noble, injured worker.

The Chair: Do you want to take some questions now? Is there anything else you want to add to your presentation?

Mr. Noble: In the new buildings, the code should be up for disabilities.

The Chair: Thank you. Are there any questions? Yes, Mr. Parsons, please, we'll start with you. It will be at least three minutes each. There's even more than that.

Mr. Parsons: You mentioned that only two thirds of the needs are being met. I wonder if you could give me more detail.

Mr. Noble: Say there's a thousand of us, right? There are 700 who don't get the situation. The other—

Mr. Parsons: What kind of devices?

Mr. Noble: Chairs and canes, the stuff that they need to get along. Braces for their legs, back braces, hospital beds; devices that you need in the situation to be mobile. You cannot get that.

The Chair: Thank you very much for your presentation.

We will be moving to the next presentation. Is David Murray present in the room?

J.J. AVERY

The Chair: How about J.J. Avery, barrister and solicitor? Is anyone here? There will be 15 minutes, madam, and you can start whenever you're ready, please.

Ms. J.J. Avery: I'm going to start by standing up. I want each one of the members of this committee to please look at me. I'm walking, and that's a miracle. I'm going to sit down and tell you why and why I've come today.

We are a very wealthy society. We are also well known throughout the world as a leader in advancing and addressing social issues. So while I am speaking to you today, I want you to purposefully resist a knee-jerk tendency to react with limits. I want to challenge you to think without boundaries, for there truly are no barriers that cannot be overcome. I am testimony to that.

I stood before you as a survivor by what has been described to me a true medical miracle, a survivor of not one but two farming accidents, either one of which could have resulted in a permanent disability or death. I farmed for 23 years, and then I became a statistic. I had a farming accident and then, two years later, another one. In the first one, I was crippled when I was violently knocked down by a very angry 250-pound ram. My spine was knocked out of alignment, crushing my sciatic nerve. It was excruciatingly painful and physically debilitating, a condition which severely limited my mobility and was inoperable; in other words, I faced the rest of my life dragging my left leg with the precarious possibility of severance of my spinal cord and prognosis of eventual wheelchair confinement. I cannot tell you how devastating that was, for I've always been very active and independent. For two years, I carried on as best I could. I kept farming with the help of family and friends.

This is where the miracle happened. I was doing whatever I could to help out with some fencing installation. The only thing I could do was hold the steel posts steady while someone with a posthole driver drove them into the ground. I was in a swamp area, and the posthole driver weighs about 40 pounds. When you drive it down, you have to lift it back up again. It came up off the post—the man lost control of it. It rose up in the air—I can still see it to this day—and landed squarely on the top of my head. When I woke up in the hospital, it had undone the damage that had been done before. The doctors told me they had no idea why I was still here. Well, I know why I was still here. I was meant to do something else with that knowledge.

My point here is twofold. Firstly, through personal experience I became acutely aware of disability challenges, especially the physical ones. Secondly, I vowed to tackle all the barriers whenever and however I could, and accessibility has become my quiet crusade.

One of the things I discovered, and one of the things that surprised me the most about my physical problem, was that during that time when I was physically dragging myself around, the physical became a perceived total disability. I was often treated as if I were mentally

challenged as well, as if I had no right to be there at all, no right to partake of any service or activity.

This is one small example: At one point, I entered a high-end retail store. As I dragged myself across the floor to look for some dress pants, I saw a clutch of salespersons eyeing me. One approached me smiling broadly and invited me to leave, saying: "There's a nice Salvation Army store down the road, dear. They look after you people. I'm sure we have nothing of interest for you here." Believe me, they didn't have anything; they still don't. I've never entered that store again.

But you know, the lesson was a deep one. The attitudes are the greatest barriers that we erect. They're the toughest challenge to undo. That's where the idea of advocacy comes in. I agree with my friend over here. The idea of advocacy in this bill is a necessity, not an add-on, not an afterthought. There has to be some form of open advocacy, and we need it not in 20 years; we need it now, upfront. Part of the addressing of the issues, part of making this bill work, will be active advocacy from the time it's proclaimed so that those live issues that are being dealt with daily become a part of the dialogue, not in some dusty five-year plan but right upfront.

1800

I'm going to suggest to you that there are a couple of things you can do right away to achieve some of this. We have to find ways of strengthening and expanding the bill to provide accessibility to services for everyone now—not in 20 years, not in five-year leaps forward, but right now. I challenge you at the committee to find mechanisms to find the internal barriers that already exist within government services today.

There are six law schools in this province and they're full of eager advocates-in-waiting. I know because I just graduated from one a year ago. That was the other achievement, and the barriers to that were incredible, because old people like me aren't supposed to go back to school. But that's a different issue.

You need reviews very quickly of hot spots for access. You need law students; they may be one resource that you haven't even thought about that can be tapped quickly to provide inexpensively a comb-through all of the legislation, regulations, procedures and policy manuals to identify and even offer suggestions for systems changes right now to eliminate some of the barriers that exist. Of course, there need to be more resources dedicated to actually addressing the discriminations now. I have a very good friend and colleague who practises in a wheelchair in Windsor. She can't even get into the courtrooms she's supposed to be practising in. There is one accessible doorway—that's it. There's nothing else. There are over 12 rooms she's supposed to be able to access. This woman, who has achieved great things and is now a solicitor and barrister in her own right, has to ask for help to open a door to get into a court to represent her clients. That's absurd. That should not exist even now.

There are many law schools in this province in partnership with Legal Aid Ontario that have student-run

legal clinics. Given the mandate, which they don't have right now, the law students in those clinics can help provide access into the administrative processes. I have to tell you, what you are designing in this bill is one of the biggest administrative merry-go-rounds that I've had a look at in a long time. A person with a disability trying to access anything that would help them in the way of a legal process through this bill would give up. I hope that's not the way it has been designed on purpose.

Given the mandate, those students can help with this, but even that won't suffice. Perhaps what we need right now is an advocacy program upfront to challenge and broaden, through court processes, if necessary, the definition of "disability," because this bill simply doesn't go far enough. When I was disabled by my farming accident, I didn't qualify as disabled by anyone's measurements. When I miraculously become un-disabled and could no longer practise the farming I had done because I'm still at risk—if I got hit again, I'm still at risk; that's now a weak spot—I didn't qualify for anything other than student loans. I'll tell you, at 54, I'm looking at maybe paying them off by the time I'm 90, if I'm lucky.

Also on the idea of the advocacy, I would very much like to talk briefly about one area that's very close to me right now. You have heard, as I know, about autism and fetal alcohol syndrome and many other non-included persons, and more and more children are being diagnosed daily with those problems. There is an industry in this province of child apprehension whereby we, as state intervenors, remove children with handicaps from their homes—these are usually economically impoverished homes—and foster them at taxpayers' expense, providing the foster family with extensive support programs that are not available to the natural family. We have to find a way, perhaps by strengthening and expanding this bill, to provide accessibility to services for all families to be enabled to provide for their children in their homes and under their care.

Thank you for your time.

The Chair: Thank you. We've got two minutes each. We'll start with Mr. Marchese.

Mr. Marchese: I thank you for your presentation and your miraculous survival.

Ms. Avery: It was unbelievable.

Mr. Marchese: I appreciate your comments around the issue of timelines. Other than two people today, possibly three, the majority of deputants said the time frame is simply too long.

Ms. Avery: Yes.

Mr. Marchese: I suspect the majority of people here today would be happier with 10, and I think that's doable. Do you not agree?

Ms. Avery: Yes, I do. Given the challenge, if I may say, if this were something that was going to generate money for the government, I can guarantee you the programs would be up and running in a year.

Mr. Marchese: The whole point of advocacy: Obviously, you're in the field as a lawyer now and understand that people with disabilities have no advocate. The

Ontario Human Rights Commission is simply not a place where you get redress. From time to time it happens, but in the majority of cases, it doesn't really happen.

Ms. Avery: The problem with something like that, and the problem with what I see coming in here, is that the processes are simply too long in order to effect any kind of change that's going to help with anything immediately. When I was talking to my friend who is in the wheelchair about this particular bill and I read her some of the timelines, she looked at me and said, "My God, I'm going to be 54 before they put the doors in." And I thought, "Isn't that a sad thing?" Here's a woman who has gone through all these challenges—and there but for grace of God go I—and she's not going to be able to realize her abilities because we can't afford to put \$1,500 pushes on 12 doors in a court building. And that's only one teeny, tiny place.

The Human Rights Commission, bless them, just takes far too long. The mechanism is too ponderous. If we're going to have advocacy for people who have disabilities, who are unable to go into the court processes, we need to fund that. We need to get more lawyers, young lawyers especially—I can do it, but I'm not going to be around for a long, long time—involved in and wanting to do this work. That means Legal Aid Ontario is going to have to be funded as well to supply proper money to address these things. I get certificates all the time for seven and a half hours to do what takes between 20 and 25 hours to do properly. It just doesn't make sense.

Mr. Ramal: I agree with you 100%. It's shameful that in 2005 we have to speak about this issue and how we are going to implement it. It should have been done a long time ago. But that's why we are here today. We had a bill in 2001 that was toothless: There was no power, no enforcement mechanism. That's why we are talking to Bill 118 today. With full respect, the author of the bill, Mr. Jackson, is with us here; I guess he is going to get a chance to talk about it.

I want to tell you something that is very important: Life without hope means nothing. We don't have to look at the end, 20 years; let's work together from today. If this bill passes, I want to assure you, it's going to speak to everyone. It's going to meet all the demands. By working together, we can achieve it.

Mr. Jackson: J.J., thank you for your brief and your advocacy. Just out of personal interest, what field of law are you going to specialize in?

Ms. Avery: Right now, I'm practising with my husband, who is sitting at the very back. We went through this together, which was another challenge.

Mr. Jackson: He wasn't holding the posthole driver, was he?

Ms. Avery: No, thank goodness. That was a very good friend. I blame him for my being a lawyer now, so that's OK. We're practising what I call, in general, poverty law: We try to look after, as much as we can, people who don't have that type of access.

Mr. Jackson: At the very tail end of this process, there is to be a process where there will be a fine penalty

of \$50,000 each day, and \$100,000 for corporations per day. But that will be determined by a director, a civil servant—

Interjection.

Mr. Jackson: Well, I'm not worried about that; I'm worried about where the money goes. As an advocate, do you have any advice? The reason I say that is that we have a victims' justice fund in the province, which dedicates the money to victims. Do you feel that if millions and millions of dollars are collected in penalty monies, it should go into some aspect of advocacy for the disabilities community? Because we don't have a mechanism for them to advocate. We've got ARCH, but they're not funded very well.

Ms. Avery: My personal choice would be that we didn't need to have that fund set up or that availability at all. My personal choice would be that no one has to get fined to do what, morally, they should be doing. However, if you are going to fine someone, then yes, I think the funding could go back into—I mean, there are any number of ways that could be used. But look to the Law Society of Upper Canada: Ask them how they manage to fund their civil action lawsuits from internal money. There are some ways where that can be turned into good use. But again, I would rather not see us having to wait until that mechanism is in place and those fines are rolling in, because I know how long it takes to get those processes through. Even as we sit now, it's not going to happen fast enough. We need some sort of mechanism within this bill to have advocacy happening as we speak, not later on.

The Chair: Thank you very much, Ms. Avery.

1810

DAVID MURRAY

The Chair: The next presentation is from David Murray. For your information, we have 15 minutes for your presentation. If there's any time left, we will allow questions from the members. Thank you.

Mr. David Murray: I'm from Stratford, Ontario, and tonight I'm speaking on disabilities for me and for others. I think they should have more places where they can hire people in wheelchairs like me and give me a job to make money.

Ms. Sarah Agar: Are there any questions or anything that's not understood?

The Chair: That's fine. He should make his presentation. If there is not a presentation, then we will allow questions.

Ms. Agar: His main concern is that not all stores in the city are accessible for him.

The Chair: OK.

Mr. Murray: Not all stores in the city are wheelchair accessible for me to get into, and National Stadium isn't wheelchair accessible in Stratford yet, and that's where I live. We have a team called the Stratford Storm. And Western needs to be wheelchair accessible too.

The Chair: OK. Any other statement he wishes to make? OK. Is there anyone who wants to ask a question? I think your point has already been made a number of times, and we thank you. Mr Jackson, any questions?

Mr. Jackson: I'd like to ask Dave, and this can be through his attendant support, the difficulties he had in coming today.

Ms. Agar: A lot of it is transportation. I work for Community Living, and it's really hard for transportation because there are only two vehicles that are wheelchair accessible that David can access. Only one or two city buses are accessible. The only service that runs is Mobility bus and that doesn't run through the evening hours, so it's very difficult to try to get transportation to get here and having to book it weeks in advance to have a vehicle that can be used.

Mr. Jackson: So David is a client with Community Living?

Ms. Agar: Yes.

Mr. Jackson: David, how long have you been confined to a wheelchair?

Mr. Murray: All my life.

Mr. Jackson: All your life. Is there a certain amount of attendant support he gets? Is that capped or is that open-ended?

Ms. Agar: We have a different set-up. He only gets support in the evenings and then overnights we have a different support system. But things are pretty restricted.

Mr. Jackson: David, are you living in a group home setting?

Mr. Murray: I'm living in a house they just built last March for me.

Ms. Agar: It's considered a group home.

Mr. Jackson: Right. So is it a group home with four other units, or is it within—what I'm trying to get at is whether it is a group home by definition under the municipal bylaw, or is it a residential home that doesn't exceed five residents?

Ms. Agar: It's residential—

Mr. Jackson: That's the way we do it in our community. We built 30-some homes that way and we get underneath the group home bylaw—

Ms. Agar: It's just a bed and a roommate. So just the two of them and a supportive neighbour.

Mr. Jackson: So it functions like a group home, but it's not covered under the group home bylaw.

Ms. Agar: Right.

Mr. Jackson: Very good. David, thank you very much for coming today.

Mr. Murray: Right.

Ms. Wynne: The intention of this legislation, and the intention of Mr Jackson's legislation before it, was to move us along the continuum toward a more accessible Ontario and to make life better for you, David. I guess I just have a question about the conversation in your community. Do you see this bill as a good and hopeful thing? Are you optimistic that it's going to do what we want it to do?

Mr. Murray: I hope the government will listen to my idea. I hope so.

Ms. Wynne: We appreciate your being here. That's the reason we're having these hearings, so we can hear what your ideas are, and we really appreciate your taking part.

The Chair: Thank you, Mr. Murray, for coming and thank you for participating in the presentation.

Mr. Murray: OK.

The Chair: Have a nice evening. Thanks again.

LISA KLINGER

The Chair: The next presentation is from the University of Western Ontario, the school of professional therapy. Madam, you will have up to 15 minutes for your presentation.

Ms. Lisa Klinger: I want to begin by thanking the committee for letting me speak today. I know that my time slot is later than you originally intended, and I really want to commend you on your stamina today. It's amazing.

My name is Lisa Klinger. I'm an occupational therapist, and I've been practising since 1979. During the time that I've worked as an OT, I've had the privilege to work with many, many people with chronic illnesses and disability. Their courage in the face of illness, injury, disability and handicap has always inspired me. I'm currently on faculty at the University of Western Ontario's school of occupational therapy, teaching, among other things, how illness and injury impact on people's ability to engage in meaningful activities.

The Chair: Madam, could I ask you to slow down your pace so all the people in attendance are able to understand and appreciate the presentation equally?

Ms. Klinger: OK. I teach students about advocating for systems changes that will enable people with disabilities to access the health care they need and to participate equitably in community life. I've been a member of the Ontarians with Disabilities Act Committee since 2001. I'm a member of the University of Western Ontario's Ontarians with Disabilities Act committee and have been a non-voting resource member of the city of London's accessibility advisory committee since its start. I've received grant funding from the University of Western Ontario to evaluate the accessibility of buildings on campus, and I've spoken at Western and at the University of Waterloo about implementing Universal Design for Learning, an approach to learning that's more inclusive of the broad range of human experience, including persons with disabilities.

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I must point out that in coming before you, I'm not here as a representative of the University of Western Ontario, the faculty of health science or the school of occupational therapy. That's important for you to know. I'm here simply as an individual who cares passionately about enhancing accessibility for persons with disabilities and who believes that many benefits will accrue to

everyone in this province if we eliminate handicapping barriers.

I'm using language in my brief that's consistent with the World Health Organization's model of disability and health, developed in 1980. According to that terminology, a disability is a way of doing things that is outside the limit of what is considered to be normal and a handicap is a limitation or barrier that is externally imposed as a result of the structure and organization of the physical, social and attitudinal environment. The World Health Organization has since revised this terminology and uses the term "activity restriction" instead of "disability" and the term "participation limitation" instead of the word "handicap." I've chosen to use the older terms because they're in more common usage. Note, however, that many people get the notions of disability and handicap confused.

I think it's important to clarify this issue, because a disability is just a different way of doing tasks and activities, usually related to some sort of impairment that a person has. Thus, if I have lost the ability to move my lower limbs and need to use a wheelchair, I have a disability that affects the way I move around, participate in work, engage in leisure activities and so on. A handicap, however, is a result of the way that the environment around me is organized. If my world were totally wheelchair accessible—for example, all doors opened automatically, all homes were on one floor and accessed by ramps, all cars came with the option of hand controls and so on—I would not be handicapped. People will always have disabilities, because there is a broad range of variability in the human condition. But we can do a lot to reduce or eliminate handicaps, so that the broadest range of human skills and abilities possible can be accommodated in our communities. This ideal is often called universal accessibility.

I'd like to commend the government for bringing Bill 118 forward. I strongly support the legislation, and I support government's willingness to hold these hearings.

I'm going to skip over some of the text in my brief because you've probably heard it before. So I'm skipping down to the bottom of page 3. My goal today is to point out some areas that I believe are not adequately addressed by the bill. I believe that the bill needs to be strengthened so that it eliminates as many barriers to access for as many persons with disabilities as possible. I believe that the bill needs to be stronger with respect to the need to eliminate barriers to employment, barriers to access in the private sector and barriers to access in the health and education sectors.

One of the biggest barriers that people with disabilities face is poverty. Many are in the position of having to support themselves on ODSP of \$930 per month if they're single or \$1,417 per month for a family of two. This isn't a lot of money, particularly as there are a lot of extra costs associated with being disabled. Such extra costs may include, but aren't limited to, the need for special equipment and adaptive devices, all of which are extraordinarily expensive and never fully covered by

government support programs, as well as time-consuming and often frustrating to access; the need for personal care to assist with personal activities of daily living such as dressing, grooming and personal hygiene; the need for assistance to accomplish instrumental activities of daily living such as housecleaning, grocery shopping, banking and home maintenance; the need for special medications; and additional and extraordinary transportation costs.

There are additional government support programs in place so people with disabilities are not destitute. Between ODSP, coverage for costs of medications, dental treatment, programs like the Ontario assistive devices program and so on, many tax dollars are spent supporting people with disabilities. Some people with disabilities, by dint of special talents and a lot of effort, succeed in securing employment. However, despite the fact that there are organizations and vocational rehabilitation counsellors that try to support people through the process of securing employment, and despite the fact that human rights legislation mandates that employers must take reasonable measures to accommodate persons with disabilities, the barriers remain enormous. Employers often simply do not have the mindset that they can, and must, accommodate persons with disabilities, whether it be returning someone to the job after they acquire a disability or opening up a position to a new applicant with a disability.

Bill 118 must speak to the need to make reasonable accommodations in order to hire people with disabilities, and should make it an offence not to do so. Even though human rights legislation speaks to this issue, our experience has been that addressing inequities through the human rights process is extremely slow. A more proactive approach to employment of persons with disabilities would have many benefits. It would reduce the need for tax dollars to fund government programs. It would place more money in the hands of persons with disabilities for acquisition of goods and services. This would have the spinoff benefit of enhancing economic incentives for commercial establishments like restaurants, hotels and stores to be more accessible so that they can attract customers with disabilities.

Not everyone who has a disability is going to be competitively employable. However, in many cases, competitive employment is denied to persons with disabilities due to attitudinal barriers. Employers just don't want to make accommodations, even though the cost of making them is often not that great. Accommodations often involve creative changes in work processes that cost little to implement and sometimes even have a cost benefit, but change in the workplace will not happen without strong, enforceable legislation.

I am not a lawyer, I don't know how things should be worded, but I implore you to include stronger wording in the legislation to indicate that employers are required to take reasonable measures to eliminate barriers to employment for persons with disabilities, even before accessibility standards are developed for their sector.

Barriers to access in the private sector: In order for persons with disabilities to have the benefit of full participation in the life of the community in Ontario, measures need to be in place to ensure that they are not barred from access to retail outlets; restaurants; professional offices, such as doctors, dentists, lawyers and accountants; and housing, such as high-rise apartments, condominiums and new housing. While the act speaks to this in a general sense and calls for development of accessibility standards, I believe that if the act were more specific in this regard and had stronger wording, then many business people and professionals would take measures to enhance accessibility prior to standards being developed. There are many resources already available to business people—consultants, information available on the World Wide Web, individual customers and clients who have disabilities, and so on—to facilitate introduction of measures to make businesses and offices more accessible.

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I can offer you an example. I worked with a client who was confined to a wheelchair and who had purchased an accessible unit in a high-rise condominium. As the client's therapist, I asked the condominium executive and owners of the building to install one automatic door opener so that my client could access the building independently. The condo corporation and management both refused to spend the money, although this would have cost them less than \$800. An auto insurer was even prepared to subsidize the cost. They were provided with all the information, including suppliers for the device, but still refused because they were not compelled to make the change. Interestingly, this is in a building that houses many seniors, many of whom would also have benefited from an automatic door opener. Even parents of small children who need to get strollers and baby carriages through the doors would have benefited. These kinds of changes do not need to wait on regulations. There are therapists, counsellors, advisers and people with disabilities out there now who know what's needed, how to access the resources and how to best go about putting the devices and adaptations in place. The motivation to work with the knowledgeable people and actually make the changes is missing and needs to be legislated.

People with disabilities need access to a choice of housing. Architectural standards to enable universal accessibility are widely available and are relatively easy to find. There are many experts in accessible housing in the private sector. People with disabilities themselves are often expert on what is needed.

We don't need to wait for regulations to know that if 13.5% of the population in Ontario has a disability, according to StatsCan—the participation and activity limitation survey that was done in 2001 provided that statistic—then at least 10% to 13% of new housing should be accessible. This could easily be built into Bill 118 and would make a huge difference in the availability of all types of accessible housing. This would be a very proactive measure, as we know that the wave of baby

boomers is aging and that the percentage of people with disabilities is likely to increase over the next 20 years as a result of this greying demographic.

The Chair: There's just about a minute left, madam, for your presentation, in case you want to wrap up.

Ms. Klinger: I'm going to go down to my third point, and that's the barriers to access in health and education. I believe the bill needs to speak specifically to the obligations of hospital administrations, boards of education and administrators of colleges and universities to take immediate and substantive measures to eliminate barriers and provide for universal accessibility. These organizations were all required to have accessibility advisory committees under Bill 125, and as a result of the work of those committees, some progress was made. These organizations must be required to continue with their accessibility committees and to continue to develop their own standards and criteria until such time as the uniform accessibility standards are developed. It's partly an issue of transition, but I raise it because I think that Bill 118 needs to say something specific about the need for our hospitals, schools, colleges, and universities to be accessible.

The Chair: Thank you very much. There is one question for sure; Ms. Wynne wants to ask a question.

Ms. Wynne: Actually, I just wanted to make a comment, not on this particular presentation. A number of the presenters have thanked us and have talked about our perseverance. I just wanted to acknowledge that there are people in this room who have been here all day. This is our job, but you've taken time out of your lives to be

here, so I want to thank you for your perseverance, I want to thank you for your input, your wisdom and your patience through all the years that you've had to wait. Thank you very much for being here and for helping us with this process.

The Chair: Before we end the meeting, there was a person who did not appear at the right time. Is Jan Schneider present? If he or she is not present, I will adjourn this—yes, Mr. Jackson?

Mr. Jackson: Just a point of information. Yesterday, when this committee was in Niagara Falls, the distressing and disturbing news was brought to our attention that Justice Donald Wallace had taken a \$300 minimum high-way traffic fine for the abuse of a handicapped parking space and discounted it and indicated some disturbing items. I just wanted to circulate to the committee members a letter that I have written to the Honourable Michael Bryant, asking him to appeal this decision and to pursue it. In fact, it came to our attention collectively through the processes of these hearings. I wanted to publicly acknowledge, if I may, Mr. Chairman, both the deputants who brought this to our attention, John Kis and Gordon Shapley. I hope we'll get a swift response from the Attorney General that we're going to talk to judges about not discounting the rights of the disabled in this province.

The Chair: The point has been made and we'll wait for a reply. Any other comments before we adjourn the meeting? We will adjourn this meeting until Monday next week in Thunder Bay.

The committee adjourned at 1835.

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